City Research Online

City St George's, University of London

Citation: Hamill, S. (2015). Prohibition Plebiscites on the Prairies: (Not-So) Direct Legislation and Liquor Control in Alberta, 1915 to 1932. Law and History Review, 33(2), pp. 377-410. doi: 10.1017/s0738248015000097

This is the accepted version of the paper.

This version of the publication may differ from the final published version. To cite this item please consult the publisher's version.

Permanent repository link: https://openaccess.city.ac.uk/id/eprint/15629/

Link to published version: https://doi.org/10.1017/s0738248015000097

Copyright and Reuse: Copyright and Moral Rights remain with the author(s) and/or copyright holders. Copies of full items can be used for personal research or study, educational, or not-for-profit purposes without prior permission or charge, unless otherwise indicated, provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way. For full details of reuse please refer to City Research Online policy.

City Research Online: http://openaccess.city.ac.uk/ publications@citystgeorges.ac.uk

Prohibition Plebiscites on the Prairies: (Not-So) Direct Legislation and Liquor Control in Alberta, 1915 to 1932

Sarah E Hamill

This is the author accepted version of an article which was published in (2015) 33:2 Law and History Review 377. Please refer to the published version.

Abstract

During the early twentieth century social reformers succeeded in securing a number of political and social reforms in both the United States and Canada. Chief among these reforms were direct democracy and prohibition. While the fate of the latter has been well-studied in both countries, the fate of the former, particularly in Canada, has been largely overlooked. In this article I seek to fill this gap by examining the Canadian province of Alberta's experiences with direct democracy and its links with liquor control. While Alberta's Direct Legislation Act offered the public a way to express their views, the government remained in control of whether or not the petitioned for plebiscite would actually come to pass. I argue that the provincial government twice manipulated direct legislation in order to receive the result it wanted. By examining how the government actually handled petitions under the Direct Legislation Act, I show that the measure fell far short of its stipulated goal of returning power to the people. In fact direct legislation allowed the government to appear to defer to public opinion on the divisive liquor question and thus allowed the government to disguise its desire to have legal liquor sales.

Biographical Note: Sarah Hamill recently completed a PhD in Law at the University of Alberta, Faculty of Law. She would like to thank audiences at the University of Alberta, Faculty of Law Seminar Series and at the 2013 Mid-Winter Meeting of the Canadian Law and Society Association. She would also like to thank Eric Adams and the anonymous peer reviewers for their helpful comments on an earlier draft of this essay.

Since its introduction into North America in the late nineteenth century, direct democracy, particularly in the form of direct legislation, has periodically piqued the interest of legal scholars.[1] A handful of studies have examined the history of direct legislation in the United States and in Canada,[2] yet these studies often fail to examine how the measure was actually used. Brief references might be given to what initiatives the voters attempted to secure via direct legislation,[3] but the actual mechanics of the vote, questions such as what did the ballot say and so on, are typically overlooked.

This article seeks to remedy this gap through the example of the Canadian province of Alberta and its experiences with direct legislation. Alberta was one of the only Canadian provinces with a valid Direct Legislation Act,[4] though its use appears to have been limited to votes about liquor control.[5] Within a decade of its arrival in 1913, Albertans had used the Direct Legislation Act to hold two province-wide liquor plebiscites: the first in 1915 which introduced prohibition; and the second in 1923 which ended prohibition.

It is not surprising that prohibition and direct legislation should be so linked in Alberta. These two reforms resulted from the activities of the late-nineteenth and early-twentieth century reform movements which were active in the United States and Canada,[6] and both were particularly popular with the western farmer movement. Although prohibition in both Canada and the U.S. emerged after much local-level activism on the part of temperance activists, Canada did not supplement this local-level activism with federal legislation as extensive as that seen in the U.S. While the U.S. introduced a constitutional amendment and federal legislation enshrining prohibition, Canadian prohibition legislation was largely limited to the provincial level, typically after a popular vote on the matter.[7] Granted, there was federal legislation which allowed for local option votes in Canada but these 'dry areas' were piecemeal and often

ineffective by themselves. The Canadian federal government did eventually pass some national legislation which restricted the inter-provincial liquor trade but this legislation only applied to provinces already under prohibition.[8] As such, prohibition remained a much more local-level policy in Canada than in the U.S. and it might appear as though the measure arrived and ended solely as the result of popular action. Such an observation would seem particularly applicable to Alberta with its Direct Legislation Act; however, this article argues that the government manipulated direct legislation, particularly in the prohibition abolition vote, in order to secure the liquor laws it wanted.

Direct legislation was, of course, vulnerable to such manipulation. In the U.S., Nathaniel Persily notes that "[w]hat began as tools for the majority to liberate its democratic institutions from the clutches of a few powerful corporations" became "a bludgeon used by interest groups to thwart the legislative process."[9] Similarly, it was equally open for governments to use direct legislation to advance their own ends.[10] By examining how Alberta's Direct Legislation Act was used this article demonstrates that it became another political tool and was anything but direct democracy. In fact, Alberta's government used direct legislation to disguise its own desire to have government liquor sales instead of prohibition. First, the government used direct legislation to maintain its pro-prohibition stance while facilitating a vote over its end. Then, several years after prohibition ended, the government alleged that the Direct Legislation Act was too vague for it to act on a pro-prohibition petition presented under the Act. Instead of engaging with the many benefits of liquor sales, the Direct Legislation Act allowed the government to avoid this debate and make it seem as though government liquor sales only existed because of public demand instead of government need.

This article begins with the background to direct legislation and prohibition in Alberta, including Alberta's 1915 prohibition plebiscite. Then it moves on to explore the other actual or attempted plebiscites under the Direct Legislation Act. The second plebiscite, which ended prohibition, was in 1923, and the third was the attempt to secure a further liquor vote in 1931. During this time period, Alberta had a further liquor plebiscite in 1920 but as that vote centred on federal measures, I do not examine it here.[11] I explore each plebiscite in turn as well as their relationship with the ongoing debates around liquor control and argue that the government was able to use direct legislation to avoid coming out in favour of legal liquor sales. I conclude that in Alberta direct legislation was not as direct as it seemed and that the government had multiple ways to ignore or manipulate attempts to utilize direct legislation.

Background to Direct Legislation and Prohibition in Alberta

The basic idea behind direct legislation was and is that it allows for a set percentage of the electorate to petition for a vote, or sometimes a piece of legislation, on any issue that they so choose.[12] At its heart the turn-of-the-twentieth-century push for direct legislation was a reaction against the increasing power of corporations, industry, and other special interest groups.[13] Reformers hoped that direct legislation would allow a rebalancing of political power or, at the very least, check the power of special interest groups. Furthermore, direct legislation offered reformers a way to force certain divisive issues such as universal suffrage and prohibition. During the early twentieth century, direct legislation was most closely associated with the American Progressive movement and was more popular in the Western U.S. than the Eastern.[14]

The political concerns which made direct legislation so attractive to the American Progressive movement[15] proved easily transferable to Western Canada, particularly Alberta, at the turn of the twentieth century. Alberta's receptiveness to the ideas of the American Progressive movement was no doubt enhanced by the large number of Americans who came north to homestead in Alberta.[16] In 1909, Alberta's farmers came together under the name of the United Farmers of Alberta (U.F.A.). The U.F.A.'s initial set of Directors were mostly American and these new arrivals to the province were "frustrated by high freight prices, boxcar shortages, unfair treatment by grain companies, high protective tariffs, and high interest rates."[17] The U.F.A. hoped to advocate against these injustices and win a fairer deal for its members.

The U.F.A.'s activism was not, however, limited to agricultural concerns. Though the U.F.A. would not enter politics officially until 1919, it championed a range of reforms including prohibition, universal suffrage, and direct legislation.[18] The mouthpiece of the Canadian Prairie farm movement, The Grain Growers' Guide, published numerous articles detailing the many benefits of these reforms.[19] An article published in 1910, for example, argued that under direct legislation "[e]conomy, justice and purity will go hand in hand. Ring-rule and class-legislation will die."[20] There seemed to be little criticism of direct legislation anywhere in Alberta and politicians from all parties claimed to support the measure.[21] In 1912 the Edmonton Bulletin reported that the legislature had received numerous petitions calling for direct legislation and, as a result, the legislature recommended that the government should undertake an inquiry into the possibility of introducing direct legislation.[22]

While it is not clear that the petitions calling for direct legislation emerged solely out of the U.F.A.'s activism, the group's political influence was clear. The Bulletin called the first legislative session of 1913 the "Farmers' Session" and noted the links between the U.F.A.'s

legislative committee and the government.[23] Perhaps as a way to curry support among the U.F.A.'s members, Alberta's Liberal government introduced the Direct Legislation Act before the provincial general election took place in April 1913.[24] The U.F.A.'s influence was further reflected in the Liberal Party's election platform of 1913, which strongly echoed the U.F.A.'s own resolutions.[25]

The Direct Legislation Act was relatively short with only twenty-five sections. The Act allowed Albertans to propose pieces of legislation for the legislature to enact, but only if the proposed Acts were accompanied by a petition signed by at least twenty percent of the electoral roll. The Act required that the petition's signatures come from at least eighty-five percent of the province's electoral districts, and the signatures in each district should equal eight percent of the votes polled in the last election.[26] If the legislature did not enact the proposed Act before the end of the legislative session, it would then be put to a provincial plebiscite.[27] If the electorate approved the proposed Act it did not automatically become law, it still had to be passed by the legislature but the Act implied that the legislature was all but bound to do so.[28] The Act, in common with the various direct legislation acts in the U.S.,[29] contained significant hurdles to geographically specific petitions. That is to say, direct legislation measures sought to prevent one section of a state or province from dominating the rest. The requirement of a geographic spread of voters as well as a minimum number of voters aimed to prevent petitions for frivolous legislation.

Though the U.F.A. had convinced Alberta's Liberal government to enact direct legislation, the group had less success with their other initiatives. Prohibition, in particular, had become an issue that Canadian governments preferred to sidestep. As the temperance movement gained strength in Canada the question of liquor controls became a politically divisive

topic. In common with the situation in the United States, temperance was more popular with certain groups in Canada.[30] While Francophone inhabitants of Canada tended to be opposed to prohibition,[31] Anglophone groups, particularly middle and upper-class Protestants, tended to be strongly in favour of it.[32]

By the turn of the twentieth century, Canadian governments had offered some concessions in an attempt to placate the temperance movement. The first concession was local option votes which allowed localities to vote themselves dry. Local option areas first appeared in the Province of Canada in 1864 and, following Confederation in 1867, the federal government incorporated local option provisions into the Scott Act of 1878.[33] Such local option areas tended to fail given the ease with which liquor could be bought elsewhere and then consumed in the 'dry' region. The second major concession from the federal government was the appointment of the Royal Commission on the Liquor Traffic in 1892.[34] Craig Heron describes this Commission as an attempt "to bury the [liquor] issue,"[35] which suggests the federal government did not strongly support prohibition but felt the need to provide some response to temperance activists. Not surprisingly the Commission's final report recommended nothing more than stricter controls and rejected total prohibition.[36] In 1898 the federal government held a non-binding nation-wide referendum on the liquor question, the first national referendum in Canadian history. Although the results showed a slim majority in favour of prohibition, voter turnout was less than fifty percent, and support for prohibition varied widely across the country. Prohibition was particularly unpopular in Quebec and, as a result, the government decided against any federal prohibition measures.[37]

The federal government's refusal to act meant that temperance activists turned to the provinces where the issue was equally controversial. Not everyone approved of the kind of

government interference that prohibition would require.[38] Perhaps more importantly, though the argument was never explicitly made, liquor sales, particularly in Alberta, actually offered certain benefits to the provinces. While the Prohibitionists focused on the detrimental effects of the saloon-the drunkenness, the violence, the gambling, the sexual immorality, and the destruction of the family[39]-they tended to overlook how liquor sales kept Alberta's hotels in business by providing a source of profit more reliable than the room trade. As a consequence of hotel's dependence on liquor sales, Alberta's liquor licenses also functioned as a way of regulating provincial hotels. The pre-prohibition liquor laws contained detailed provisions about what services a hotel had to offer before it could be licensed.[40] Such requirements suggest that liquor sales had an economic role to play; one which the province could ill afford to lose, given the role that hotels played in the development of pioneer regions by offering somewhere for newcomers to stay among other things.[41] The unspoken necessity of liquor sales along with the controversial nature of prohibition may explain why Alberta's government failed to introduce prohibition as a matter of policy. With the introduction of the Direct Legislation Act in 1913, however, Alberta's Prohibitionists had the tools to force the issue.[42]

In October 1914, Alberta's temperance activists presented their prohibition petition to the government.[43] The petition was signed by 23,000 people -- which exceeded the numbers required under the Act.[44] Within a week of receiving the petition, the government announced that there would be a liquor plebiscite in June 1915.[45] This vote was a simple for or against prohibition vote which saw prohibition win by 58, 295 votes to 37,509 votes.[46] At least seventy percent of the electorate voted in the 1915 plebiscite which seems to suggest a decisive victory for prohibition.

When Alberta voted for prohibition in 1915, it was not the first province to introduce the measure; Prince Edward Island had had prohibition since 1901.[47] Alberta's 1915 vote for prohibition formed part of a broader pattern across Canada during the First World War which saw all remaining 'wet' provinces except Quebec introduce prohibition.[48] Such a situation has led scholars to conclude that the First World War played a key role in convincing Canadians to vote for prohibition. The consensus is that the war justified an increased level of government interference in daily life, or that war made Prohibitionists' efficiency arguments all the more attractive.[49] Whether the war was decisive in the result of Alberta's 1915 liquor vote or not, what is certain is that the province's Prohibitionists would have sought such a vote with or without the war.

Despite the existence of wartime conditions there were those Albertans who opposed prohibition on the grounds of its illiberal nature. Early in 1915 the Blairmore Enterprise reprinted an article by Rev. P. Gavin Duffy who alleged that prohibition would not solve the liquor problem and that singling out "the distillery, the brewery, the inn and the saloon alone as the great cause of moral defection" was a "gross injustice."[50] Later that year an article in the Strathmore Standard argued that prohibition contradicted "British fair play" because it "places the public in the position of perpetual suspected criminals, throwing on the accused in every case the onus of proving himself innocent."[51] Prohibitionists answered these alleged infringements of personal liberties by arguing that some intrusion on personal liberties was necessary in society and that such encroachments were the result of an advancing civilization.[52]

Another common argument against Prohibition was that it would not actually prohibit liquor because people would continue to drink regardless of the law. The fact people had continued to drink in other areas under prohibition, notably the late-nineteenth-century

prohibition period in the North-West Territories,[53] and in so-called 'dry' towns under local option,[54] lent support to the idea that people would ignore the law. The Prohibitionists, however, clung to the belief that "decent m[e]n" would not break the law and that individuals would obey prohibition even if they personally opposed it.[55] As prohibition progressed it became clear that many people seemed to take delight in violating the Liquor Act which, as I now move on to show, caused significant political difficulties for the government.

1923: Vote for Liquor

By the time Albertans voted to end prohibition in 1923 the Liquor Act and the Direct Legislation Act had faced a number of challenges both to their validity and viability. Often the validity of both Acts was linked because if the Direct Legislation Act was invalid then so too was the Liquor Act which had only became law because of direct legislation. The question about the validity of the Direct Legislation Act came to a head in 1919 when the Judicial Committee of the Privy Council declared Manitoba's version of direct legislation to be ultra vires the province.[56] Rather than mount an explicit defence of its own legislation, Alberta used a court case which challenged the validity of the Liquor Act to also prove, as far as possible, the validity of the Direct Legislation Act.[57] Meanwhile challenges to the viability of both Acts were more indirectly linked with prohibitionists who, in the hope of keeping the Liquor Act in force, claimed that the province could not afford another liquor plebiscite;[58] while those opposed to prohibition sought to use direct legislation in order to introduce better liquor laws.[59]

In this section I argue that, as a result of the difficulties faced by the Liquor Act, as well as by the province more broadly, the government wanted an end to prohibition. Yet, due to the

continuing controversy surrounding liquor controls, the government did not want to end prohibition by itself. The Direct Legislation Act offered a way for the government to disguise its own desire to end prohibition and paint itself as merely following the public will. In order to make the argument about the government's desire to end prohibition without being associated with its end, this section is split into two sub-sections. The first examines the problems Alberta faced with prohibition, particularly those problems that resulted from what the Liquor Act did and did not allow for. The second examines why the provincial government waited for a petition under the Direct Legislation Act instead of repealing prohibition as a matter of policy even though it knew prohibition was increasingly unpopular and unworkable.

The Act that Direct Legislation Made

Alberta's Liquor Act did not introduce total prohibition. The Act allowed for a number of exceptions such as the manufacture of liquor,[60] inter-provincial import and export, and liquor needed for mechanical, scientific, medicinal, or sacramental purposes.[61] The first two exceptions existed because it was beyond the power of Alberta, as a province, to prohibit them. After a few years, Alberta and the other provinces under prohibition succeeded in securing the necessary federal cooperation to shut down the inter-provincial liquor trade.[62] The other exceptions remained, however, and created significant problems in prohibition enforcement and in convincing the public that the measure was being enforced.

In Alberta, as in other places, individuals sought to use the medicinal exception to access liquor for non-medicinal purposes.[63] Both doctors and drug stores stood accused of bootlegging or freely selling liquor in violation of the Liquor Act.[64] The Alberta Provincial Police (A.P.P.)

did not completely agree with the popular belief that drug stores were all bootlegging. Granted, the police thought that the drug stores in Edmonton and Calgary were the source of much illicit liquor but they felt that drug stores elsewhere in the province were well behaved.[65] In 1919 A.P.P. Superintendent Bryan thought, "that in a great many of the complaints [of prohibition violations] coming from these small places regarding infractions of the Liquor Act, the liquor has been sold legally through drug stores."[66] That being said, Bryan was surprised at the sheer amount of liquor being sold. Similarly, in February 1920, Attorney General Boyle blamed prohibition violations on medicinal liquor though he admitted that his department could do little to stop these violations.[67]

Yet for all the talk of medicinal liquor being out of control, Alberta actually had prohibition's medicinal exception under a greater degree of control than seen elsewhere.[68] The province succeeded in limiting the number of liquor prescriptions available and this went some way to reducing the amount of liquor available for abuse. Nonetheless the medicinal exception continued to be viewed as the source of much illicit liquor. Though not all 'medicinal' liquor was used improperly, the criticism directed towards it highlighted the difference between what people thought prohibition meant and what it actually allowed for. It seems clear that many Albertans expected total prohibition, yet the Liquor Act did not and could not offer that.[69] The 'illicit' liquor sales reported to the police by many Albertans may well have been legal but they looked like violations and fuelled the perception that the police were not enforcing prohibition. As Mrs D. Fowler of Innisfree, Alberta put it when she complained about liquor violations in her town, "[i]t is terrible, just think we have prohibition, yet strong drink is prevalent almost everywhere."[70]

The idea that the police failed to enforce prohibition emerged almost simultaneously with the introduction of the Liquor Act. Within four months of prohibition coming into force A.W. Coone of the Alberta Temperance and Moral Reform League (later the Alberta Social Service League) alleged that the Liquor Act was not being properly enforced.[71] Coone's accusations of non-enforcement continued as prohibition progressed and in 1918 they forced Superintendent A.E.C. McDonnell of the A.P.P. to defend his men and their prohibition record in the Edmonton Bulletin.[72] Coone had attacked the A.P.P. privately, in letters to the government demanding to know what was being done with the 'information' he provided, and in public through letters and articles in the press.[73] McDonnell's letter to the Bulletin laid out the convictions his force had secured in order to show that there had been an increase in both convictions and severity of sentences imposed. McDonnell further accused Coone of working against the A.P.P. and providing "very vague" information to the police in respect of prohibition violations.[74]

In 1920 it was the turn of Attorney General John Boyle to publicly defend his department's administration of the Liquor Act.[75] Boyle claimed that Alberta's Act was the best enforced prohibition measure anywhere in Canada, though he also laid out the continued difficulties the police faced in enforcement. Boyle blamed prohibition violations on the sale of medicinal liquor, illicit distillation on the part of the province's large Ukrainian community, and the non-cooperation of the Inland Revenue department in seizing stills. Though Boyle's speech attempted to portray prohibition as a workable and enforceable Act, it highlighted the many failures of the measure and the province's inability to address them. Boyle himself thought that sixty percent of the population violated prohibition,[76] and the sheer number of convictions his department secured--in 1919 alone the Attorney General's department secured over 2,000 convictions under the Liquor Act and seized 175 stills[77]--likely fed the perception of widespread

violations. While it is probable that many of the seized stills were intended for small-scale personal use rather than large moonshining operations, such numbers implied that illicit liquor was a serious problem in Alberta. Doubtless bootlegged liquor was a problem in Alberta but this problem was exacerbated by sensationalized press reports.[78] As such, even with the high number of convictions, the government seemed unable to reverse the popular belief that prohibition enforcement was failing.

The enforcement problems of prohibition enforcement were no secret, nor were they limited to Alberta. Other jurisdictions under prohibition faced similar enforcement issues, including the difficulty of combating the perception of widespread violations.[79] In Alberta, even prohibition's supporters referenced the enforcement issues. In 1919, for example, Louise C. McKinney, President of Alberta's W.C.T.U., boasted that prohibition had made men "moral by law" while noting the difficulties of prohibition enforcement.[80] Four years later she would attack the Moderationists--a group opposed to prohibition--for claiming that prohibition was unenforceable while simultaneously attacking those citizens who ignored prohibition.[81]

Within a few years of its introduction, it was clear that the Liquor Act could not deliver what Prohibitionists had promised it would. The effects of the Act were not, however, limited to liquor sales and consumption. The abolition of public bars had resulted in a sharp decline in provincial hotel accommodation which, in turn, hurt the province's many developing areas. [82] The abolition of licensed bars also removed the de facto hotel regulation that had existed under the pre-prohibition liquor laws. It was not that hotel owners were able to resist hotel regulation; it was just that the province never replaced the regulation seen under the pre-prohibition liquor laws despite calls from temperance activists for them to do so.[83] Hotel owners were not the only ones who lost money during prohibition; the government also lost out on a significant amount of

revenue that could have been made from legal liquor sales. For example, the Attorney General's department estimated that, including illicit sales, the liquor profits for 1920 totalled eight million dollars.[84]

By 1921, Alberta was in the midst of an agricultural and economic crisis and desperately needed new sources of revenue.[85] Liquor profits offered one way out of the province's financial issues but liquor remained a politically divisive topic and the government seemed unwilling to contemplate ending prohibition as a matter of policy. Fortunately for the government those opposed to prohibition had begun to organize and they hoped to use the Direct Legislation Act to end prohibition.

The Fight for a Plebiscite to End Prohibition

The Moderation League of Alberta formed in 1919 after over a hundred people attended a meeting in Edmonton to protest the Liquor Act and its enforcement.[86] Not long after their founding the League adopted the tactics of the Prohibitionists and circulated a petition, hoping to use the Direct Legislation Act to secure another liquor plebiscite. In an obvious attempt to secure a plebiscite simultaneously with the 1921 provincial general election, the Moderation League presented their petition to the provincial legislature in March 1921. The then Liberal government rejected the petition as invalid, citing concerns over some of the signatures.[87]

The rejection was not necessarily all bad news for the Moderation League. Alberta's Premier Charles Stewart referenced British Columbia's recent decision to end prohibition and said that it would "be watched with interest by the citizens of Alberta." He also claimed that Alberta's recently "improved and strengthened" Liquor Act would "offer a fair comparison" to

British Columbia's "experiment with the sale of liquor for beverage purposes."[88] All of which suggested that the League should try again at a later date when the government might be more amenable.

In the 1921 provincial election, however, the staunchly prohibitionist U.F.A. swept the Liberal party from office. The U.F.A. had entered politics two years earlier as a result of its members' frustrations with the existing political parties;[89] frustrations which had only intensified due to the farming crisis which had gripped the south-eastern part of the province since the end of the First World War.[90] Although the U.F.A.'s focus was on the farmers, the party remained committed to prohibition: not long after assuming office the new Attorney General John Brownlee vowed to make "drastic changes" to the liquor laws in order to ensure that prohibition was finally enforced.[91]

At the same time as Brownlee made these promises, British Columbia began to reap the financial benefits of its post-prohibition system.[92] Meanwhile Alberta's serious financial difficulties continued,[93] leaving the province in need of new sources of revenue. Liquor profits were one potential source of new revenue and within two years of the U.F.A.'s election the provincial press freely speculated that the government was considering liquor sales as a way of boosting the provincial treasury.[94]

There were, however, two main roadblocks to the U.F.A. ending prohibition. The first was the fact that the party claimed to support prohibition. Prior to taking office the U.F.A., in common with other Prohibitionists, blamed the failure of prohibition on government inaction. Once in office, the blame shifted to the U.F.A. for not doing enough to enforce the Liquor Act which soon forced Brownlee to defend his government's prohibition record. He argued that "for

some time, people have been learning how to evade the present Liquor Act and we are now getting the full benefit of their experience."[95] Yet less than two years later Brownlee tacitly admitted defeat over the issue of prohibition enforcement. In a 1923 letter to H.H. Cragg of the Alberta Social Service Council, Brownlee wrote "[w]hen I first assumed office I felt, as many others do, that by increasing the penalties and providing gaol sentence a better enforcement of the Act would result. It may have come to your notice that a year ago the Ontario Legislature reduced the penalties under the Liquor Act, having come to the conclusion that the increased penalties did not result in a better enforcement of the Act." [96]

Though made in a roundabout way, Brownlee's point was that the stricter and harsher enforcement demanded by temperance activists was not enough to improve the effectiveness of prohibition. While Brownlee never explicitly said prohibition was unenforceable, the message was clear, as outside of stricter enforcement there were few other ideas on how to make prohibition effective. Given his party's Prohibitionist outlook, Brownlee could not advocate for an end to prohibition as a matter of policy. Happily for the government, the actions of the Moderation League in 1921 offered a way around this first roadblock, as a petition under the Direct Legislation Act could end prohibition without the government's explicit support.

The Direct Legislation Act and, more specifically, its constitutionality, formed the second roadblock to prohibition's end in Alberta. While direct legislation was relatively uncontroversial in the U.S., the same cannot be said for Canada. The most contentious version of direct legislation in Canada was Manitoba's Initiative and Referendum Act.[97] As in Alberta, Manitoba's version of direct legislation resulted from an election promise of the provincial Liberal party.[98] However, unlike Alberta, Manitoba immediately referred its Act to the courts to test its validity. The resulting case was eventually appealed to the Privy Council which held that

because Manitoba's Act interfered with the powers of the Lieutenant-Governor it violated section 92(1) of the British North America Act and was thus ultra vires.[99]

By the time the Privy Council ruled Manitoba's Act as ultra vires the province, Alberta's Direct Legislation Act had been in force for six years. Not only did the decision in Re Initiative and Referendum Act throw Alberta's Act into doubt, it also cast doubt on the validity of the province's Liquor Act. Based on the case files of J. McKinley Cameron, a Calgary criminal defence lawyer, it seemed to be a common practice among lawyers to challenge convictions under the Liquor Act on the grounds that the Act itself was ultra vires as a result of how it had been enacted.[100] The courts may have always sidestepped Cameron's claims about the legality of the Liquor Act but the constitutionality of this Act and, by extension, the Direct Legislation Act needed to be settled before any further plebiscite could be held.

By the time the U.F.A. came to office, Alberta had a case winding its way through the courts which would confirm the validity of the Liquor Act: Nat Bell Liquors. Nat Bell Liquors was not just a case about the validity of the province's Liquor Act and by extension its Direct Legislation Act, it also touched on key issues of enforcement. In August 1921 S.B. Woods, the lawyer who acted for the government said Alberta needed to appeal the decision of the Alberta Supreme Court because "the majority decision ... will make it extremely difficult indeed for the Liquor act of the Province to be enforced with any approach to satisfaction."[101] While these issues of enforcement may explain why the provincial government pursued the appeal, the chance to settle the constitutionality of the Liquor Act was perhaps equally important.

At the Privy Council Nat Bell Liquors argued that the Liquor Act was "ultra vires, because even if related to matters named in Section 92 of the British North America Act,

regarding which a provincial legislature is "exclusively" empowered to make laws, still it was not "exclusively" made by the Legislature but partly also by the people of Alberta."[102] Nat Bell also argued that the Direct Legislation Act was itself ultra vires because "it altered the scheme of legislation laid down ... by the British North America Act."[103] The Privy Council seemed to sidestep the issue raised by Manitoba's Act noting that a "law is made by the provincial legislature when it has been passed in accordance with the regular procedure and has received the Royal Assent duly signified by the Lieutenant-Governor on behalf of His Majesty. Such was the case with the Act in question."[104] Nat Bell could not convince the Privy Council that the Direct Legislation Act interfered with the "discharge of the functions of the legislature and of its component parts" though Lord Sumner also observed that the validity of the Direct Legislation Act was not "directly raised" and there was "no utility" in deciding it.[105] That being said, the Privy Council did find the Liquor Act to be intra vires and seemed to give its tacit approval to the validity of Alberta's Direct Legislation Act. The decision in Nat Bell Liquors meant that by the end of 1922 Alberta's Moderationists could try once again attempt to secure a liquor plebiscite under the Direct Legislation Act.

The second time around, however, the newly formed Alberta Hotelmen's Association (A.H.A.) spearheaded the efforts to secure a plebiscite. The A.H.A. formed in June 1922 with the goal of securing "legitimate concessions that will benefit the hotel business of Alberta."[106] Initially the A.H.A. claimed that it was not interested in liquor licenses,[107] yet by October 1922 the A.H.A. had put together a draft act which would allow their members to sell beer.[108] It is not clear what prompted the A.H.A.'s change of opinion, but the association had been founded with a view to address the decline in hotel accommodation,[109] and, at the time, there was an emerging consensus across Canada that beer sales would help with this issue. Two months after the A.H.A.

formed, for example, the commission investigating the hotel situation in Ontario reported that Ontario's hotelmen believed that beer sales were the only solution to the problems facing hotels.[110] Regardless of how the A.H.A.'s apparent change of direction came about, it used its draft act as the basis for the petition which it presented to the legislature early in 1923 with the goal of securing a liquor plebiscite under the Direct Legislation Act.

While the petition and plebiscite that secured prohibition in 1915 were straightforward, the 1923 petition and plebiscite were anything but. Initially the 1923 petition looked like it would fail as its supporters could not find an M.L.A. to sponsor it in the legislature.[111] The petition had to be, as the Edmonton Bulletin put it, "dragged into the Legislature by [Premier] Greenfield."[112] Once the petition was introduced, the legislature voted to accept it by forty-nine votes to seven, despite some concerns over the validity of certain signatures.[113] Notably the accusations of invalid signatures came from leading temperance activists, including Nellie McClung, M.L.A.[114] It is perhaps not surprising that temperance activists would claim that the petition was invalid as they wanted to avoid a further liquor plebiscite. What was unexpected, at least to Alberta's temperance activists, was that the supposedly pro-prohibition U.F.A. unquestioningly accepted the petition.

As the province readied itself for another liquor plebiscite the government's next two moves cast suspicion over its claims to be pro-prohibition. First, in the same month as the government accepted the Moderationists' petition as valid, it also made moves to strip urban drug stores of the right to dispense prescription liquor.[115] Government officials made some comments about urban drugstores being particularly problematic in respect of prohibition enforcement, but such claims were long-standing.[116] There were also complaints made by druggists themselves about having to deal with the "liquor trade."[117] Certainly the idea to

remove liquor sales from drug stores had been around for a while, and even pre-dated the U.F.A. government.[118] The timing of the government's decision over urban drug stores could have been simply coincidental, but it had the potential to be viewed as a distraction from the government's actions over prohibition's future. Perhaps ironically, the decision to limit liquor sales to the government vendors in Edmonton and Calgary left the government open to attacks from opposition members, with opposition leader and former Attorney General John Boyle asking if the government would be advertising its new stock.[119] The government's actions over drug stores may have been an attempt to bring liquor under more control but it also appeared to be setting up a government liquor sales system.

Secondly, in April of 1923, one month after approving the liquor petition as valid, the government amended the Direct Legislation Act.[120] These amendments to the Act allowed for any vote taken under the Act to use the single transferable vote-thus allowing voters to rank their choices instead of picking only one.[121] The transferable vote system emerged out of the mid-nineteenth century work of Thomas Hare who hoped such a system would remedy some of the "most serious ... evils to which democracy is subject."[122] Hare's system sought to avoid the problem of gerrymandering and to "achieve a numerically accurate, or proportional, representation of the electorate."[123] Such attempts to deliver a fairer political system fit well with the goals of the progressive movement in both Canada and the U.S. Not surprisingly, the U.F.A. had lobbied for the transferable vote before entering office.[124]

The U.F.A.'s decision to introduce the transferable vote could be seen as evidence of the party returning to its reformist roots; but, once again, the timing of its introduction left the U.F.A.'s motivations open to attack. Within a few months of its election, the U.F.A. had come under some criticism for its failure to reform the provincial election system as it had promised to

do. In February 1922, Robert Pearson M.L.A. noted that the government had said nothing about its pledge to introduce proportional representation.[125] There were some rumours that the government would be acting soon on the matter, but until 1923 there were few concrete developments. The lack of action should hardly be surprising, as few governments can introduce their entire platform immediately. While the U.F.A. eventually introduced a mixed system of proportional representation and preferential voting for all provincial elections,[126] the transferable vote's first trial in the 1923 liquor plebiscite caused controversy because it seemed to be what the government wanted rather than the people. Almost as soon as the government introduced the liquor petition the press reported that "[i]t is well known that some of the ministers as well as many of the private members on the government side want a preferential plebiscite on the liquor question this year."[127] Even if the government did want a preferential liquor plebiscite, the Direct Legislation Act did not, in its 1923 form, allow for such a vote.

The difficulty over ensuring a preferential vote initially left the government unsure of how to proceed. First, Premier Greenfield suggested that alternative proposals should be submitted at the same time as the liquor plebiscite,[128] and then he suggested that the legislature either adopt the proposed Act as it was – the Direct Legislation Act allowing for proposed acts to be passed by the legislature without a plebiscite – or include a preferential ballot in the vote.[129] This apparent lack of policy on the government's part left it open to criticism from opposition M.L.A.s,[130] and from the press, with the Edmonton Bulletin claiming that the government had lost much prestige.[131] The government eventually opted to amend the Direct Legislation Act to allow a preferential ballot, though this too attracted ample criticism. Boyle even accused the government of attempting to destroy the Direct Legislation Act with its amendments which allowed the government to "load up the ballot with all kinds of other questions" not asked by the

people.[132] Despite the controversy surrounding the 1923 amendments to the Direct Legislation Act, they passed and became law in April of that year.[133]

A few days before the amendments passed Brownlee declared his support for prohibition but noted that "if the majority of the people in the province wanted government control of liquor there was nothing to do but give it to them."[134] Such comments suggest that the government expected prohibition to be voted out. Other government officials had already hinted at similar sentiments. In March 1922, almost a year before Alberta even approved a liquor plebiscite, the Deputy Attorney General of Alberta, A.G. Browning, had written to the Chairman of the Saskatchewan Liquor Commission about prohibition in Alberta. Browning noted that the U.F.A. government was attempting to devise "ways and means" to make prohibition effective but that "if failure results it will not be for lack of intention." Tellingly, Browning also said that if prohibition should fail "legislation along other lines may have to be considered."[135] A year later Attorney General Brownlee wrote a letter addressing U.F.A. member W.H. Erant's claim that people were voting for an end to prohibition because it was "not carried out....[everyone] want[s] prohibition, but not with the police and doctors bootlegging and the Bars wide open."[136] Brownlee's reply to Erant stated that he hoped prohibition would continue and that if it did "the Government will continue exactly as it has in the past, using every effort within reason to enforce the Act with such means as are available at present." [137] Granted such comments seem like a practical compromise but Brownlee also chastised Albertans for failing to realize that proper prohibition enforcement required popular support. Brownlee asserted that whatever form of liquor laws existed there would always be infractions.[138] He refused to make the public statement that Erant wanted, namely that the government would make sure prohibition would be enforced if people voted for it. Brownlee pointed out that such a comment would imply that the

government was "not doing everything in its power at the present time to enforce the present Act."[139] Reading Brownlee's letter it is clear he was frustrated with the current state of prohibition enforcement and the criticisms the government received because of prohibition's apparent non-enforcement. As much as Brownlee wanted prohibition, what he really wanted was a workable system of liquor control; though, given the U.F.A.'s commitment to temperance, Brownlee could not be candid on the issue.

As 1923 progressed the government continued to act in a way that suggested it wanted an end to prohibition. Following the amendments to the Direct Legislation Act, the government designed what Heron calls an "unusual" four-choice ballot.[140] The four-choice ballot might be explained by Alberta's wrangling over its Direct Legislation Act but it was not what the A.H.A. had expected when it presented its petition. More importantly it made Alberta's 1923 liquor plebiscite an outlier among other Canadian liquor plebiscites of this period. Typically liquor plebiscites only had two choices: for or against liquor. Alberta's 1923 liquor plebiscite, however, allowed Albertan voters to rank the following choices in order of preference: Clause A-prohibition; Clause B-sale of beer in licensed premises; Clause C-government sale of beer with hard liquors available via prescription; Clause D-government sale of all liquor and sale of beer on licensed premises.[141] It should be noted that three of these choices allowed for some kind of government sale of liquor and that the ballot did not offer any stronger form of prohibition other than the status quo. Crucially, as Boyle had earlier pointed out, the public had not asked for all the choices that the government included on the ballot,[142] which suggested that the government had altered the ballot for its own ends.

While Alberta's Prohibitionists urged voters to "plump" for prohibition and not rank any of the other choices, Premier Greenfield urged the opposite.[143] The government claimed that it

wanted a full range of opinion on the issue and that the transferable vote would enable this. Further, the government also claimed that choice was essential to democracy and so Albertans must learn to exercise their choice through transferable votes.[144] Yet, ranking the choices would potentially allow the government to show that there was widespread support for government control. Furthermore, if prohibition should be voted out, Alberta's preferential ballot offered an additional benefit: the need for only one liquor plebiscite. Manitoba also ended prohibition in 1923 but while Alberta had one plebiscite, Manitoba had two plebiscites within a month: the first on government liquor stores, the second on whether to allow the sale of beer by the glass.[145] Plebiscites were expensive; in fact, Alberta's Prohibitionists had tried to argue that the province could not afford the $250,000 it would cost to hold the 1923 liquor plebiscite.[146] Given Alberta's financial difficulties and the belief that prohibition would be voted out, a preferential ballot promised to save on costs while allowing the government to delegate the decision over the exact shape of liquor controls to the public.

On 5 November 1923, fifty-eight percent of Albertans who voted in the liquor plebiscite chose Clause D: government sale of all liquors and sale of beer on licensed premises.[147] Perhaps ironically Alberta's government did not need to rely on the mechanisms of the single transferable vote to gain a mandate to end prohibition; Clause D had enough first choice votes to win outright. The results meant that Alberta became the fourth province to repeal prohibition, joining Quebec, British Columbia and Manitoba, and became only the second province after Quebec to return to public drinking.[148]

Just as Prohibitionists had used direct legislation to win prohibition so too did those opposed to prohibition use direct legislation to end it. Yet in Alberta, the vote against prohibition was not as clear as the vote for prohibition had been. The provincial government's

tinkering with direct legislation pointed to some of the weaknesses of such forms of direct democracy. Direct legislation may have seemed as though it returned power to the people but the 1923 liquor vote cast doubts on such ideas. The weaknesses of direct legislation in Alberta would become clearer as the Prohibitionists attempted to use direct democracy to force a return to prohibition.

1931: No Vote

Not surprisingly Alberta's Prohibitionists were deeply disappointed with the results of the 1923 liquor plebiscite. At the 1924 Annual Meeting of Alberta's W.C.T.U., President Louise C. McKinney lamented the return of liquor. She blamed prohibition's failure on a lack of enforcement and she wondered if perhaps Alberta was not yet Christian enough for prohibition.[149] Such despondency could not last. The Prohibitionists prided themselves on being people of action and they soon found a way to explain the end of prohibition. Given the unusual four choice liquor ballot, Alberta's Prohibitionists came to believe that they had been cheated rather than defeated. Within two years of the 1923 plebiscite, H.H. Hull of the Alberta Prohibition Association wrote to the government to demand a straight vote on the liquor issue.[150] Rather than agitating for a return to complete prohibition, Alberta's Prohibitionists targeted the hotel beer parlours; a campaign which culminated in an anti-beer parlour petition in 1931. The government refused to act on this petition and so the Prohibitionists failed to secure the vote they wanted. By this time liquor sales had become essential to the government but, for political reasons, the government could not admit to that and so, as this section shows, the government again manipulated the Direct Legislation Act to disguise its own desire for legal liquor sales.

In 1926, Nellie McClung, an M.L.A. and temperance activist, attempted to secure a liquor plebiscite simultaneously with the 1926 provincial election. She argued that the public had not understood what Clause D meant and so Alberta needed another vote. Somewhat embarrassingly for McClung she struggled to get enough support in the legislature to get her motion even discussed. Not surprisingly her motion was roundly defeated, with Premier Brownlee describing another liquor vote as "premature." Brownlee went on to claim that the public's opinion of the beer parlours had not yet crystallized and that this was the reason his government was not interested in another liquor plebiscite. When the Lethbridge Herald reported McClung's attempted plebiscite, the paper noted that there was "[l]oud feminine hand clapping from the galleries" whenever she spoke.[151] Such a report hints that prohibition sentiment was not as popular as it once had been and represents a gentle mocking of the Prohibitionists. It also suggests a sexist attitude towards Prohibitionists and that prohibition was seen as a women's issue. Either way prohibition did not seem to be gaining in popularity.

Brownlee's comments about another liquor plebiscite could be read as playing for time. He did not want to openly support the new system, particularly the beer parlours, but nor could he afford for the new system to fail. The cost of setting up a system of government liquor control was considerable in terms of stock and, of course the 1923 plebiscite had required significant expense.[152] While government liquor control had proven profitable, with the A.L.C.B. reporting profits of over $1 million in its first year,[153] Alberta's finances as a whole remained precarious. In 1927, for example, the government forecast a budget deficit.[154] While 1927's forecasted deficit may not have materialized, the financial difficulties Alberta faced would only be heightened with the arrival of the Great Depression two years later.

Brownlee attempted to prevent another liquor plebiscite by deferring to public opinion which is somewhat ironic given how plebiscites work. Yet a close reading of Brownlee's comments shows that he had already interpreted the public's opinion towards the beer parlours. For Brownlee, the public will might be the final arbiter of the liquor laws, but he was the one who would interpret what the public thought and, in 1926, Brownlee declared that public opinion was undecided.

The Prohibitionists' failure to secure a plebiscite in 1926 did not deter them from their goals. They spent the next few years disseminating the 'truth' about the beer parlours to anyone who would listen. The Prohibition Association kept up a steady stream of correspondence with the provincial government outlining the evils of the beer parlours. The provincial W.C.T.U. also kept up the pressure but as the 1920s progressed, their annual reports grew thinner and fewer locals presented reports at the annual meeting.[155] Nonetheless, Prohibitionists remained able to secure meetings with provincial leaders, which may well have buoyed their hopes of eventual success.

In February 1929, after a meeting with Alberta's Prohibition Association, Premier Brownlee declared that he expected a change to the Liquor Control Act within two years and that he felt Alberta was swinging back towards temperance.[156] It is not clear what evidence Brownlee based this prediction on; if anything prohibition sentiment had been on the decline since 1916. Brownlee was, of course, trying to placate the Prohibitionists who felt frustrated by their lack of progress. During the February 1929 meeting Brownlee reaffirmed his personal support for prohibition but told the Prohibitionists "[d]on't make the mistake of trying to rush this thing."[157] Following his own advice not to rush, Brownlee refused to hold any liquor plebiscite and refused to amend the liquor laws that year.

A year later Hull wrote to Brownlee to suggest that if the government were to close down the beer parlours, it would make more money from the sale of liquor.[158] Brownlee responded sharply to Hull's suggestion and said "[o]ur policy with respect to beer rooms will be determined solely by the extent to which we believe public opinion to have crystallized sufficiently on the liquor question to enable proper support to be given to any other forms of liquor legislation and not from the standpoint of our Provincial revenue."[159]Again, Brownlee claimed deference to public opinion and promised nothing.

Alberta's Prohibitionists, however, were determined and by the end of 1930 they were circulating another liquor petition with the hope of securing a vote on the beer parlours.[160] In February 1931, two years after Brownlee had predicted a return to temperance, the Prohibitionists presented their anti-beer parlour petition to the legislature.[161] Such a result was the exact opposite of what Brownlee wanted. He had warned the Prohibitionists in 1929 that provincial plebiscites were expensive and such an expense only became more crippling as the Depression further decreased provincial revenues. Even the liquor revenues suffered as a result of the Depression. In February 1931 the Lethbridge Herald noted that the A.L.C.B.'s profits had declined even though the number of liquor permits had increased.[162] Later that year Brownlee admitted that the decline in liquor profits was one of the main reasons provincial revenues had fallen.[163]

Brownlee may have repeatedly denied that the government had any interest in liquor revenues but the facts suggest otherwise. Between 1926 and 1929, for example, the government received monthly updates on the board's accounts. These reports supply little information except how much profit the A.L.C.B. made and if it represented a decrease from the previous year.[164]

The need for such constant reporting of the A.L.C.B.'s profits suggests that the government relied on liquor revenues in a way that it was not willing to admit publicly.

Hull was, however, right about one thing when it came to the provincial liquor revenues: the hotel beer parlours contributed a smaller proportion of the profits. The economic role of the hotel beer parlours was not to provide revenue for the provincial treasury; rather the hotel beer parlours worked to ensure adequate hotel accommodation throughout Alberta. During the inter-war period, Alberta was a developing province and still had a number of small settlements struggling to develop. Hotels were a crucial part of any nascent settlement as they offered a place for newcomers to stay while they searched for alternative accommodation.[165] They also offered affordable lodging for transient labour and travelling salesmen, with many hotels offering sample rooms where salesmen could set up their wares for display.[166] The profits from the beer parlours funded the hotels which were so essential to the economic and social development of pioneer regions. Anything which jeopardized the beer parlours, threatened the other services hotels offered and, as such, had the potential to damage the economy more broadly.

In 1930, as the Prohibitionists circulated their anti-beer hall petition,[167] the A.H.A. reminded Albertans that hotels represented millions of dollars of investment.[168] That same year, the A.L.C.B.'s Sixth Annual report made a point of referencing the controversy surrounding beer parlours. Importantly the report noted that rural hotels had suffered a decline in business and therefore a decline in criticism. The A.L.C.B. also went out of its way to reference the quality of Alberta's hotels and claimed that "the hotel accommodation available here is equal, if not superior, to the accommodation available elsewhere in Canada." Furthermore, the report praised the A.H.A. for cooperating "in every way...to keep the hotel business on as high a plane as

possible."[169] Though the A.L.C.B. did not explicitly say that beer licenses were needed to maintain these standards, the message was clear.[170]

In addition to the economic importance of hotel beer parlours, they had also proven crucial to the control aspects of Alberta's post-prohibition system. One of the reasons that the neighbouring province of British Columbia introduced beer parlours in 1925, four years after introducing liquor stores, was because liquors stores did not offer enough control over how individuals consumed liquor.[171] Though hotel beer parlours were far from perfect at shaping the consumption patterns of their patrons they did a better job than liquor stores. Crucially, beer parlours made a legal form of alcohol instantly available in almost every settlement in Alberta which went some way to combating illicit sources of liquor.

Given the various benefits of hotel beer parlours, the centrality of liquor revenue to Alberta, and the province's own precarious financial situation, the government had no intention of acting on the 1931 liquor petition. The government could not simply ignore the petition or declare it as invalid under the Direct Legislation Act, as the Prohibitionists would likely just try again. Nor was the government willing to publicly defend its liquor laws as this would have conflicted with their claim to support prohibition. What the government needed was a way to simultaneously invalidate the petition and the Direct Legislation Act as this would give them a legal justification for ignoring the petition while avoiding accusations that they were pro-liquor.

As with all petitions under the Direct Legislation Act, the government announced that it would be sent to a committee of the legislature so that its validity could be decided. It was here that the petition first ran into trouble with Liberal M.L.A.s refusing to join such a committee because it was too much work.[172] Eventually the petition was referred to the private bills

committee of the legislature but to give the committee more time the government amended the Direct Legislation Act to allow it to report during the next session if necessary.[173] The amendments also allowed the government to refer to the courts questions of law over whether or not any petition submitted under the Act was actually valid,[174] which could be read as an attempt to forestall any difficulties with the petition. In 1932 the committee reported that it had some doubts over certain signatures on the petition and so declared it invalid. The committee also ruled that the vagueness of the Direct Legislation Act left it open to attack in the courts. Due to this weakness in the Act, the committee stated that the government should take the petition as an expression of opinion and did not need to hold a plebiscite.[175] Thus not only did the committee invalidate the 1931 petition, and sidestep the requirement for a plebiscite, they effectively rendered the Direct Legislation Act null and void. From then on, the Albertan public would be unable to force a provincial plebiscite unless the government wanted one.

Just as the government had used the Direct Legislation Act to end prohibition, they used the same Act, though in a different way, to avoid changing the Liquor Control Act. Yet Brownlee continued to publicly deny that he or his government were defending the liquor laws. Understandably, Alberta's Prohibitionists were outraged by the government's refusal to act on their petition and some wrote to the government to complain. In June 1932 Brownlee personally responded to the complaint of Mrs Gaines of Barrhead. Once again Brownlee denied that he was interested in revenue, noting that the beer parlours provided "very little" money to the government. Brownlee told her that as it was the province could barely afford to keep schools open, so spending almost $200,000 on a plebiscite was impossible. Brownlee asserted that, due to the Depression, people's minds were "so disturbed that it is difficult to get a fair expression of opinion on any question" and as such any plebiscite would be pointless. Finally he suggested

that as liquor sales had decreased liquor abuse must also have decreased.[176] As compelling as all of these reasons may have been, given Alberta's dire financial situation and the U.F.A.'s own commitment to prohibition, the government needed to find a justification, ideally one grounded in law, for their refusal to act on the 1931 petition. The alleged vagueness of the Direct Legislation Act allowed the government to justify its failure to act on the petition without admitting to the necessity of legal liquor sales. The Act's vagueness also removed the potential for any other plebiscites and left the government in charge of major changes to the liquor laws.

The government rendered the Direct Legislation Act toothless in 1931 but did not repeal it until 1958.[177] In 1958, according to Boyer, the then Attorney General claimed that the Direct Legislation Act was ultra vires based on the Privy Council's decision on Manitoba's act.[178] Such a claim was dubious as Nat Bell Liquors strongly suggested that Alberta's Direct Legislation Act was constitutional.[179] Arguably the 1958 repeal of the Direct Legislation Act was nothing more than a formality as no further petitions were presented under the Act after the failure of the 1931 liquor petition.[180]

The fate of the 1931 petition illustrates the ease with which direct legislation could be ignored by the government. Though Alberta's Direct Legislation Act appeared to surrender some control to the population, the government retained a large say in whether or not any petition would actually be considered valid under the Act. That being said, the government's success in sidestepping the 1931 petition was helped by the fact that the 1931 petition represented a minority view. Those who signed the 1931 petition later claimed that they were made fun of and their businesses boycotted when their names were made public.[181] It is impossible to know how the government would have reacted had the petition had broader

support, but it clearly did not appreciate the potential for direct legislation to upset government policy.

Conclusion

The fate of direct legislation in Alberta was closely tied with prohibition and as prohibition revealed itself to be unviable so too did direct legislation. Ironically, just as prohibition seemed to result in the exact opposite of the prosperous, law-abiding, temperate society that it promised, so too did direct legislation, at least in Alberta, seem to produce the opposite of direct democracy. Alberta's first experience with direct legislation was the 1915 liquor plebiscite and, while this vote was uncontroversial, the province's remaining experiences with direct legislation were not. Taken together the 1923 liquor plebiscite and the failed liquor petition of 1931, illustrate the ways in which the government and not the people retained control over direct legislation. It was for the government to declare any petition as valid under the Direct Legislation Act, and it was the government who designed the ballot.

Canada's experience with direct legislation differed significantly from that seen in the United States. While in both countries, it was mainly the western regions who adopted the measure, direct legislation faced less opposition in the United States than in Canada. Writing in the 1960s Stephen Scott seemed slightly perplexed about Alberta and Manitoba's decision to enact or attempt to enact some form of direct legislation given the constitutional limitations on provinces' lawmaking powers.[182] Canada's constitution meant that Canadian direct legislation was different than that seen in the United States because there was no way that a plebiscite could force a bill's enactment in Canada. Consequently, Canadian versions of direct legislation, if

they were to be constitutional, had to be less radical than their counterparts in the United States. Even if Alberta's politicians had wanted to enact a measure which would have given the people the power to enact legislation, they could not have done so without a constitutional amendment.

It is perhaps ironic that the group who campaigned for direct legislation, the U.F.A., were the ones who oversaw its demise. The U.F.A. entered politics because they thought they could do a better job than the existing parties and perhaps because the Direct Legislation Act had not proven as useful or as transformative as its supporters had hoped.[183] During its early years Alberta was a poor province which could ill-afford endless plebiscites and these financial restraints may have acted as a dampener on the overuse of the Direct Legislation Act. Certainly financial objections to the Act's use were raised both in 1923 and in 1931.[184] Furthermore, the province's sparse settlement patterns likely made acquiring the requisite number and geographic spread of signatures a significant challenge.

Alberta's direct legislation experiment highlights the importance of examining how direct legislation was actually used. Previous studies of the measure, both in the United States and Canada, have focused on the high level political battles to get direct legislation enacted and whether or not any legislation was passed under it. By studying the mechanics of the measure and how the government and public sought to use it, I have shown that direct legislation was perhaps not so direct after all.

---

[1]See e.g. Robert Treat Platt, "Some Experiments in Direct Legislation," Yale Law Journal 18 (1908-09): 40-48; Michele Arrington, "English-Only Laws and Direct Legislation: The Battle in the States over Language Minority Rights" Journal of Law & Politics 7, no. 2 (1991): 325-52; Nathaniel Persily and Melissa Cully Anderson, "Regulating Democracy Through Democracy:

The Use of Direct Legislation in Election Reform Law" Southern California Law Review 78, no. 4 (2005):997-1034; Mark Tushnet, "Fear of Voting: Differential Standards of Judicial Review of Direct Legislation" (1996) 1 New York University Journal of Legislation and Public Policy 1 (1996):1-20; S, Sherman J. Clark, "Ennobling Direct Democracy," University of Colorado Law Review 78, no. 4 (2007):1341-70; Glen Staszewski, "The Bait-and-Switch in Direct Democracy," Wisconsin Law Review (2006):17-74; Robert D. Cooter and Michael D. Gilbert, "A Theory of Direct Democracy and the Single Subject Rule," Columbia Law Review 110, no. 3 (2010): 687-730.

[2] Nathaniel A. Persily, "The Peculiar Geography of Direct Democracy: Why the Initiative, Referendum and Recall Developed in the American West," Michigan Law and Policy Review 2 (1997):11-42; J. Patrick Boyer, Lawmaking by the People: Referendums and Plebiscites in Canada (Toronto: Butterworths, 1982) at 25-41. Stephen A. Scott, "Constituent Authority and the Canadian Provinces," McGill Law Journal 12 (1966-67):528-74; N.D. McDermid, "The Power of the Provincial Legislatures to Delegate the Legislative Powers Conferred on them by the British North America Act," Alberta Law Quarterly 1, no. 7(1934-36):269-74.

[3] Persily, "Peculiar Geography," 32-33.

[4] SA 1913, c 3 [Direct Legislation Act]. British Columbia, Saskatchewan and Manitoba had similar Acts although Manitoba's was found to be unconstitutional, Boyer, 29-41

[5] I found no evidence that the Direct Legislation Act was used in any other context, a similar petition about female suffrage did not use the Act but saw the government enact women's suffrage anyway, "Women's Suffrage for Alberta Will be Passed at Next Session of the Provincial Legislature", Edmonton Bulletin, September 20, 1915. Although the Direct Legislation Act was not repealed until 1958 the other two plebiscites during this time did not, as

far as I can tell, result from the Act. The 1948 vote about ownership of power companies seemed to result from the actions of the Co-operative Commonwealth Federation (CCF), see, "CCF Sets Election Issues", The People's Weekly, July 24, 1948. While the government set up the 1957 plebiscite about additional liquor outlets in response to demands for such outlets, Bill Drever, "Liquor Permits May Go; City Drinking Likely", Calgary Herald, November 30, 1956, clipping in P.A.A., RG 69.289, file 2132a; Alberta Liquor Control Board, Fifty Years (undated), P.A.A., RG 76.2. See also, Boyer, 40.

[6] See e.g. A.J. Birrell, "D.I.K. Rine and the Gospel Temperance Movement in Canada," Canadian Historical Review 58, no. 1 (1977): 23; John H. Thompson, ""The Beginning of our Regeneration": The Great War and Western Canadian Reform Movements," Historical Papers 7 (1972):227-46; Persily, "Peculiar Geography," 15, 27-29; Arthur S. Link, "What Happened to the Progressive Movement in the 1920's?" American Historical Review 64, no. 4 (1959): 838; Grant McConnell, Private Power and American Democracy (New York: Knopf, 1967) at 30-90; Charles R. McCann, Order and Control in American Socio-Economic Thought: Social Scientists and Progressive-Era Reform (London: Routledge, 2012) at 1-31.

[7] Richard N. Kottman, "Volstead Violated: Prohibition as a Factor in Canadian-American Relations" Canadian Historical Review 43 (1962): 106; Daniel Okrent, Last Call: The Rise and Fall of Prohibition (New York: Scribner, 2010) at 1, 4, 94; Craig Heron, Booze: A Distilled History (Toronto: Between the Lines, 2003) at 174-185; Phil Roberts, "Regulating Liquor: Prohibition Enforcement, Official Corruption, and State Efforts to Control Alcohol After Prohibition Repeal" Wyoming Law Review (2012): 430-432.

[8] In 1918 the Canadian federal government banned inter-provincial liquor imports as a war measure. This measure was extended once the war ended following provincial plebiscites on the

issue, see PC 1918-589, (1918) C Gaz, 3209 (War Measures Act) (23 March 1918); Canada Temperance Act, RSC 1906, c152, as am by SC 1922, c 11; PC 1923-385, (1923) C Gaz Extra, (5 March 1923); Heron, Booze, at 237.

[9] Persily, "Peculiar Geography," 40.

[10] See for example Persily and Anderson's study of early examples of electoral reform and their relationship with direct legislation. They note that the legislatures often seemed more progressive than the voters, Persily and Anderson, "Regulating Democracy," 1022-1033.

[11] For more on this vote see Heron, Booze, 182-183.

[12] Platt, "Some Experiments,"47-48; W. Rodman Peabody, "Direct Legislation and its Prospects in the United States," Political Science Quarterly 20, no. 3 (1905):443-55 at 447. For more recent discussions of the measure see, Persily and Anderson "Regulating Democracy."

[13] Persily, "Peculiar Geography," 27; W.L. Morton, "Direct Legislation and the Origins of the Progressive Movement," Canadian Historical Review 25, no. 3 (1944): 279, 282.

[14] Persily, "Peculiar Geography," 15

[15] See, Persily, "Peculiar Geography," 15; Morton, "Direct Legislation," 282.

[16] Howard Palmer and Tamara Palmer, Alberta: A New History (Edmonton: University of Alberta Press, 1990) at 83.

[17] Ibid, 87, 151

[18] Bradford James Rennie, The Rise of Agrarian Democracy: The United Farmers and Farm Women of Alberta, 1909-1921 (Toronto: University of Toronto Press, 2000) at 110-138.

[19] The Guide has been partially digitised and is word searchable. It is available at: http://peel.library.ualberta.ca/newspapers/GGG/

[20] John Kennedy, "Direct Legislation," Grain Growers' Guide, June 29, 1910.

[21] Alberta Conservatives even sought to distance themselves from Manitoba's Conservative Premier who had come out against direct legislation, see "Current Comment," Edmonton Bulletin, June 19, 1912.

[22] "Legislature Favours Direct Legislation," Edmonton Bulletin, February 10, 1912.

[23] "Legislation for Farmers Predominates," Edmonton Bulletin, March 11, 1913.

[24] "Direct Legislation Bill is in Force," Edmonton Bulletin, April 26, 1913.

[25] L.G. Thomas, "The Liberal Party in Alberta, 1905-21," Canadian Historical Review 28, no. 4 (1947): 422.

[26] Direct Legislation Act, s 6.

[27] Ibid, ss 6-13

[28] Ibid, s 24; Boyer, 34.

[29] Platt, "Some Experiments," 48; Peabody, "Direct Legislation," 447-448.

[30] In the context of the American temperance movement, the consensus is that it was highly unpopular among immigrants, Okrent, 12; Scott Schaeffer, "The Legislative Rise and Populist Fall of the Eighteenth Amendment: Chicago and the Failure of Prohibition," Journal of Law & Politics 26 (2010-2011): 403.

[31] For one notable exception, see Jan Noel, "Dry Patriotism: The Chiniquy Crusade," in, Drink in Canada: Historical Essays, ed. Cheryl Krasnick Warsh, (Montreal: McGill University Press, 1993) 27-42.

[32] Heron, Booze, 68-71, 153, 164-165, 177; Thompson, "Western Canadian Reform Movements," 235; Nancy M. Sheehan, "Temperance, the W.C.T.U., and Education in Alberta, 1905-1930," (PhD Dissertation, University of Alberta, Department of Educational Foundations, 1980) at 128.

[33] S Prov C 1864 (27-28 Vict), c 18; Canada Temperance Act SC 1878 (40-41 Vict), c 16 [Scott Act].

[34] Canada, Royal Commission on the Liquor Traffic in Canada, Report (Ottawa: Queen's Printer, 1896) at 3-4.

[35] Heron, Booze, 171.

[36] Ibid.

[37] Ibid, 172-173.

[38] Ibid, 178 (noting that the argument about government interference declined during the First World War).

[39] Ibid, 105-121 (describing the saloon), 121-128, 174-177.

[40] The Liquor License Ordinance, CO 89, 1905, s24.

[41] A.K. Sandoval-Strausz, Hotel: An American History (New Haven: Yale University Press, 2007) at 3, 55, 116. The local history of the village of Spirit River, Alberta, also points to the necessity of a local hotel as a number of people recall staying at a hotel when they first arrived in the area, Spirit River History Book Committee, Chepi Sepe: Spirit River: The Land, the People (Spirit River, AB: Spirit River History Book Committee, 1989) at 401, 702, 844. See also below at notes 164 to 166 and accompanying text.

[42] "Direct Legislation", Edmonton Bulletin, April 14, 1913.

[43] "Prohibition Petition is Presented Today to Alberta Government," Edmonton Bulletin , October 14, 1914

[44] Ibid.

[45] "Temperance Plebescite [sic] Next June," Bassano Mail, October 22, 1914.

[46] Hugh A. Dempsey, "The Day Alberta Went Dry," Alberta History 58, no. 2(2010): 11

[47] Heron, Booze, 173.

[48] Ibid, 178-181.

[49] Ibid; Thompson, "Western Canadian Reform Movements," at 228-232.

[50] Rev P. Gavin Duffy, "Prohibition Will Not Solve Drink Problem," Blairmore Enterprise , January 29, 1915.

[51] "What the Liquor Act Means," Strathmore Standard, May 26, 1915.

[52] "First Shot Fired in Liquor Campaign," Redcliff Review, February 12, 1915; "Citizen," Letter to the Editor, Crossfield Chronicle, April 22, 1915.

[53] See for example, Stan Horrall, "A Policeman's Lot is not a Happy One: The Mounted Police and Prohibition in the North-West Territories, 1874-91," in Papers Read Before the Historical and Scientific Society of Manitoba Transactions Series III, Number 30, ed. Linda McDowell (Np: Hignell Printing Ltd, 1973-74), 9.

[54] Review of Liquors and Liquor Legislation in the Various Provinces of Canada, undated, P.A.A., RG 83.192, file 399; Heron, Booze, 159-163.

[55] "The Silly Arguments of Alberta Booze Sellers," Western Globe, May 19, 1915.

[56] Re Initiative and Referendum Act, [1919] UKPC 60 at 1-2, [1919] AC 935 [Re Initiative and Referendum]. This case is further explored below.

[57] R v Nat Bell Liquors [1922] UKPC 35, [1922] AC 128 [Nat Bell Liquors cited to UKPC]. The outcome of this case is further explored below.

[58] "Prohibition Delegation Waits Upon Government and Submits Proposals," Edmonton Bulletin, March 9, 1923.

[59] This battle is further explored below.

[60] Liquor Act, SA 1916, c 4, s 72. The question of which level of government controlled liquor manufacture was unclear during prohibition; however, both levels of government acted as though it was a federal matter. The Judicial Committee of the Privy Council had said that there were some occasions when the provinces could ban liquor manufacture but did not elaborate on this, Manitoba (AG) v Manitoba License Holders' Association, [1901] UKPC 52 at 4, [1902] AC 73. For the Supreme Court of Canada's opinion see, Huson v South Norwich (City of) (1895), 24 SCR 145 at 148, 1895 CarswellOnt 30. For a discussion of this case see David Schneiderman, "Constitutional Interpretation in an Age of Anxiety: A Reconsideration of the Local Prohibition Case," McGill Law Journal 41, no. 2 (1995-96): 440. See also, Kottman, "Volstead Violated," 107; Cyril D. Boyce, "Prohibition in Canada," Annals of the American Academy of Political and Social Science 109 (1923): 227. See also J.F. Davidson, "The Problem of Liquor Legislation in Canada," Canadian Bar Review 4:7 (1926):474 -75 (critiquing the confusion over the manufacturing issue).

[61] Liquor Act, , ss 11-15.

[62] Heron, Booze, 180.

[63] For Alberta see, Sarah E. Hamill, "Making the Law Work: Alberta's Liquor Act and the Control of Medicinal Liquor from 1916 to 1924," Canadian Journal of Law and Society 27, no. 2 (2012): 257; For other provinces, see, John Phyne, "Prohibition's Legacy: The Emergence of Provincial Policing in Nova Scotia, 1921-1932," Canadian Journal of Law and Society 7 (1992):165; Heron, Booze, 237-9.

[64] Heron, Booze, 237-239.

[65] Hamill, "Making the Law Work," 257.

[66] Bryan to the Deputy Attorney General, 11 February 1919. P.A.A., RG 75.126, file 1173b.

[67] "Four Million for Phone Extension", Red Deer News, February 11, 1920. See also Hamill, "Making the Law Work," 249-65.

[68] Hamill, "Making the Law Work," 255-259.

[69] In order to ban liquor imports, for example, Alberta needed federal cooperation, see note 60 above. Burnham notes that American prohibition also allowed for a number of exceptions and argues that many individuals who may have thought they were defying prohibition were actually well within their rights. It was, for example, perfectly legal to make wine at home, J.C. Burnham, "New Perspectives on the Prohibition 'Experiment' of the 1920's," Journal of Social History 2, no. 1 (1968):62.

[70] Mrs D. Fowler to Attorney General Boyle, 17 October 1919, P.A.A. RG 75.126, file 3247. For other Canadian jurisdictions see, Heron, Booze, 235-266.

[71] "Liquor Act not being Enforced by Authorities", Edmonton Bulletin, October 6, 1916.

[72] A.P.P. Superintendent A.E.C. McDonnell, "Liquor Act Enforcement", Letter to the Editor, Edmonton Bulletin, March 16, 1918.

[73] For an example of the latter see, "Liquor Act Not Being Enforced by Authorities", Edmonton Bulletin, October 6, 1916; A.W. Coone, "The Liquor Act Must Be Enforced", Letter to the Editor, Red Deer News, January 2, 1918.

[74] McDonnell, "Liquor Act Enforcement."

[75] "Hon J.R. Boyle Gives Precise Review of Whole Questions of Liquor Consumption and Manufacture", Edmonton Bulletin, March 4, 1920. All references in this paragraph are to this article unless otherwise noted.

[76] "60 P.C. Men in Alberta Break the Liquor Act", Lethbridge Herald, February 15, 1919.

[77] "Four Million for Phone Extension", Red Deer News, February 11, 1920.

[78] See for example, "Bootlegger is Shot in Battle with Officers: Victor Ryberg Killed by Shot from Constable Hale in Fight", Edmonton Bulletin, October 13, 1920. Alberta's press also reported on the violence of American prohibition see for example, "Bootlegger Shot Jailer and Escaped", Western Globe, January 21, 1920 (about the murder of Ernie Thompson by Ward McCrill in North Dakota). Compare the situation during American prohibition, Burnham, 61.

[79] Burnham, "New Perspectives," 65.

[80] President's Address, Alberta's W.C.T.U. Seventh Annual Convention (October 1919), G.A.I.A., RG M-1708, file 28

[81] President's Address, Alberta's W.C.T.U. Eleventh Annual Convention (3 to 5 October 1919), G.A.I.A., RG M-1708, file 29.

[82]This was a problem across Canada during prohibition, "Commercial Men Say Hotel Accommodation Bad Under Dry Law", Lethbridge Herald, December 19, 1921; Dan Malleck, Try to Control Yourself: The Regulation of Drinking in Post-Prohibition Ontario, 1927-44 (Vancouver: U.B.C. Press, 2012) at 38-39.

[83] "Prohibition Convention," Claresholm Advertiser, February 10, 1916. The League were not the only ones to realize that prohibition would be detrimental to hotel accommodation, "The Alberta Temperance and Moral Reform League Forcing Province to Expend Huge Sum of Money Which Will Accomplish No Benefit to People," Coleman Bulletin, May 20, 1915; Editorial, "Prohibition and Hotel Accommodation", Lethbridge Herald, May 15, 1916. See also, "Travelling Public Must be Accommodated", Lethbridge Herald, June 10, 1916 (arguing for local Boards of Trade to supervise hotel accommodation). The closest the government came to regulating hotels during this time was to empower local municipalities to issue licenses if they so chose via The Houses of Public Accommodation Act, SA 1917, c 6.

For a discussion of hotel accommodation in Ontario, see Malleck, Try to Control Yourself, 19, 38-39.

[84] "Eight Million Dollars Liquor Profit", Red Deer News, April 27, 1921.

[85] For an in depth discussion of this crisis see, David C. Jones, Empire of Dust: Settling and Abandoning the Prairie Dry Belt (Calgary: University of Calgary Press, 2003).

[86] "Prohibition Act is Strongly Denounced at Public Meeting Held in Separate School Hall", Edmonton Bulletin, March 8, 1919; "Moderation League Starts Campaign for Organization", Edmonton Bulletin, December 13, 1919.

[87] "Carload of Petitions Containing over 67,000 Names Presented by Moderation League to Government", Edmonton Bulletin, March 11, 1921; "Liquor Act Tightened by Heavier Fines; No Plebiscite on Moderation Petitions," Lethbridge Herald, April 18, 1921.

[88] "No Referendum on Liquor Act Says Stewart", Edmonton Bulletin, April 18, 1921.

[89] Palmer and Palmer, 194; Jones, 118.

[90] Jones, 100-115; Palmer and Palmer, 196-97.

[91] "To Consult With Druggists and Doctors of Alta", Lethbridge Herald, August 15, 1921.

[92] In September 1921, the Macleod Times estimated that British Columbia was making $25000 a day from liquor profits, "Liquor Laws of British Columbia", Macleod Times, September 8, 1921.

[93] For the economic difficulties of Alberta during this period see, Donald B. Smith, "Things are Seldom What They Seem" in Alberta Formed Alberta Transformed vol II, ed, Michael Payne, Donald Wetherall and Catherine Cavanagh (Edmonton: University of Alberta Press, 2006), 462-89; Alvin Finkel, "1935: The Social Credit Revolution" in ibid, 490-512. See also, E.J. Hanson, "Public Finance in Alberta Since 1935," Canadian Journal of Economics and Political Science 18, no. 3 (1952): 322 (brief reference to Alberta's history of financial troubles prior to 1935).

[94] "Alberta Needs New Revenue Sources; Budget is Sure to Show Big Deficit", Lethbridge Herald, February 14, 1923.

[95] Brownlee to Mr Shields, 31 October 1921, P.A.A., RG 83.192, file 410.

[96] Attorney General to H.H. Cragg, 22 March 1923, P.A.A., RG 75.126, file 2564a.

[97] SM 1916, c 59.

[98] Boyer, 34-35.

[99] Re Initiative and Referendum, 5-6. See also Boyer, 36.

[100] See for example R v LaPierre, February 23, 1917, Calgary, (Notice of Motion), in J. McKinley Cameron Fonds, Glenbow Alberta Institute Archives, RG M-6840, file 79 (arguing that LaPierre's conviction under the Liquor Act was invalid because the Act itself was invalidly enacted). See also, "To Make Test of Alberta Liquor Act", Edmonton Bulletin, February 1, 1917 (noting lawyer G.E. Winkler planned to challenge the constitutionality of Alberta's Liquor Act); "Magistrate has no Doubts About the Liquor Act", Edmonton Bulletin, February 7, 1917 (reporting that Winkler's argument did not convince Edmonton's Police Magistrate).

[101] S.B. Woods to Hon J.E. Brownlee, 18 August 1921, P.A.A., RG 75.126, file 3548a.

[102] Nat Bell Liquors, 3.

[103] Ibid.

[104] Ibid, 4.

[105] Ibid.

[106] "Alberta Hotel Association", Blairmore Enterprise, June 15, 1922.

[107] Ibid.

[108] "Hotelmen Will Ask Authority to Sell Beer", Westaskiwin Times, October 12, 1922.

[109] "Alberta Hotelmen Start Formation of an Association", Wetaskiwin Times, March 30, 1922.

[110] "Hotel Business in Ontario Shattered Assert Hotelmen", Edmonton Bulletin, August 17, 1922. British Columbia's hotels also formed an association in the early 1920s to campaign for beer sales, Robert A. Campbell, Sit Down and Drink Your Beer: Regulating Vancouver's Beer Parlours, 1925-1954 (Toronto: University of Toronto Press, 2001) at 20.

[111] "Moderation League in Need of Sponsor for Petition", Edmonton Bulletin, January 25, 1923. Here the Bulletin erred as the Moderation League had no connection with this petition, "Moderation League is not Connected with the Petition", Edmonton Bulletin, January 26, 1923.

[112] "Beer Petition Dragged into Legislature by Greenfield", Edmonton Bulletin, January 31, 1923.

[113] "Legislature By Overwhelming Vote Accepts the Beer Petition as Valid", Lethbridge Herald, March 15, 1923; A.L. Marks, Solicitor for the Social Service Council of Alberta, Letter to the Editor, Irma Times, February 2, 1923; Claresholm W.C.T.U. to Premier Greenfield, 22 February 1923, P.A.A., RG 69.289, file 97a.

[114] "Legislature By Overwhelming Vote Accepts the Beer Petition as Valid", Lethbridge Herald, March 15, 1923.

[115] OC 358-23, (1923) A Gaz I, 137 (Liquor Act); OC 357-23, (1923) A Gaz I, 138 (Liquor Act). These orders-in-council were allowed for by An Act to Amend the Liquor Act, SA 1922, c 5, s 13.

[116] The police suspected that urban drug stores played a key role in illicit liquor sales. These illicit sales typically involved doctors selling blank prescriptions to taxi drivers who then sold these prescriptions to individuals who wanted liquor, R.C.M.P. Inspector Denis Ryan to the Deputy Attorney General, 8 June 1922, P.A.A., RG 75.126, file 2797; Suspected Irregularities re Liquor Prescriptions, 2 April 1924, P.A.A., RG 75.126, file 4574. It should be noted that this

problem was found beyond Alberta's major urban centres, though in the case of Banff, where the problem was apparently prevalent, many of the taxis' liquor prescriptions originated in Calgary.

[117] See for example, "Drug Stores Will Sell No More Liquor", Red Deer News, January 5, 1921.

[118] Ibid. See also, "Druggists Notified that Liquor Act Changes Affecting Them Coming", Lethbridge Herald, October 21, 1921 (noting that the government was planning changes).

[119] "Liquor Stock Concealed in Gov't Stores", Edmonton Bulletin (20 April 1923).

[120]Direct Legislation Act, SA 1913, c3 as am by SA 1923, c 7.

[121] Ibid, s 30.

[122] Jethro W. Brown, "The Hare System with Special Reference to Its Application in Tasmania," Law Quarterly Review 15, no. 1 (1899): 51. See also, Ken Ritchie, "The Impending Necessity for Electoral Reform, " Inter Alia 5 (2006): 6

[123] Brown, "Hare System," 53.

[124] The Grain Growers' Guide makes numerous references to the transferable vote; it was almost as popular as direct legislation itself. See, e.g. P.P. Woodbridge, General Secretary of the U.F.A., U.F.A. Circular No 12 – Proportional Representation, printed in, The Grain Growers Guide, November 5, 1913. See also, P.P. Woodbridge, "Alberta", The Grain Growers Guide, October 4, 1916; "Red Deer U.F.A. Provincial Political Association", Red Deer News, April 6, 1921 (reporting that the Red Deer U.F.A. had decided to advocate for the transferable vote and proportional representation).

[125] "Local House Peaceful in First Hours", Edmonton Bulletin, February 7, 1922.

[126] "Alberta Will Cast Ballots Under New Act", Macleod Times, June 3, 1926 (noting that Edmonton and Calgary had a full system of proportional representation while everywhere else

had preferential ballots). This system would last in Alberta until 1955, Election Act, SA 1955, c 15 s 82 (returning the province to First Past the Post voting).

[127] "Beer Petition Dragged into Legislature by Greenfield", Edmonton Bulletin, January 31, 1923.

[128] "Alberta Will Vote Upon Sale of Beer by Hotels", Edmonton Bulletin, April 17, 1923.

[129] "Alberta Government is Strongly Criticised for its Lack of Policy", Edmonton Bulletin, April 17, 1923.

[130] Ibid.

[131] "The Long Session and Why", Edmonton Bulletin, April 24, 1923. See also, Chas. Huestis, Letter to the Editor, "Sidestepping Responsibility", Edmonton Bulletin , May 7, 1923.

[132] "Legislature Sits into Morning Hours", Edmonton Bulletin, April 21, 1923.

[133] "Ballot Adopted by Legislature After Lengthy Word Battle", Edmonton Bulletin, April 23, 1923.

[134] "Alternate Questions to be Submitted to Voters When Beer Plebiscite is Taken", Edmonton Bulletin, April 18, 1923.

[135] Browning to Chairman Leech, Saskatchewan Liquor Commission, 14 March 1922, P.A.A., RG 75.126, file 2564b.

[136] W.H. Erant to Brownlee, 21 October 1923, P.A.A., RG 75.126, file 3728.

[137] Brownlee to W.H. Erant, 1 November 1923, P.A.A., RG 75.126, file 3728.

[138] Ibid.

[139] Ibid.

[140] Heron, Booze, 274.

[141] "Liquor Referendum – Notice to Voters", Edmonton Bulletin, October 25, 1923.

[142] "Legislature Sits into Morning Hours", Edmonton Bulletin, April 21, 1923.

[143] ""Plump for Prohibition" is the Recommendation to Methodists of Alberta", Wetaskiwin Times, June 7, 1923; "Government Urges No Plumping When Casting Ballot on Nov 5 Referendum", Lethbridge Herald, October 23, 1923.

[144] "Government Urges No Plumping When Casting Ballot on Nov 5 Referendum", Lethbridge Herald, October 23, 1923; See also, The Liquor Plebiscite and the Transferable Vote, 22 October 1923, P.A.A., RG 75.126, file 3728

[145] Heron, Booze, 273.

[146] "Prohibition Delegation Waits Upon Government and Submits Proposals", Edmonton Bulletin, March 9, 1923.

[147] The first choice votes were: Clause A – 61, 647; Clause B – 3, 936; Clause C – 3, 078; Clause D – 93, 680. 78, 268 voters did not rank their preferences, Statement of Votes Polled [on] 5 November 1923 (undated), P.A.A. (RG 76.2).

[148] Heron, Booze, 270.

[149] Report of Alberta's W.C.T.U. Twelfth Annual Convention (1 to 3 October 1924), G.A.I.A., RG M-1708, file 29.

[150] H.H. Hull to Greenfield, 28 September 1925, P.A.A., RG 69.289, file 98a.

[151] "Legislators are 43-3 Against Mrs McClung's Motion", Lethbridge Herald, March 27, 1926.

[152] In 1923 the Edmonton Bulletin questioned whether it made sense to hold a plebiscite given the dire financial situation of the province, "To Spend or Not to Spend", Edmonton Bulletin, March 14, 1923.

[153] "Alberta Liquor Profits Exceed A Million", Lethbridge Herald, January 5, 1925.

[154] "Premier Fears Alberta May Have Deficit", Lethbridge Herald, September 29, 1927.

[155] Compare Report of Alberta's W.C.T.U. Twelfth Annual Convention (1 - 3 October) with Report of Alberta's W.C.T.U. Eleventh Annual Convention (3 - 5 October 1923) G.A.I.A. (Accession Number M-1708-29).

This conclusion is shared by Sheehan, "Temperance, the W.C.T.U.," 1, 273-274.

[156] "New Liquor Control Act Due Within Two Years Premier Says", Calgary Herald, February 27, 1929.

[157] Ibid.

[158] H.H. Hull to Brownlee, 25 March 1930, P.A.A., RG 66.289, file 99a.

[159] Brownlee to Hull, 26 March 1930, P.A.A., RG 69.289, file 99a.

[160] "Dry Forces are Circulating Petition on Sale of Beer", Edmonton Journal, October 20, 1930.

[161] "Gov't Plan on Beer Petition Causes Protest", Calgary Herald, February 25, 1931.

[162] "Alberta Liquor Profits Less, Though Permits Were Greater", Lethbridge Herald, February 6, 1931.

[163] "Alberta Liquor Profits for Past Year Total $1,738,954; Analysis of Liquor Business", Lethbridge Herald, November 10, 1931.

[164] These reports are found in P.A.A. RG 69.289, file 122b and RG 69.289, file 121.

[165] Sandoval-Strausz, 2-3, 55, 95, 116.

[166] In 1929, the A.L.C.B. Chairman wrote to the Waldorf Hotel in Leduc, Alberta to remind its owners that it should have sample rooms for visiting salesmen, R.J Dinning to the Waldorf Hotel Company, 20 February 1929, P.A.A., RG 74.412, file 1721. See also Sandoval-Strausz, 82.

[167] In other jurisdictions there may have been a distinction between 'beer halls' and 'beer parlours' but in Alberta only the latter existed under the terms of the Liquor Control Act. 'Beer parlours' was the official name of the rooms in licensed hotels were beer could be served.

[168] Over $10,700,000 Is Invested in Hotel Buildings, Alberta", Lethbridge Herald, March 18, 1930.

[169] Alberta, Legislative Assembly, "Sixth Annual Report of the Alberta Liquor Control Board, 1929" in Sessional Papers No 3 (1929-1930) at 7.

[170] Similar increases in hotel standards would also be seen (or demanded) in Ontario once that province re-introduced public drinking in 1934, Malleck, Try to Control Yourself, 19, 59, 63-65,

[171] Robert A. Campbell, Demon Rum or Easy Money: Government Control of Liquor in British Columbia from Prohibition to Privatization (Ottawa: Carleton University Press, 1991) at 47-55; Campbell, Sit Down, 19-26, 127-128.

[172] "Gov't Plan on Beer Petition Causes Protest", Calgary Herald, February 25, 1931

[173] Direct Legislation Amendment Act, SA 1931, c 8, s 2.

[174] Ibid.

[175] "House to Consider Beer Petition is Committee Ruling", Lethbridge Herald, March 28, 1932; "Committee Report on Liquor Act is Now Before House", Lethbridge Herald, February 16, 1932; Report on the Petition, 10 March 1932, P.A.A., RG 69.289, file 964.

[176] Premier Brownlee to Mrs Gaines, 2 June 1932, P.A.A. RG 69.289, file 99a.

[177] Direct Legislation Act, RSA 1955, c 84 as repealed by An Act to Repeal Certain Acts of the Legislature, SA 1958, c 72, s 1 (c).

[178] Boyer, 34, 34 n 22.

[179] Nat Bell Liquors, 3-4.

[180] At least I could not find any records of other petitions presented under this Act after 1931. Boyer notes that the government said it repealed the Act in 1958 after someone asked about using it, Boyer, 34 n 22.

[181] H.H. Hull to Brownlee, 17 February 1933, P.A.A., RG 69.289, file 99b.

[182] Scott, "Constituent Authority," 532.

[183] Rennie, The Rise of Agrarian Democracy, 126

[184] For complaints about the cost in 1923 see, "To Spend or Not to Spend", Edmonton Bulletin, March 14, 1923. For the 1931 discussion of plebiscite costs see, notes 175 to 176 and accompanying text.