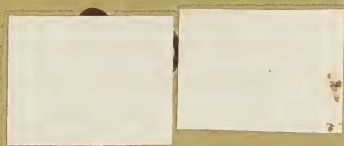


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Maine's War Upon  
the Liquor Traffic

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Maine's War Upon  
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# MAINE'S WAR

UPON

# THE LIQUOR TRAFFIC

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A Series of Historical Articles

BY

HENRY A. WING

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## LETTER I.

### EARLY DAYS IN MAINE.

AUGUSTA, Dec. 28.—(Special Correspondence).—Maine was a half-century in advance of the other states in the Union in temperance reform, and enacted the first prohibitory legislation in this Country, and in the world. Today, the wave of prohibitory legislation which is sweeping over the South and the West, brings Maine into the limelight, not only for this Country, but for the inspection of the civilized world. Persons interested in the prohibitory question, for or against, are looking to Maine to see what her half century of legislative prohibition has produced, and wherein her prohibitory law has benefited her conditions.

In the early history of the State, Maine had an unenviable reputation for inebriety. Foreign writers referring to its people, alluded to them as a "race of drunkards." Circumstances, no doubt, had much to do with this. After the termination of the War of 1812 with England, the people who were chiefly engaged in navigation, opened up a great trade with the West Indies. Rum was one of the principal articles of traffic. In 1832 Judge Pond, who was secretary of the Maine Temperance society, of which Governor Samuel E. Smith was president, made the statement that in 1827 Maine had a population of 360,000. Besides the large importation and manufacture of other liquors in that year, Secretary Pond said, "there were distilled 1,333,160 gallons of rum. Nearly every tavern and store was a grog shop."

In 1830 there were 13 distilleries in Maine, which produced one million gallons yearly. In 1833 there were five hundred licensed dealers, and nearly as many licensed taverns, besides great numbers unlicensed. The population of the State was then about 400,000 yet "there were 10,000 persons accustomed to become beastly drunk, 7,000 of them heads of families, and 500 of them women, one hundred convicts in the State prison, 200 in jails, 69 in 100 towns dying of delirium tremens, and 1,500 paupers, made so by drink."

#### Millions For Rum.

These reports, written by men contemporary with the times, were not probably exaggerated. The statement is made that in one town, of 1,000 population, there were 17 rum shops, and 10,000 gallons of liquor sold, in a year. The estimate is made by a writer of that time that the amount of money spent each year for liquors was \$12,000,000. Very naturally, the people were alarmed over this condition of things, and work of reformation was begun. Even in those early days it was recognized that the selling of liquor was a sin and a crime, and the question

was asked, "This being so, what right has the legislature to license the traffic?"

In 1832 and '33 this matter was discussed in societies and conventions held for the purpose. In 1834 a great meeting of the State Temperance Society over which Governor Smith presided as president, was held, and Chief Justice Mellen of the Maine Supreme Court, was elected president for the ensuing year. In a discussion, one of the members said: "If the traffic is immoral, how can the Legislature sanction it?" At that meeting a resolution was offered to the effect that so far as existing laws authorize the liquor traffic, which is morally wrong, they ought to be abolished, and law which should confer upon the traffic no legal right, should be enacted. Many of the members of the society feared to go so far as to call for the repeal of the liquor legislation, and so the matter was put over, for future consideration.

About this same time Judge Shepley, afterwards chief justice of the Supreme Court, with nine others, drew up a form of petition to the Legislature, which in substance stated that "the sale of intoxicating liquors is either right, or wrong. If right, the law should not by license make it a monopoly; if not right, it should not be sanctioned by law."

"That, by legalizing the traffic, and authorizing a revenue from it, such laws tend to encourage the sale and use of such drinks, and hold out a temptation to produce a town income from a source adverse to the moral interests of the community.

"That the experience of nearly two centuries has fully proved that these laws are ineffectual in preventing the evil of intemperate drinking. Your petitioners, therefore, pray that the licensing laws may be wholly and entirely repealed."

In 1835 one of the temperance societies passed a resolve, declaring it for the best interests of the people that the Legislature be petitioned to repeal all liquor laws, and to prohibit under severe penalties, the traffic.

In the second annual report of the Maine Temperance Society (a document of 136 pages,) statistics abounded, gathered from all sections of the State, in relation to intemperate conditions, and facts regarding the liquor traffic. This organization was a most powerful one, and has branch organizations in every county. The society recognized as a fundamental principle "total abstinences from all concern with ardent spirits, as an article of refreshment, entertainment, or traffic." The sole object of the society "was to diffuse information, and by a moral influence, discourage the use of ardent spirits, in the community."

The officers of this society in 1834 were, president, Hon. Prentiss Mellen of Portland; Hon. Samuel M. Pond, Bucksport, corresponding secretary; Rev. William A. Drew, Augusta, recording secretary; Elihu Robinson, Augusta, treasurer; Charles Williams, Augusta, auditor. The executive committee included Theodore S. Brown, chairman, of Augusta; Asa Reddington, Augusta; Bart. Nason, Augusta; S. K. Gilman, Hallowell; T. S. Brown, Vassalboro; S. M. Pond, Bucksport. The officers of Cumberland County branch in that year were William Ladd, Minot, president; Neal Dow, Portland, secretary; Rev. Solomon Adams, Portland, corresponding secretary.

### Prof. Alpheus S. Packard.

Among others who addressed this 2nd annual meeting of the society, was Prof. Alpheus S. Packard of Bowdoin College, a man most highly respected everywhere for his learning and piety. To show the tendency even at that early day towards prohibitory legislation, and to illustrate what was in the minds of leading men of the State the following quotation from Prof. Packard's address is given:

"The great obstacle against which it, (cause of temperance), is obliged to contend is that the monstrous evil stands in the midst of the community shielded by public law. The grog shop is its stronghold—and the genius of temperance raises her loudest notes of remonstrance against this invasion of the rights of humanity. She prays that man may not be suffered to rob and poison his fellow men, under the sanction of public enactment. She prays not that those who have the right to authority would legislate directly against the evil, she calls not for chains and prisons, but simply requests that everything in the statute book which has the effect of sanctioning the traffic may be expunged, and public sentiment be suffered to have its free, uninterrupted course."

The annual report of this society shows the progress which is being made in the work of reform. In speaking of the work in one town, reference is made as a matter of congratulation, to the fact that the consumption of ardent spirits has been almost incredibly reduced. "Where twelve hogsheds of liquors were consumed three years ago, not more than one is now wanted here. Of four stores, only one keeps the article." It speaks, as a matter of public interest, of the fact that during the Spring of that year, in the town of Brunswick, timber was cut, hewn in the woods, and a vessel built, without ardent spirits being used. It says "work on buildings and vessels without ardent spirits, is now not uncommon." In an

other place it tells that certain men accepted offices in a militia company upon the understanding that they would not have to treat the soldiers.

The population of the town of Portland was given then as 12,691. Attention was called to the fact that the expense for paupers for the year previous for the town was \$5,000, and that \$4,800 of it was made necessary, by intemperance. A report from the town of Harpswell said, "some vessels are sent to sea, from this place, without ardent spirit," but in a note it was added that "in this town buildings are not raised, vessels built, launched or navigated, or highway taxes wrought, without ardent spirits. Their militia officers continue the custom of treating their soldiers, their mechanics are furnished with ardent spirits at eleven o'clock and four o'clock each day, if they wish it, and ardent spirits and wine is generally used at their social parties."

A report from the town of Falmouth said that "one of the churches admits none to its fellowship who drinks ardent spirits," and it is added that "so far as is known there is not a member of that church using liquor in any quantity." Comment is made that members of another church "still continue in the traffic of ardent spirits, and are doing much injury to the cause."

The report is filled with similar illustrations showing that at that time the use and sale of liquors was common, and that in every community conditions existed which rendered some of the more serious-minded men, uneasy; although conditions were common among the better class, which at this time would not only shock the community, but which would relegate the participants to social ostracism, and general disfavor.

A resume of the early attempts to govern the uses and abuses of ardent spirits, by legislative authority, will be treated in the next article of this series, and will pave the way for a more complete account of the prohibitory legislation of Maine.

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## LETTER II.

JAMES APPLETON.

AUGUSTA, Dec. 9.—(Special Correspondence)—In 1820 when Maine became a separate State she copied the Massachusetts liquor law, which was a license system. For the first decade of the existence of the new State the people were busy with many perplexing problems, and although, even in those early days, it was generally recognized that zintemperance was a wide spread evil, no active measures were taken to suppress it.

The first legislation on the subject of selling liquors after Maine became a

State was approved March 20, 1821, and was entitled, An Act For Regulation of Inn Holders and Common Victualers. It provided that no person could sell liquors at retail unless he was duly licensed. It was the duty of the selectmen, treasurer and clerk of towns to license for one year "as many persons of sober life and conversation and suitably qualified for the employment" as they deemed necessary. Each licensed person was to pay to the treasurer for the use of the town or plantation \$6 and to the clerk for his use, \$.25. The clerk, within one month, was obliged to return a list of all licenses to the clerk of the circuit court of common pleas. Inn holders were obliged to provide accommodations for travellers, and hay and grain for horses and cattle. Each person licensed was compelled to have a "board or sign affixed to his or her house, or some conspicuous place near the same, with his or her name at large thereon."

### Restrictions.

The licensed persons could not keep about their houses or premises, any cards, bowls, billiards, quoits, or any other implement, used in gaming. They could not suffer disturbances or riots, or excessive drinking. The selectmen were obliged to post in the public houses the names of common drunkards, common tipplers and common gamblers. The term of prohibition for sales to those people extended a year. The penalty for selling to any such persons was \$5. Any person who procured liquors for such persons was subject to fine of \$10.

An act was passed March 21 of this same year for "the relief of the poor." In this act it was provided that all monies accruing for licenses granted to inn holders, retailers and victualers, shall be paid into the respective town treasuries where such licenses are granted, for the benefit of the poor of said towns, and this was to take precedence of any other legislation relating to this particular point.

In 1830 some changes were made in the liquor laws, one being that those who sold liquors were forbidden to sell, give or furnish to any Indian rum, wine, or spirituous liquor of any kind under penalty of a fine of \$10 for each offense.

In 1833 an additional act was passed respecting innholders, retailers and victualers. It was made the duty of selectmen of towns, assessors of plantations, and the aldermen of the City of Portland to insert in their annual calls for town meeting, an article to see if the people would vote to authorize persons to sell rum, wine, and other spirituous liquors, to be drunk in their shops. The law provided "that if any person felt aggrieved because the officers refused to grant him a li-

cense, or revoked a license, that person could appeal to the County commissioners who could adjudicate upon that subject."

### Change in 1834.

In 1834 another change was made in the law so that a dealer, unless he was licensed as a retailer, could not sell a less amount than 28 gallons, and that was to be sold and carried away at one time. The law stipulated that the person who was thus licensed to retail liquors should be of "sober life and conversation, and of good moral character, and suitably qualified for the employment." Persons thus licensed were required to give a bond in the sum of \$300. Innholders were obliged to provide provisions and lodgings for travelers, and stable room, hay and provender for horses and cattle. Unless they did so, they were obliged to forfeit the penalty of their bond. Inn holders were prohibited from having gaming instruments, and gambling was forbidden in the public houses. For every such offense the innholder was fined \$10, and the persons convicted of playing were fined \$5 each. There was penalty for disorderly conduct and drunkenness.

Selectmen were required to furnish innholders with lists of all persons known to be of intemperate habits, and if the innholders sold liquors to such persons they forfeited their \$300.

It was also provided "that whenever any person shall by idleness or excessive drinking of spirituous liquors mis-spend, waste or lessen his estate so as to expose himself or his family to want or indigent circumstances or the town to which he belongs to a charge of expense for maintaining either himself or his family, or should indulge in the use of spirituous liquors so as greatly to injure his health or endanger the loss thereof, the selectmen or assessors should in writing forbid the licensed dealers to sell such person any liquors, for the space of one year." The law went even further than this, and made it the duty of the town officers to give notice to the same effect to the licensed dealers in other towns. If the person affected by such notice did not reform within the year, this notice was to be renewed. The person who should purchase liquor for these intemperate people subjected himself to a fine of \$10. Indians, if sick, could have liquors under the direction of a regular practicing physician. The dealers were forbidden to sell to non-commissioned officers and soldiers within five miles of any military post, or when they were on duty, unless they had a permit from the commanding officer.

In this same year, 1834, there was much active work done for temperance reform. This work had begun

the year previous and in 1834 there were 353 temperance societies in the State with a membership of 60,000. In 1835, 18,491 members were added, and of these a writer of the time says "nearly 800 had been drunkards." This moral reform was carried on irrespective of church lines, the leading citizens, whether church members or not, sharing equally the interest aroused. Great conventions to discuss the matter were held at the State capital, and at these, the question of the total prohibition of the traffic of liquor became more and more prominent.

The Legislature of 1837 was electrified by a report which was made by General James Appleton, chairman of the committee on license laws. It has been claimed for this report that it was the first official declaration of prohibitory principles. Even in these days, the document would be considered a remarkable one in many ways. It has been said of this report that General Appleton covered the ground so completely, presented his arguments so frankly, confidently and forcibly, that the document might go before a State Legislature today, as an exhaustive presentation of the whole question of prohibition.

Speaking of these pioneers in introducing the prohibitory law, in this Country, it might be asserted that James Oglethorpe, who in 1735 procured from the British Parliament an act prohibiting the importation of ardent spirits into his colony of Georgia, began the work. It might be argued that it found its inception in 1785, when Dr. Benjamin Rush of Philadelphia published a pamphlet under the title of *The Effect of Ardent Spirits on the Human Body and Mind*.

Gen. Joshua L. Chamberlain, in his centennial address of 1876, entitled *Maine; Her Place in History*, says:

"About the last act of the old Maine Province before she lost her name and fame in Massachusetts Bay, was the passage of a liquor law, in the following decided form: 'In the Court of Sessions, of the Peace for the Province, of Mayne, held at York, July 15, 1690, ordered—That from henceforth, there shall not be any rum, or other strong Liquor, or Flip, sold unto any Inhabitant of the Town, by any Ordinary Keeper therein, directly or indirectly, except in case of great necessity, as in case of sickness, etc.' This was at a time when there was no legal or authorized government in Maine, or even in Massachusetts; but we may cheerfully concede that the influence of the latter would favor this measure.

"This, however, is by no means the earliest instance of a liquor law in Maine. That honor belongs to Pemaquid. At a Session of Council, held under the authority of the Duke of

York, Sept. 11, 1677, was passed the following order, which is in very plain Saxon, and besides the singular merit of the suggestion, is a more radical principle for a temperance law than even that of the present day; namely, to quit drinking, carries a lesson of military as well as moral prudence: 'No Rum to be dranke on that side the Fort stands.'

"A noble watchword for the young soldier of society which stands for its defence.

"But be that as it may, the report of General Appleton compelled attention to this subject, not only in this State, but in other states, and can justly be claimed one of the strong instrumentalities which crystalized into the Prohibitory Law of Maine, as it now stands. The part taken in reform work by this remarkable man was of such importance that a few words about him cannot be out of place in this article.

### Gen. Appleton.

General James Appleton was born in 1786 at Ipswich, Mass. He was by nature a leader of men, and was always known for his interest and energy in public affairs. In politics he was a Federalist. In the war of 1812 he was colonel of a regiment; was one of the earliest advocates of the anti-slavery movement and was one of the pioneers in the work of temperance reform. He was a thinker and a writer of more than ordinary ability. His earliest advocacy of the suppression by law of the traffic in liquors was when he was a citizen of Massachusetts. In 1831 he was listening to a debate upon this subject, in the legislature of Massachusetts, of which he had formerly been a member. He began to write upon the topic, and was one of the authors of a petition designed for presentation to the Massachusetts legislature, in which it was argued that the sale of liquors should be entirely prohibited by law. In an argument he stated that the strong arm of the law should be used to shut the door against, instead of opening it to, intemperance. "It is," said he, "this strong arm of the law that has opened tipping shops, in every corner and village of the state; and we ask if this strong arm is raised at all, that it may be raised to save and not to destroy."

In later years General Appleton removed to Portland, and in 1836 he was elected a member of the Maine Legislature. The opportunity for which he had waited had come, and in this exhaustive report he presented the question of prohibition to the Legislature. This report of course was tabled, and it is not on record whether it even provoked any discus-



sion, although it is known that it caused a general excitement among the citizens of the State. Nine years later was passed an act which was really the beginning of prohibitory legislation, and in 1851 the "Maine Law" was passed and signed by the Governor. General Appleton lived to see the law enacted not only in Maine, but in other states. He returned to Massachusetts in 1853 and died at his birthplace, Ipswich, in 1882.

This remarkable report merits more than passing attention, and will be given in full in the next article of this series.

### LETTER III.

#### REMARKABLE TEMPERANCE DOCUMENT.

AUGUSTA, Dec. 30. (Special to the EXPRESS.)—With the growing interest in temperance reforms, the people again and again petitioned the Legislatures for changes in the license laws and to these petitions little or no attention was paid. The Legislature of 1837 received several of these petitions, aggregating 965 persons, signed severally, as follows: Edward Kent, and 486 others. Philip Morrill, and 37 others. John Frost and 30 others. Benjamin P. Cole and 16 others; Henry Darling, and 50 others; William Ramsdell and 22 others; Thomas Adams and 12 others; Joseph C. Lovejoy and 51 others; Charles Robbins and 9 others; Leonard Norcross and 10 others; Jeremiah Fowler and 22 others; George W. Hill and 97 others; John Howe, Jr., and 110 others.

These petitions were referred to a joint select committee, of which General James Appleton was the chairman and associated with him were David C. Magoun, Luther Severance, Josiah Staples, Tristram Redman, Daniel Clark, William D. Sewall, E. Holmes, Moses Higgins, Josiah Eaton and Eben Knowlton.

The committee, after consideration, rendered a report which, as before stated, caused a great excitement in the State, though receiving scant attention from the Legislature. The report no doubt was written entirely by General Appleton, and embodied the plan of action he had so long worked for, and advocated. It was a document, not only powerfully affecting the after conditions of the State, but reflecting great distinction on its writer and worthy of a careful perusal today. Perhaps no better resume of the desires and wishes of the temperance element has ever been presented a State Legislature. The document read as follows:

#### Appleton's Report.

A proposition materially to change a system which has for years been

incorporated with State legislation, and which is intimately connected with various important interests of the State, should receive more than common attention. Impressed with the importance of the subject submitted to them, the committee has endeavored to present as ample a view of the question as the time and means which they had at command would allow.

Laws granting license to sell ardent spirits have been enacted in every state in the Union; and so far as the committee know, they are at this time, under different forms, in operation in every state. The first license law of Massachusetts was passed in the year 1646, and although from that time until the present, they have been variously altered and changed, yet at this very time, the license laws of Maine are substantially what they were at first—they authorize the sale of ardent spirits for common use.

"This is the principle which gives them character. The manner of granting the license, or the form of the law, are circumstances of little or no moment.

"These laws, then, have been in active operation nearly two centuries, and this period seems sufficient for a full and fair trial; and what is the history of this experiment? When the law was first made, intemperance was of rare occurrence, and it was designed, as appears, to prevent rather than cure the evil. From that time until the temperance reformation, as it is sometimes called, we gradually but constantly increased the use of ardent spirits, and became more and more intemperate, until we were reproached by some foreign writers as a nation of drunkards. Although other causes no doubt, were in operation, yet there are many reasons for the opinion that those laws were the principal cause of the results.

"They make it lawful and reputable for the person who has license to sell it, and of course not improper nor dishonorable to purchase and use it. The law also, asserts the necessity and usefulness of ardent spirits and makes provision that the whole community be supplied; and, as if to give importance to the article, and respectability to the traffic, it provides that the vender shall be of sober life and conversation and of good moral character, and suitably qualified for the employment.

#### Tendency.

"We shall not question that it was the design of the license laws to regulate and restrict the sale of ardent spirits, and even to prevent its abuse; but our present enquiry is not into the design, but the actual tendency of the law. This we believe has been to promote intemperance, to give it being and to continue it, down to the present time. It first assumes that,

which the united testimony of physicians, and thousands of others have proved to be false, that alcohol is necessary for common use, and then makes provision that there shall be no deficiency, by making it the interest of a select few to keep it for sale. The mere circumstance whether few or many keep it for sale is unimportant, provided those who were licensed kept sufficient to supply the demand. It is the inevitable tendency of the shop and the bar room to decoy men from themselves, and their self control, and our whole experience under the license laws of the State has proved how hopeless it is that such plans should exist and men not become intemperate. If the poison was not freely offered, and offered for sale under the sanction of the law it could not, it would not be purchased.

"The best test of the utility of any law is experience, and by this rule the license law has been most satisfactorily tried; and there is no reason for supposing the amount of ardent spirits used has been less. but rather that the consumption was much greater in consequence of the law; for the law has given character and respectability to the traffic, and has done much to fix on the minds of the public the impression that rum is necessary, and that the public good required it.

"Go to the retailer and beseech him to empty his shop of the poison, and he will tell you it is regular, lawful business, that he is as much opposed to intemperance as you are, and that he always withholds the cup from the drunkard. You again appeal to his sympathy, and point him to the consequences of the traffic, on all who use the article. He again replies, that the law has determined that a certain number of retailers are necessary to the public good, that he has paid his fee and got his license in his pocket, and that he cannot be answerable for consequences; now it is very plain that the retailer is right unless the law is wrong. Repeal the present law, and prohibit the sale, and then every man who ventures to sell rum would be obliged to do it on his own responsibility, he could not plead the statute, nor throw off the reproach upon the state.

"It was seen many years since that no strictness of regulations could prevent abuse or violations of the laws, yet strange as it may appear, the Legislature did not at once repeal the traffic, but proceeded to cure the mischief by further regulations, under penalties most strict and severe. But these regulations only served to keep alive and augment the evil; and how could it have been otherwise? It is repugnant to the first perceptions of common sense to suppose that a man, who merely obtained a license could innocently sell strong water, the name

first given to rum in colony laws, and that another man could be justly liable to a whipping, which was ordered by one act, for selling it without a license. The same be observed of our present laws; they are absurd on the face of them. The people will never be satisfied that if the taverner may rightfully vend the article by the glass, to the ruin of his neighbor, it is criminal for the retailer to do the same.

"We, therefore, may consider it settled, that all attempts to discriminate between the licensed and the unlicensed vender as utterly futile and vain. And so long as it is considered right and proper to grant licenses, just so long intemperance will continue to fill our jails and poor houses and penitentiaries. It is not a thing indifferent in itself, whether the traffic be licensed or not, and that may be made right or wrong by legislative enactments of legislation. The trade, except for medicinal and manufacturing purposes, is morally and politically wrong; no law or legislation can change its essential character.

"Complaints are frequently made against our public officers, such as selectmen, etc., that they license too many, and among them many unsuitable persons, and it is only necessary to enforce the present laws. This complaint is unfounded. The blame attaches to the law and not to the public officer. We have no right to expect that selectmen, or other officers will be either wiser or better than the law. It is their duty to execute, and not to make or alter the law.

"In speaking of the license laws, however, we would by no means reflect improperly upon the character of those who established them. Our forefathers were men of the loftiest patriotism and the sternest moral virtue. They knew the evil and the sinfulness of intemperance, and these laws were designed to secure the people against both and had they also known that ardent spirits were entirely useless—that a license to vend them would entail on the community poverty and crime and every evil work—there are strong reasons for believing from what we know of their laws, in other analagous cases, that they would have prohibited the sale entirely.

"But they were mistaken in relation to the nature of alcohol; and assumed that it was useful and necessary, and under this mistake they undertook to regulate the traffic in the best way they could. With the present age the case is far otherwise. It is now ascertained, not only that the traffic is attended with most appalling evils to the community, but that ardent spirits are entirely useless—that it is an unmingled evil. This fact, and it is the basis of this report is certain. It is made out by the strictest scrutiny into the properties of alcohol, and by the

experience and observation of thousands in every situation in life, and under circumstances most favorable to an accurate judgment; and how any man, with the evidence before him which a few past years has supplied, can now question its truth, it is difficult to conceive. We are placed therefore, in relation to this subject in circumstances very different from those which existed when the laws were first made. We have some facts which those who made them did not have. And must the laws remain the same, notwithstanding we have ascertained that they are founded in error? Shall we not alter and frame them to correspond to fact?

"If it is found that the bar room and grog shop are subversive of the public good, may we not say so—shall we not shut them up—shall we not cover the fountain whose pestilential streams have spread through all this fair country, exhaling in their course disease and desolation, and death?

#### Objections to License.

"The objections to license laws are these—they assert or imply what is false in point of fact, viz:—That ardent spirit is useful and necessary. Second—That all laws are necessarily of injurious tendency which directly legalize any trade or business which is in itself destructive of the peace and virtue of society. Third—That the manner in which the traffic is regulated, is suited to give character and reputation to the trade, and of course to extend its evils far and wide. Fourth—These laws oppose an insuperable obstacle to the cause of temperance; so long as these laws exist, just so long intemperance will abound.

"Your committee is not only of opinion that the law giving the right to sell ardent spirits should be repealed, but that a law should be passed to prohibit the traffic in them; except so far as the arts or the practice of medicine may be concerned. The reasons for such law are as numerous as the evils of intemperance. Such a law is required for the same reason that we make a law to prevent the sale of unwholesome meats; or the law for the removal of any nuisance; or any other laws which have for their object to secure the good people of the joyment of their rights, and against joyment of their rights, and against any practice, that endangers the health and life of the citizen, or which threatens to subvert our civil rights and overthrow of our free government. We would prohibit the sale of ardent spirits, because intemperance can never be suppressed without such prohibition. There is no more reason for supposing that this evil can be restrained without law, than for supposing you can restrain theft or gambling or any other crime without law.

"And it seems obvious to remark— and it is presumed that no one will question the correctness of the position—that all legislation, touching this subject, should be of a character to favor and promote temperance and to suppress intemperance. That this was the design of the license laws is readily admitted; but we believe that it has been abundantly shown that this has not been either their effect or tendency. This indeed is so apparent, that it is a common remark that the license laws are the great obstacles to the progress of temperance. Now it appears equally certain that no legislation can have any tendency to prevent intemperance but that which directly prevents the sale. This will be a public expression by the Legislature, which cannot be mistaken and which cannot fail of exerting the most salutary influence upon the whole community.

"No object is more important than life and health; for the security of these, among other things, government is instituted. The laws of God as well as man hold human life sacred, it cannot be trifled with or jeopardized with impunity. What object is there more worthy of the Legislature, than laws to preserve the lives and health of the citizens? It is for this end we have health and quarantine laws which have the value and importance of the object, invest health officers with almost unlimited power; and this is right. Now when it is known, by the observation of all men, that the traffic in any article, entails, not only pauperism and crime on the community, but that in numerous cases it shortens human life and in many instances destroys it at once; it is difficult to escape the conclusion that the government should interpose and prohibit it altogether.

"The objection will doubtless be made, that if we had such a law it would not be enforced. Now admit the validity of this objection, and it proves the utter hopelessness of the case; for no one we presume will venture the supposition, that you can accomplish against law, that which you could not effect with it.

"It is sufficiently difficult to reform the manners and habits of a community, when the influence and the authority of the law can be brought to aid the object, but to do this against the law, and against the direct and powerful interest of a numerous class of men, created by the law, is scarcely possible.

"But your committee does not admit that such a law could not be enforced; although it is probable there would be many evasions of it. At a time when so many are interested in the subject of temperance, it is impossible that such a law should be generally disregarded. One important effect would be to render the traffic disre-

putable, as well as unlawful. No individual who has any respect for his character, would continue the practice. There are many respectable dealers, who are now desirous of excluding ardent spirits from their shops but who under the operation of the present laws, find it almost impracticable to do so; for by breaking off they would sacrifice no inconsiderable part of their business in other respects. This is known to be the fact by numerous trials.

#### Objection Not Well Founded.

"Why should the power to execute the law be questioned in this case more than any other? This is never suggested in respect to any other law that is thought needful for the public welfare; nor is the objection well founded. But suppose the law we have in view should be sometimes violated; this would be no sufficient objection to making it; for what law is there that men keep perfectly. But we are not left to conjecture on this point. We have a law to prevent gambling from the State; but it has had the effect to prevent or greatly restrain the evil. It is considered disgraceful to keep a gambling house and gamblers are unwilling to be known in this character; hence they seek the darkness of the night and secluded places for their purpose, and the community are generally thus saved from the pernicious influence of their example. Now suppose instead of this law prohibiting gambling we had a statute to regulate gambling by granting licenses to open gambling shops in every part of the State; and it would be much less demoralizing and not more unreasonable than the rum laws; what, your committee asks, would be the effect of such a law? can anyone doubt that gambling shops would be as common as retail shops now are? It is vain therefore, to object to a law that it cannot prevent the offence it prohibits. We have a law against theft, but have we no larcenies? Yet who would be secure in his property, without the law? So it is believed that a law to prevent the sale of ardent spirits, would have the most salutary influence. It would then be as disgraceful to keep a rum shop as a gambling shop. Besides, the mere existence of such a law would exert the most salutary influence on the public mind. It would of itself go to correct public opinion in regard to the necessity of ardent spirits; for it is not more true that the laws are an expression of public opinion than that they influence and determine public opinion.

"They are as truly the cause as effect of the popular will. It is of the nature of the law to mould the public mind to its requirements and to fasten upon all an abiding impression of its value and necessity.

"It may be objected that we have already tried in numerous cases to stay the progress of intemperance by enforcing the law, but that it is found by long experience to be wholly ineffectual. This objection arises from a strange misapprehension of our license laws. The fact, we reply, is not true. We have no law against selling rum—we never had a law the most perfect observance of which would have secured this community against intemperance. All our laws, as before observed, authorize the sale and use of the article. The difficulty is not that the law has not been enforced; but it is, that when executed it has no tendency to prevent the evil. And we do not complain of the present laws merely that they are imperfect, but that they are radically bad—that they are founded on principles totally deceptive and false. The present laws are sufficiently strict and severe, not however, against selling rum, but only against unlicensed vendors. They proceed upon the supposition that if men and their families are ruined by the retail shops—if our prisons were filled with felons, and our poorhouses with paupers. It is no great matter if only it be done according to law.

"The truth is the license laws do not, even as a rule of action, prescribe temperance. In this particular they are an anomaly. All good and wholesome laws prescribe at least what is right and forbid what is wrong. They raise the standard high and caution and warn and forbid; and all who observe them are secure; if their penalty fall on any, it is through their own folly in disregarding the law. Not so with the rum laws, in their spirit and letter, whether executed or not executed, whether obeyed or disobeyed, their only effect is to destroy. The path they mark out is not the path of truth and safety, or virtue and happiness; but it is the highway of deception and anger and tears and wretchedness and blood—it is covered in its whole extent, by the mangled and dying, and with the carcasses of dead men—it leads to ruin and its steps take hold on the grave.

"It may also be objected that the Legislature has no constitutional right to enact a Prohibitory Law—that it would be oppressive and an encroachment on the rights of the citizens.

#### Question of Restraint.

"The history of our State Government is but the history of measures and expedients, having for their object the security and happiness of the whole people. But no law can be enacted for their objects, which does not in some form or other operate as a restraint upon every man in society. We will take only one example. The law of the road is perfectly arbitrary, for there is no reason in the case itself, why a traveler when he meets an-

other should turn to the right rather than to the left; yet who denies either the constitutionality or utility of the law? And there are many other statutes which operate to restrain the citizens in certain actions, which in themselves are not necessarily wrong, but which, unrestrained, might prove detrimental to the interests of the State at large.

"But it is too late to deny the right of the Legislature on this subject. It has already in numerous cases legislated on the sale of ardent spirits and their acts have received the sanction of the highest judicial authorities. What are the present laws but a prohibition of the traffic to all who do not at first obtain a license? It is only necessary to extend the prohibition to every citizen and the whole object is obtained. And it appears evident to the committee that if we have any law on the subject, it should be absolutely prohibitory. The trade is a public evil or it is not; if it is it is the right and duty of the Legislature to stay it at once, if it is not an evil, it should be equally free to all.

"But the trade in ardent spirits is a public business carried on in the market places; and if it is found by experience that this business is necessarily ruinous to individuals, and a great public nuisance, there can be no question, that it clearly comes within the right of the Legislature to suppress it. We would not prohibit the sale of ardent spirits, because it is inconsistent with our rights and moral obligations—although this is doubtless the fact—but because the traffic is inconsistent with our obligations as citizens of the State, and subversive of our social rights and civil institutions.

"But we have yet to learn what authority it is, that would be violated by an act to prohibit the sale of ardent spirits, not surely the State Constitution, for that has no provision that can be so construed as to limit the Legislature in this matter. Not the Federal Constitution; unless it is supposed the power to collect a revenue is of this character. But what if Congress, under this provision of the Federal Constitution, does authorize the importation of rum or brandy into the State of Maine, and the collection of a duty on the same? How is this inconsistent with the right of the State to prohibit its sale here? The merchant is not obliged to import the article, and if he does, he must take the chance of being able to vend it. Indeed, it would be a most extraordinary fact, if in the grants made to the Congress of the United States, the people of the several states had not reserved sufficient power to provide for their own internal quiet and security;—not sufficient to regulate or prohibit any traffic which might de-

stroy the peace and endanger the lives of the citizens. But it is not necessary to pursue the enquiry, since the measures proposed by your committee, are not justly liable to this objection.

"If it is again objected that there is something stronger and more to be depended on than human law; even the spread of just sentiments and upright principles; it may be replied that this is more specious than sound. For suppose it is true, what does it avail in the present case? The question is not the value of just sentiment and upright principles, nor their efficiency in controlling the actions of those who possess these virtues; but it is how men are to be controlled in the absence of these principles? Upon what else can we safely depend but the law, to restrain the vicious and unprincipled? But the objection before us proves too much, it proves that we should depend in all other cases upon just sentiments and upright principles. Theft and robbery should be restrained in the same way; and society should be left to the enlightened consciences of its members for security against injuries of every kind.

"Another objects that we must trust to public opinion to restrain the traffic. But this is equally visionary with the other. For public opinion is doubtless now fixed against highway robbery, but repeal the law against this crime, and how long could a man travel and be safe? The truth is, laws must be framed for men as they are; and so long as they are creatures of passion and appetite, you never will effectually succeed in restraining the perverse and selfish, except by superadding to the dictates of reason, the sanctions and authority of law.

"The question of an essential alteration in the license laws, has been canvassed for several years by the people of the State; and petitions to this effect have been again and again preferred to the Legislature; and your committee is of the opinion that the time has arrived when it is proper to act upon the subject; it, therefore, offers the annexed bill.

"All which is respectfully submitted."

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## LETTER IV.

### OFFICIAL PLEDGE SIGNERS.

AUGUSTA, Dec. 31.—(Special correspondence)—The bill presented by General James Appleton to the legislature of 1837, accompanying a report from the committee on license laws of which he was chairman, was entitled "An Act to Regulate the Sale of Brandy, Rum and any Strong Spirits." It was in substance to the effect that

no person should be allowed to sell less than 28 gallons of liquors, and that these should be delivered and carried away at one time." An exception was made for physicians and apothecaries, who might sell for medicinal and manufacturing purposes only. The penalty in each offense was \$20, and if the seller refused to pay, "he was liable to be imprisoned 30 days."

The bill did not pass the legislature; but the seed thus sown by General Appleton was destined to bear fruit, in later years.

Interest steadily grew in this reform however, and the following year 220 petitions, representing 1,700 petitioners, prayed for an alteration in the license laws, and these were referred to a committee. They reported a bill which repealed all previous legislation. It was entitled, "An Act to Suppress the Sale of Ardent Spirits for Common Use and was preceded by the following preamble:

"Whereas, Intemperance is a great social public evil, and Whereas, It is the direct effect of any law which authorizes or grants a license to sell ardent spirits for common use, to augment and perpetuate this evil, and, Whereas, The business of vending ardent spirits for common use, is subversive of good order and the public peace, Therefore be it enacted, etc.

The bill was reported provided that no one should be permitted to sell any ardent spirits to be used as a common beverage; the penalty was a fine of \$10 for each and every offense; and it was also provided that any person who should sell or furnish to any other person any kind of liquor by which he should become intoxicated, the seller should pay a fine not exceeding \$20.

The last section provided that the bill should be submitted to a vote of the people, the first Monday of the following November. The act failed of passage. It will be noticed, however, that this proposed legislation was more sweeping than any which had preceded it, and had a larger formal endorsement. The people, evidently were more generally becoming convinced that something radical and effective must be done, in the way of legislation.

Legislative bodies are prone to follow the demands of the people, in making laws, rather than to anticipate them. So in this case, they did not readily adopt the suggestions of the petitioners. This Legislature, however, did enact a piece of legislation which had a strong bearing upon the temperance question, although, coming properly under the head of divorce laws. They passed the following act:

"That divorces shall be decreed, in case either of the parties shall become a common drunkard; and shall so continue for the space of three years, thereby incapacitating him, or herself from making suitable provision for, or

taking proper care of his or her family."

### Hon. Nelson Dingley, Jr.

All efforts of the people of that time to change the legislation concerning liquor selling, were justified by the conditions. Hon. Nelson Dingley, Jr., noted as one of the most conservative and careful writers, in sketching the history of these times said "In 1830, 13 distilleries in the State manufactured 1,000,000 gallons of rum (2 gallons to each inhabitant). Besides this there were consumed 300,000 gallons imported and in addition a large amount of cider and other fermented liquors were used. In 1833 there were 500 taverns, all but 40 of them having open bars. In 1830 every store sold liquor as freely as they sold molasses. In 1832 with a population of only 450,000, there were 2,000 places where intoxicating liquors were sold, one grog shop to every 225 of the population. Their sales amounted to \$10,000,000 annually, or \$20 to each inhabitant."

These facts and figures must have impressed themselves upon the minds of the foremost men of the State, for in the year 1842, members of the executive and legislative branches of the Government, during the sessions of the Legislature, drew up and signed the following temperance pledge, which is now carefully preserved in the archives of the State library, at this city. It was embodied in a leather bound book, devoted solely to this matter, and though now showing signs of age, must have been at the time, an expensive and impressive volume. The pledge read:

### Signed the Pledge.

We, the undersigned, members of the executive and legislative departments of the Government, hereby pledge ourselves to, and with each other, to total abstinence from the use of all intoxicating liquors as a beverage.

John Burnham, Gowen Wilson, Jonas Paulin, Dominicus Jordan, John Stickney, Atwood Levanseler, Alpea Reddington, L. Bradley, William M. Langley, P. C. Johnson, Phillip Eastman, H. Barnard, R. H. Bridgham, Virgie D. Parris, Meshach Humphrey, Thomas C. Lane, Silas Barnard, Merrill Clough, Joel Scott, D. Farnsworth, Timothy F. Hanscom, William Ayers, Thomas S. Pollen, Jacob Some, N. O. Otis, Smith Fairfield, Joseph Brown, W. R. Frye, Charles Anders, Turner, Grover Parkins, Jr., Hallowell; Jesse Smart (Col.), Troy; William T. Johnson, Augusta; John H. Loring, Guilford; Ebenezer Otis, St. George; John C. Knowlton, Liberty; William Huff, Jr., Kennebunkport; Parker Tuck, Sedgwick; Nathaniel G. Dunning, Freeport; A. D. Atwood, Orrington, H. C. Babb, Westbrook; B. D. Eastman, Wesley; Joseph Miller, Lincolnville; Nathaniel

Page, Pembroke; Ebenezer Drake, Paris; Ebenezer B. Pike, Litchfield; Isaac Poole, Edgecomb; John E. Baxter, Wilton; Leroy H. Foss, Hancock; Sprout Hapgood, Waterford; William Perkins, Bracksville; Benjamin Gray, Penobscot; J. S. Moon, Ellsworth; Jeremiah Mitchell, North Yarmouth; Benjamin Heald, Sumner; S. L. Waterhouse, Scarborough; Jason Fuller, Boothbay; John F. Mereen, Phippsburg; Leonard Haskell, Steuben; John Carr, Bowdoin; John R. Nutting, Danville; Louis Pitchen, Belmont; John Arnold, Jr., Augusta; James Pope, Machias; Benjamin Tucker, Jr., Norway; James Frost, Livingston; William Thomas, Vinalhaven; Amos Allen, Blue Hill; George Theobald, Dresden; Joshua S. Turner, Leeds; Benjamin B. Meader, Brunswick; H. Greenlow, Bristol; Philip S. Lowell, Abbott; Nathan Pattangall, Perry; M. O. Lee, Bucksport; John Hill, Waterborough; Joseph Crooken, Foxcroft; Washington McIntyre, Bingham; George Whitney, Pittsfield; James Jaynes, Dixmont; Abel M. Bryant, Kennebunk; David Dunn, Poland; Benjamin White, Montville; Samuel B. Morison, Livermore; Henry T. Knowles, Corinna; M. F. Hogsdon, New Portland; Matheas Ullran, Appleton; Rufus G. Kellock, No. 11, Range 5, Arcostook; Peter F. Sanborn, Readfield; Francis Purington, Falmouth; Henry Merritt, Brunswick; Algernon S. Austin, Newcastle; Nehemiah Abbott, Belfast; Oliver Dow, Buxton; Joshua Young, Wiscasset; Henry Partridge, Orland; Thomas J. Cox; Pittsfield; Obed Durrell, Vassalboro; John Fisher, Gouldsborough; John Hight, Athens; Charles 5. Bartlett, Berwick; Jesse Stevens, Sebec; John Hight, Athens; Charles E. Bartlett, Berwick; Jesse Stevens, Sebec; Henry Pennell, Gray; Philip Norris, Whitefield; Asa B. Bates, Fairfield; Joseph Raines, New Gloucester; Hiram Chapman, Nobleborough; George W. Barrows, Otisfield; Abner H. Wade, Woolwich; Moses Page, Belgrade; Isaac Merrill, Hollis; Joseph Maddox, Herman; Temple Tebbets, Lewiston; James Nichols, Whiting; Jeremiah Parker, Gorham; Moses Hanscom, Waterville; Gideon Forel, Jefferson; Aaron Hincley, Topsham; Isaac Allard, Frankfort; Samuel Hanscom, China; Samuel G. Bailey, Pittston; Mark Merrill, Madison; Joseph Neally, Monroe; John T. Newt, Lincoln; Frances Caldwell, Anson; Abel Heywood, Mercer; H. C. Barnes, Portland; H. W. Farrar, Windsor; James Wyman, Lubec; Charles Reynolds, Garland; Asa Smiley, Sidney; Joseph Warren, Durham; Joseph Dickerson, Prospect; Nathaniel Chamberlain, Lebanon; George P. Sewall, Oldtown; Moses L. McDonald, Limerick; Cyrus Goss, Bangor; Joseph Waterhouse, Cumberland; Moses Dodge, Sedgwick; Merrill Lamb, Greene;

Theodore Stinerony, Gray; Joseph Carlton, Sangerville.

1843—Benjamin Fales, Thomaston; Jeremiah Mitchell, North Yarmouth; Aca Smith, Mattawamkeag; Thomas Pray, Detroit; William Bragg, Turner; William O. Grant, Litchfield; John I. Perry, Oxford; Henry B. Hart, Portland; Nathaniel Emery, Waterborough; Benjamin H. Thomas, Newburg; James C. Madigan, Newcastle; Thomas White, Whitefield; Charles Morse, Wilton; Simeon Bailey, Durham; James Crockett, Vinalhaven; Joseph Baker, Jr., Orrington; Henry Perkins, Windsor; Godein Perkins, Lewiston; Jeddiah Goodwin, South Berwick; Thomas Bunker, Cranberry Isle; Abner Brown, Monson; William Brown, Machias; Nathaniel W. Gould, Embden; John Clements, Monroe; Ivory Bragdon, Shapleigh; Adam Clark, Strong; C. A. Russ, China; Sturgis Nye, Fairfield; Isaac Fairfield, Vanceborough; John Hewett, Farmington; I. F. Jordan, Passadumkeag; George W. Perkins, Jr., Hallowell; Solomon Brooks, York; Henry Davidson, Wales; James McLellan, Jr., Newfield; Amos B. Simpson, Sullivan; James H. Haines, Burnham; Asa C. Emery, Montville; Philip M. Garcelon, Webster; Nathan Knight, Lincolnville; Isaac S. Dailey, Livermore; James O. L. Foster, Lewiston, assistant secretary to Senate; Jabez T. Pike, Eastport; Samuel Woodson, Winthrop. (Whig); Frederick A. Wood Lebanon. (Loco.); Alpheus S. Holding, Casco; Byron W. Darling, Blue Hill; Leonard Stoddard, Dover; Randall Jones, Jefferson; John Bridges, Corbin; Samuel Merrill, Biddeford; Sam. Coburn, Parkman; Alfred Soule, Freeport; Jesse Paige, Camden.

## LETTER V.

### MAINE'S FIRST PROHIBITORY LAW.

AUGUSTA, Jan. 1.—(Special correspondence.)—It has been claimed that the law of 1851 was Maine's first Prohibitory Law. But as a matter of strict historical accuracy, the Legislature of 1846 passed a law in the prohibitory form, but without the "search and seizure" classes.

This sweeping change was a distinct advance over all previous legislation regarding liquors. It was designed not to regulate, but to restrict and was entitled, An Act To Restrict the Sale of Intoxicating Liquors. Under this law no person could sell unless licensed, and, if licensed, only for medicinal and mechanical purposes. The law, however, did not apply to wine or spirituous liquors which were imported into the United States from any foreign port, if they were sold in quantities not less than 28 gallons, and carried away at one time.

The penalty for selling without a

license was not less than \$1, nor more than \$20. If a person was once convicted, and upon complaint he was convicted for a second offense, he was to be punished by a fine of not less than \$5, nor more than \$20, and was obliged to give a bond in the sum of not less than \$50, that he would not, during the next six months, again violate the provisions of the act.

The selectmen, clerk and treasurer of every town, were made a licensing board, and they could license under such rules and regulations as they deemed necessary one person "of good moral character" for every town having less than 1,000 inhabitants, two for every town having over one and less than three thousand, and not less than three nor more than five for every town having more than three thousand inhabitants, to be sellers of wine, brandy, rum, or other strong liquors, to be used for medicinal and mechanical purposes, and no other. The persons licensed were obliged to give a bond in the sum of \$600, with two sureties. The person licensed could not sell to drunkards, persons non compos, or any Indian, unless in a case of sickness, under direction of a regular practicing physician.

This act was signed by Gov. John W. Dana, a Democrat, who that year had been elected over David Bronson, Whig, and Samuel Fessenden, Liberty. Judge Woodbury Davis of the Supreme Court in writing of this law, said:

"The Maine Law, in its prohibitory form, but without the search and seizure clauses, was first enacted in this State in 1846. This first law was extensively enforced; and it prepared the way for the law of 1851. Before that time, the old Temperance reform and the Washingtonian movement, had each successfully reached its climax, and, notwithstanding all the good which was done in reforming the habits of the people, there were still large numbers accustomed to use intoxicating liquors; and there was really no legal restraint upon the sale. It was permitted in almost every town; nearly every tavern, in country and in city, had its bar; and at almost every village and corner was a grogshop; and, in most places of that kind, more than one, where old men and young spent their earnings in dissipation, men helplessly drunk in the streets, and by the wayside, were a common sight; and at elections, at military trainings and musters, and at other public gatherings, there were scenes of debauchery and riot enough to make one ashamed of his race."

The effect of the enactment of this law of 1846 was that the traffic in liquors disappeared in many sections of the State. This was especially true in the rural districts, although those engaged in the business generally expected that the laws would be en-

forced and moderated their sales, accordingly.

### Absolute Prohibition.

The first petition which called for the absolute prohibition of the sale of intoxicating liquors, so far as there is any record to be found, was presented to the Legislature of this year of 1846. It was signed by Lydia Merrill and James Merrill, dated at Whitefield, Lincoln County, June 15, 1846. It read as follows, and is here presented as forming a part of the Prohibitory Law history:

To the Honorable Senate and House of Representatives in the State of Maine in Legislature assembled:

To you, gentlemen, next to Divine Providence, we should look for protection and safety. Inasmuch as you have been appointed to legislate for the benefit and welfare of the State of Maine, which, we think, includes the whole population; and, among these, one-half we suppose are females, and a majority of the whole population may reasonably be supposed to be children. Now, gentlemen, we pray you to interpose your influence in behalf of the whole population and more especially on account of those not directly represented in your honorable body, viz.: Women and children, and save us from the destructive influence of intemperance. Did you but realize the grief, fear and torment that await many families in the State on the arrival of a husband or father intoxicated, we think you would listen to this, our earnest prayer to you for relief. We know there are a vast number of mothers within this State who have no hope but in the reformation of their deluded husbands. Those poor mothers are cast down too low to petition, or even hope for relief; they are too broken hearted to think of better days; they have not the wherewith to clothe themselves; their children are half starved and half naked; they cannot send them to school to meeting or to any other place of mental improvement. Their lot is a hard one indeed. We will not pretend to describe the various steps that brought them down, but rum was the "Alpha" and will be the "Omega" of their misery, unless the powerful arm of government interpose in their behalf. Gentlemen, you all know of some cases of the kind which cannot be exaggerated by a description on paper. O! how it pains the heart of a mother to know that the whom she has ever looked to for protection and support is senseless and prostrate in the gutter, or a raving maniac in a grog shop; and how our destinies are linked together; all of us have relations or acquaintances more or less involved in the general ruin that threatens to prostrate the best energies of the State, and utterly to anni-



hilate thousands of families and their descendants for all time to come—all of whom might be saved; and you, gentlemen, might save them! We therefore pray you to abolish the sale and use of ardent spirits in this State by your votes! and make it a penal transgression to sell or use it as a beverage. The absolute necessity of industry, frugality and economy in this cold Country calls loudly for reformation. The present policy of the Nation by which we shall doubtless be frequently involved in war with other nations, admonishes us, as a State, to abandon the use of that maddening stimulant.

Maine, like all other countries, will be wealthy and respected if she is temperate; if not, whole families of Maine folks may be seen ere long traveling in misery in a foreign land, as the Canadian is found here. Gentlemen, are you not interested, either personally or relatively, in this reform? Will 50 years pass by and no poor, ragged, worthless inebriate stammer out his anathema on his ancestors by saying, "My father was a senator in '46," or, "my uncle was a representative," or, "My grandfather was a Governor?" We beseech you again in behalf of all living—and further in behalf of your children yet unborn—to stamp an indelible annihilation on the infernal trade. Let this "first summer session" crown themselves with unfading laurels; let the songs of all future time chant a requiem to their memory when they are blessed in heaven; let them forever enjoy the highest seat in the pantheon of eternal repose. Then grant our prayer. O! give the daughters of this State kind and sober husbands; give them dutiful and temperate sons, and fill their hearts with joy, and the blessings of millions of maids and mothers will pour upon you like a golden shower, and the "first summer session" be a lullaby of their cradle through all time to come.

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## LETTER VI.

### UNDER REAL PROHIBITION. GEN. NEAL DOW.

AUGUSTA, Jan. 2. (Special Correspondence.)—When in 1847 temperance reform had so far been endorsed by the people that the members of the Executive Department and the State Legislature were willing to affix their signatures to a document pledging total abstinence, the temperance workers felt assured that the war was soon to be opened for the accomplishment of their plans.

It was now evident that a majority of the people of the State favored more drastic legislation against liquor and each year more members of the Legislature were elected because it

was known that they were favorable to the passage of laws which should not only regulate, but rigidly restrict, the sale of all intoxicating liquors. This was, no doubt, accelerated by a great convention held in Augusta in 1847. Governor Dana was the chairman and Rev. Dr. Dright, one of the ablest divines of the day, read a very strong and powerful argument favorable to prohibition. This meeting was attended by people from all over the State, and was discussed not only through New England, but its story was spread through the Country.

By an act of the Legislature of 1849, the word "intoxicating" was first placed in the statute. An act was passed to the effect that the words "or intoxicating" should be inserted in the section restricting those who sold liquors, so that it should read "no person shall be allowed at any time, to sell by himself or his clerk, rum or other spirituous or intoxicating liquors, or any liquors a part of which is spirituous or intoxicating, except as hereinafter provided." This was done because the words "spirituous liquors" and "ardent spirits," which had formerly been used, were not considered sufficiently definite to include fermented and brewed, as well as distilled liquors.

#### Act of 1849.

In 1849, the following act was passed: "If any person not being duly licensed therefor shall sell or expose for sale, during the continuance of any cattle show or fair, and within two miles thereof, any intoxicating drinks, and shall upon complaint be convicted of such offense, before any justice of the peace, he shall be punished by imprisonment in the county jail, not exceeding 10 days."

During the closing hours of the Legislature of 1850 a bill was passed which provided "that any justice of the peace, on complaint made to him, in writing, under oath, by three persons, that they have reason to believe, and do believe, that intoxicating liquors are sold in violation of law, designating the persons and places, may issue his warrant to any officer, empowered by law to serve the same, commanding him to search the places designated, for such liquors, and the apparatus of selling, and other evidences of a violation of the laws, in relation to intoxicating liquors."

This act was vetoed by Governor Dana. In his message to the Legislature he stated that he objected to "the whole system of legislation of which this bill forms a part, because, not being enforceable, it cultivates a general disrespect and disregard of law; because it weakens the moral sense of the community by inducing one class to wink at the suppression of truth, to encourage falsehood and

even perpetrate perjury, for the purpose of evading its penalties, while it induces another class to defraud, deceive, and hold out false pretences that its penalties may be imposed; and, finally, because, while it does all this, avowedly for the suppression of intemperance, it, in fact, increases it by giving force and energy to man's natural inclination to indulge his cupidity or his appetite, in selling or drinking, without imposing any effective restraint."

It is very suggestive of the public sentiment of that time that Governor Dana in this message, said: "Immediately on the announcement that I had withheld my signature from the bill, petitions signed by more than 3,000 persons were presented to me, urging its approval."

It is an interesting fact that under the same date that Governor Dana returned this veto he also sent to the Legislature a veto of an act which provided that "on minor under the age of 16 years shall be employed in any labor for any manufacturing or other corporations, for more than 10 hours in a day; and if any manufacturer or agent or other officer of any corporation shall employ such minor in violation of the provisions of this section, he or they shall be punished by a fine not exceeding \$100."

A Prohibitory Law to suppress the sale and manufacture of intoxicating liquors was now a favorite topic for discussion, at mass meetings, from the pulpit, and through the press. In 1851 what has been popularly known as the first Prohibitory Law was enacted, under the title of "An Act for the Suppression of Drinking Houses, and Tippling Shops." This act provided that the selectmen of towns and the mayor and aldermen of cities on the first Monday of May, annually, should appoint some suitable person as an agent to sell at some central and convenient place spirits, wines, or other intoxicating liquors, to be used for medicinal and mechanical purposes, and for no other." The agent was to receive such compensation as the board decided, and conform to such rules and regulations as the board prescribed. He was to hold his office for one year, unless removed by the board, as he could be at any time, at pleasure of the board. Here was the inception, no doubt, of the liquor agency system.

A person who was convicted for the third time for violation of this law was obliged to pay a fine of \$20 and costs, and be imprisoned not less than three, nor more than six months. No person who was engaged in the unlawful selling of liquor was competent to sit upon a jury on any case arising under the act. When three persons made complaint justices and judges of

the Municipal and the Police Court, should issue warrants for the search for liquors; in the case of a dwelling house, one of the three witnesses was obliged to testify to some act of sale of intoxicating liquors within at least one month of the time of making the sale.

The law provided that all payments or compensations for liquors sold in violation of law should be held to have been received in violation of law and to be null and void. No action was maintainable in any court in the State for the recovery or possession of intoxicating liquors, or the value thereof." This act being more radical than any before, was discussed at great length by the Legislature, and in the press, and by the people. The moral forces of the State were strongly in favor of the bill. Every possible objection was brought to bear, in the arguments employed by the opponents. The fight was a bitter one.

It is not to be supposed that those who were financially interested in the sale of liquors would consent to the passage of this act without fighting it to the last ditch. Then, as now, cupidity and profit entered largely into the acts of interested parties. Some of the members of the Legislature undoubtedly voted for the bill, believing and hoping that Governor Hubbard would veto it. They could thus be able to secure the approbation of constituents who favored the measure, and their own real desires would be accomplished by the killing of the act by executive authority.

#### Became a Law.

Under a Democratic administration the bill became a law. The vote in the house was 86 in favor, and 40 against, and in the Senate 18 voted for the bill, and 10 were opposed. Those who expected that Governor Hubbard would veto the bill knew little of his character. He took the logical position that the people of the State demanded this legislation, and that he would sign the act, which he did, on June 2, 1851.

The bill containing this law was drafted by Gen. Neal Dow of Portland. Incorporated in the bill were the search and seizure enactments, which were not a part of the law of 1846. Gen. Dow had for a number of years been interested in temperance work. His first public identification with the reform was in connection with the Maine Temperance Union. He first advocated the prohibitory principle in 1839, when he made an address before the Board of Aldermen in Portland, arguing that the question of license, or no license, in that City, should be referred to a vote of the people.

The result of this new law, and its probable workings were anxiously awaited by the people, who had so per-

sistently worked to obtain it. It was not long in coming. A confiscation was made at Bangor, by order of the mayor, and on July 14, the city marshal destroyed 10 casks of liquor, in the presence of a large crowd of people. Shortly after this, Gen. Dow, who was Mayor of Portland, issued a search warrant, and personally directed the taking of \$2,000 worth of liquors, which were openly destroyed, and a writer of the time says, "witnessed in respectful silence by a large concourse of people." The new law was an actuality, and began to make itself felt more intensely from that day.

From that time until his death, General Neal Dow was an earnest, bold advocate of the principle of prohibition, and he was recognized as the actual author of the Maine Prohibitory Law, and became known, not only throughout this Country, but throughout civilized Europe, as the foremost temperance worker of his time. The Maine law was insolubly linked to the name of Neal Dow, and where one is spoken of, the other is discussed.

## LETTER VII.

### HISTORICAL VICTORY FOR TEMPERANCE.

AUGUSTA, Jan. 4.—(Special Correspondence.)—As has been already seen, the decided position taken by General James Appleton, and his memorial to the Legislature in 1837, had paved the way for prohibitory legislation.

It is fair to assume that a majority of the voters of the State had come to the conclusion that the time was past for attempted regulation of the liquor traffic, and that the only effective course must be its entire prohibition. The position of these men was well expressed by one of their number in 1852 who in a public address stated the opinion of the advocates of prohibition as follows:

"Because society has a right to protect itself from one of the greatest—if not the very greatest—evils ever inflicted upon humanity; because society should not protect such an evil by acts of legislation, or make that legal which good men are seeking to remove it by moral means; because society should not attempt to regulate but should seek to remove it; because society has a right to make use of all proper means to prevent or remove an evil, and, because, if necessary, in doing this, it has a right to render property embarked in a particular business worthless, or to destroy it. On these broad principles I advocate the propriety of endeavoring to obtain the passage of such laws as shall effectually prohibit, under proper and effective penalties, this whole traffic. I start no metaphysical and abstract questions about its being a sin per se

to drink wine, or brandy, or any other intoxicating drink. I look at the broad fact of the evil in the land and say that an evil so great, ought to be restrained. That the principles of legislation applied to other subjects ought to be applied to this; and that there is no conceivable evil that would be protected, patronized, shielded, regulated, as this is in a civilized and Christian land."

Among those who worked and made sacrifices for the cause of prohibition in these early days no one was more prominent or more influential than General Neal Dow. As early as 1830 he advocated prohibition before the Portland Board of Aldermen. Through his efforts the question of license or no license was submitted to a vote of the citizens of Portland. In a total vote of 1,163 "no license" was defeated by a majority of only 35. In 1843 General Dow again brought this question before the citizens of Portland and the authorities of that City refused to grant any more licenses to sell intoxicating liquors. The change of sentiment upon this question was shown in the simple statement that from a minority of 35 in 1839 on this question the vote changed to a majority of 440 at a vote taken in 1843, four years later.

At his own expense in 1843, Gen. Dow circulated petitions to the Legislature asking "That the traffic of intoxicating drinks might be held and adjudged as an infamous crime." In February, 1844, there was a large meeting before the committee of the Legislature and General Dow advocated the principles of his bill. The House reported a bill favorable to the views advanced by General Dow but the Senate failed to pass it.

In the Fall of the same year, 1844, General Dow again appeared before a committee at Augusta, but he met with no better success. During that year, in 1845, and in 1846, the friends of prohibition did a vast amount of work in all parts of the State. At the session of the Legislature held in July 1846, General Dow again appeared before the legislative committee and in favor of his plan presented one petition which was 59 feet long, and had upon it 3,800 names, most of these having been obtained by the personal work of General Dow. This petition was suspended on either side of the speaker's chair. Other petitions were presented so that the total number of signers in favor of prohibition at that time was over 40,000. The bill abolishing the license system was presented, and passed the House by a vote of 81 to 42, and the Senate by a vote of 23 to 5.

#### Attempt To Have Law Repealed.

The effect of the legislation of 1846 was at once evident, although the penalties were so light that they did

not produce as strong an impression as was hoped for. In 1847 the liquor dealers endeavored to have the law repealed and obtained petitions containing 7,000 names. Friends of prohibition had many remonstrances. A committee meeting was held in Augusta before a great audience. General Dow made a speech which a writer of that time described as "one of burning irony, withering rebuke and caustic satire." The committee reported a bill for repealing the law. It was refused a second reading in the House and never reached the Senate.

In 1849 a more stringent bill was presented, which passed both branches of the Legislature, but was vetoed by Governor Dana, and it is said that this act upon his part rendered him so unpopular that it ended his political career.

With a bill drafted by his own hand, General Dow appeared before the Legislature in 1850, and this bill was afterwards known as The Maine Law. The bill without any alteration was adopted by the House. There was a tie in the Senate, and the bill failed to become a law.

For the sixth time, in May, 1851, General Dow addressed the Legislature upon the subject of prohibition. This matter had been discussed in such a way through the State that it was the issue upon which the election had turned, and all that was now needed was the action of the Legislature to give authority to the will of the people. The bill was violently and bitterly opposed. Senator Cary was the only man in the Senate who spoke against the measure. He said:

"Why should the Lord Mayor of Portland come down here with his rum bill, all cut and dried, for this Legislature to enact into law? If this bill passes, he expects to be the greatest toad in the puddle. This mandate, this ukase, was cut and dried for the adoption of the legislation, by the Mayor of Portland, who was before the license committee pricking them up to report in its favor, and is he to be allowed to dictate to a Democratic Legislature what enactment it shall pass, or what policy it shall pursue, on this question?"

The House quickly passed the bill by a vote of 86 to 40. The Senate, without offering a single amendment or making an alteration, voted in its favor by a vote of 18 to 10. Governor Hubbard signed the bill June 2. From the time the bill had been taken up in the Legislature until it was enacted into a law, only three days had elapsed.

An address to the citizens of Portland in September of that year declared that there were no liquors then

openly sold in that City, and that there were but few places where they were secretly sold. Friends of the law claimed that its enforcement had saved the people of Maine four million dollars annually.

## LETTER VIII.

### GOVERNOR JOHN HUBBARD.

AUGUSTA, Jan. 5.—(Special correspondence.)—In this article it is proper to speak more at length concerning Governor John Hubbard, who signed the Prohibitory Law of 1851.

John Hubbard was born in Readfield, Maine, March 22, 1794. He was graduated from Dartmouth College in 1816, and from the Philadelphia Medical school in 1822. Before beginning the practice of medicine he studied for a year in the hospitals of Philadelphia. In 1830 Dr. Hubbard settled in Hallowell, and remained there the rest of his life. He was a man of impressive appearance, standing six feet two inches, straight as an arrow, with large head, black hair and eyes. He was in many ways a remarkable man. He had unusual physical strength, great ability, a strong mind, and was noted for his high character, independence and sincerity.

In early life John Hubbard united with the Democratic party, and in 1843 was elected to the State Senate, although his district had usually had a large Whig majority. In 1849 he was nominated as a Democratic candidate for governor. The Whig candidate was Elijah A. Hamlin and George S. Talbot was nominated by the Free Soil Party. Mr. Hubbard was elected. In 1850 he was renominated. At that time, the Legislature began its session in May, but in 1850 the annual meeting of the Legislature was changed to meet on the first Wednesday of January, and it was also provided that the Governor and other State officers, should hold their positions until January, 1852. The Prohibitory Law of 1846 was followed in 1849 by one more severe, which gave an unrestricted right to search all places for evidence of sale, and prohibited sales under severe penalties. That act was vetoed by Governor Dana in caustic language.

When the law of 1851 came up for a vote in the Legislature some of the prominent Democrats voted for the bill, believing that the Governor would veto it. But he said that it was evident that a clear majority of the people desired the law, and that he had no right to veto it, either for party or personal reasons. In speaking of this matter, he said:

"Two sessions of the Legislature have been occupied since the veto of the preceding act in discussing and maturing the subject. It passed both houses at the recent session, by a vote of about two-thirds. It could not,

then, be looked upon as of that hasty and inconsiderate legislation which alone can authorize the interposition of a veto power—a power at all times somewhat arbitrary, and one which the constitution did not contemplate as a part of the ordinary process of legislation.

"There could be," he said, "no doubt that the people through their representatives, have a right to enact a law to abate or suppress so monstrous a scourge as intemperance. And there could be no doubt that the law in question was within the limits of their constitutional power."

The Prohibitory Act known as the Maine law and entitled, "An Act for the Suppression of Drinking Houses and Tippling Shops," was presented to Governor Hubbard on June 2, 1851, at ten o'clock in the forenoon. At eleven o'clock he signed it, and it became a law.

### Law of the People.

Speaking at that time concerning the law, Governor Hubbard said: "The Maine Law is the law of the people. Deliberately matured by them through a series of years, and enacted by the only organ authorized by the constitution and the spirit of our government to transform the wishes of the people into law—the Senate and House of Representatives in Legislature assembled, by overwhelming majorities. It is a constitutional law. I am prepared to enforce it as it now stands. I am opposed to its repeal, until it shall have had a fair trial before the people. I have always approved the object of this law, 'the suppression of drinking houses and tippling shops,' and am therefore, opposed to any amendments which would impair its efficiency; while I am nevertheless, of the opinion that it is susceptible of amendment that would not only not impair its efficiency but would render it easier of execution, and more efficient."

After the law had been in force for some time, Governor Hubbard gave it as his opinion that no candid and observing person could deny that the law had done good. "The object," he said, "the suppression of drinking houses and tippling shops, must surely meet the approbation of every well ordered mind, and the execution of it confined to such object, and within the limits of construction given it by the judiciary, could certainly give no offense to anyone whose opinions were worthy of regard."

### Maine Leads.

In January, 1852, the annual convention of the State Temperance Society was held in Augusta. Governor Hubbard was invited to be present and presided over some of the sessions. He was received with the

greatest enthusiasm. In the course of his remarks he said: "The subject of temperance has long been a subject of effort, by means of pledges, moral suasion and other modes of action. But there is a limit beyond which, private and associate effort cannot go. The reform cannot be carried on whilst the inducements are held out on either side. Maine, true to her motto, has undertaken to direct; she has taken the first step in legislating upon this subject with a view of destroying the creature itself." Governor Hubbard said he would not discuss at large the constitutionality or expediency of the law. He would only say in regard to the constitutionality of the law that, "if we can legislate for the extermination of ravenous beasts we may for the extermination of this greatest of all evils; which reduces the human form divine to a condition worse than that of savages. Congress has the power to regulate commerce, but not to determine what shall be the subjects of commerce. The State may prohibit those articles of trade which are detrimental to community, and legislate for the protection of its own citizens. He assured the meeting that he was with them in all measures coming strictly within the power of the State to control this great evil. The power of the State is as broad and deep as is the necessity for protecting the lives and the health, the physical and intellectual energies of her citizens, the morals and the religion of the Prince of Peace."

One of the speakers at this convention was Anson P. Morrill, who at that time was a Democrat, but he said that when the question of temperance and prohibition came to the front he should stand by them if it knocked every stone from the foundations of the party.

Another speaker at this great convention was General Samuel Fessenden of Portland, one of the ablest men of his time, and one of those who thoroughly interested in the subject of temperance and prohibition. At that time it was argued that the Maine law was not constitutional. General Fessenden told the authorities that he had looked into that part of the matter and that he had no fears but that the courts would declare the law to be constitutional. He praised the work of Neal Dow as the author of the law and spoke highly of the courage and independence shown by Governor Hubbard in signing the act, which he declared was the will of the large majority of the people of the State.

Governor Hubbard was among the first to suggest as a means of checking intemperance, that sellers of drams should be held directly responsible for damages caused by the sale. He always insisted that the Prohibitory Law had done good, and that this

could not be denied by any candid and observing person.

Governor Hubbard's independent action upon the subject of the Maine law aroused against him the violent opposition of its enemies in his own party. He was renominated in 1852, although bitterly opposed in convention. He received a larger number of votes at the election which followed than at either of his previous elections. There were four candidates in the field, and the election of Governor as no one of the candidates had a popular majority, devolved upon the Legislature. Through a combination of Democrats and Whigs, the Whig candidate, William J. Crosby, was elected. From that time until Hamlin was elected, in 1856, no Governor was elected by a popular vote, Crosby (Whig), Anson P. Morrill, (Maine Law), and Wells, (Dem.) who served only one year, were elected by the Legislature.

With the exception of Wells, only one Democrat since the time of Hubbard has been elected Governor, and that was in 1879, when Alonzo Garcelon was elected by the Legislature.

There is no doubt that Governor Hubbard's position upon the land question by which he had incurred the hostility of men interested in lumber operations, had something to do with his defeat. It was through his efforts that Maine purchased the lands owned in the State by Massachusetts.

In 1857 President Buchanan appointed Governor Hubbard a special agent of the treasury department, to examine custom houses, in Maine. This service was so important that the next year it was extended throughout New England. In 1859 he was appointed by the President commissioner under the Reciprocity Treaty concluded between the United States and England June 5, 1854, and held that position two years.

In 1864, owing to his views upon the questions which grew out of the war, he voted for Abraham Lincoln. One of his sons lost his life in the Civil War, another son, Gen. Thomas H. Hubbard was greatly distinguished in the War of the Rebellion. Governor Hubbard died in February, 1869.

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## LETTER IX.

### PROHIBITION VICTORY IN 1852.

AUGUSTA, Jan. 6.—(Special Correspondence.)—An amendment to the Constitution of Maine in 1851 restored the political year to the original time of commencement, the first Wednesday of January. Previous to this time, for some years, the sessions of the Legislature had been held in the Summer. On this account there was no election in the year 1851, and Governor Hubbard and the State Legislature held over

In 1852, although there was a strong element of his own party opposed to him on account of his position on the Maine law, Governor Hubbard was renominated by the Democrats, and in order to try to defeat him, the anti-prohibitory element in his own party nominated Anson G. Chandler, who was known as the Anti-Maine law candidate. Gov. Hubbard, however, won out, the vote in the election being: Hubbard, Dem., 41,999; Crosby, Whig, 29,127; Chandler, Anti-Maine Law, 21,774; Holmes, Free Soil, 1,617. Scattering, 190. The total vote was 94,707, the largest which had ever been cast in the history of the State in a State election, showing the great interest the people had in the prohibitory question, which was then the paramount issue in the State.

Here, then, at the very outset, this question was practically submitted to the people, and prohibition won.

At the next election Albert Pillsbury was the Democratic candidate, William G. Crosby was the Whig nominee, and a new party which had arisen, known as the Maine Law Party, nominated Anson P. Morrill, and the Free Soilers renominated Ezekiel Holmes. The Democratic party had become divided upon this prohibitory matter, and with the disaffected Whigs had formed the Maine Law Party. Pillsbury received 36,386 votes, Crosby 27,061, Morrill 11,027, Holmes 8,996, scattering 157. It then required a majority to elect, and no one of the candidates having a sufficient number, the election was thrown into the Legislature, and Crosby, a Whig, was elected Governor by that body. In his inaugural address in 1853 Governor Crosby laid special stress upon the prohibitory legislation in vigorous language, and in a fashion which plainly expressed his own opinions and those of his political following. He said:

#### Gov. Crosby.

"In entering upon a new year, it may not be inappropriate to call to mind, for a few moments, the year which is past. It has been an eventful one in the history of our own State, of the Union, and the civilized world. It will be remembered as the year in which, for the first time in the nineteenth century, with a strong will, the strong arm of a sovereign State was stretched forth in the work of moral reform—to arrest, in its mid-way career, the progress of the moral pestilence, intemperance. Other laws have been enacted in this and other states, whose object and tendency were to impede its progress, or confine it within certain defined limits; but it remained for the State of Maine to erect, by Legislative enactments, which, in the hope and faith of those who framed them, could be neither avoided nor evaded, a bar-

rier beyond which it was not to pass I do not propose to discuss the merits of that legislation, I only allude to it as an event in the history of the State and the Union. That it has been productive of evil as well as good, is what may be predicted of all human legislation. That it has enlisted ardent friends in its support, that it has met with strong opposition, that it has been made the instrument, in the hands of warm hearted philanthropic men, for the redemption of the degraded, the temporal salvation of the almost lost; that it has been a moral firebrand in the hands of the fanatic, that it has been prostituted to the base purposes of the demagogue, are as much matters of authentic history as the existence of the law itself.

"You are aware that some of the provisions contained in the law in question have been made the subject of examination and adjudication in two of our sister states, and in courts whose judicial opinions are of high authority. If the principles recognized by those courts are to be adopted by the courts of law in our own State—and there is reason to believe that under a similar state of facts they will be—and applied as the rule of construction to our own statute, those features which have been regarded as being in conflict with the constitution, and therefore objectionable, have become still more so. In such a contingency, the objection should come from the friends of the law, rather than its opponents. If it be true that the material provisions, those which are its distinctive characteristics, which constitute its vitality, are in conflict with the constitution, and therefore cannot be enforced, the law, so far as the attainment of its proposed object is concerned, has become inoperative. That the people of the State demand a law sufficiently stringent to close effectually every haunt of intemperance within its borders is undeniably true; but a statute whose provisions cannot be enforced in courts of law, although even sustained by the moral sentiment of the people, is a dead letter upon the statute book. Under such a state of facts it obviously becomes the duty of all who would promote the cause of temperance, so far as it can be promoted by legislation, to adopt the course which will, with the least delay, settle at once and forever the questions which are already beginning to embarrass the execution of the law, and the still more important question, whether the law of the land and public sentiment are in harmony. The judiciary department of the government is the source to which the constitution directs you for light, and to my mind it is the dictate of wisdom to follow that direction.

"I am not aware that any further legislation upon the subject is contemplated. If it is, I can only invite you to give it the calm and deliberate consideration to which a subject matter of such magnitude, involving principles so important and consequences so momentous—the moral welfare and civil rights of the people—is entitled. But I would here, as elsewhere, in the name of humanity, forbid the bans between temperance and religious sect or political party."

#### Committee's Action.

The legislature did not take the position assumed by Governor Crosby, that no further legislation on this matter was necessary, and that part of the message relating to the suppression of drinking houses and tipping shops was referred to a joint select committee, of which J. B. Hill was chairman. The report which the committee submitted upon this topic was a strong document which ably answered Governor Crosby's objections. The committee took the position that the basis of Prohibitory Legislation was rightfully built upon the first article of declaration of rights in the Maine Constitution which declares that the people have "natural, inherent and unalienable rights," and that among those are "enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness."

The report of the committee which was submitted under date of March 15, 1853, follows:

The Joint Select Committee, to which was referred so much of the address of the governor, as relates to the act for the suppression of drinking houses and tipping shops, have had that subject under consideration and ask leave to report: That they fully respond to the declaration in the address, "that the people of the State demand a law sufficiently stringent to close effectually every haunt of intemperance within its borders, is undeniably true;" they also feel that it is justly a subject of congratulation that the State of Maine should be the first community "to erect by legislative enactments, which, in the hope and faith of those who framed them, could be neither avoided nor evaded, a barrier beyond which intemperance was not to pass." It has been the object of the committee, in preparing the act which they now submit, fully to sustain the honor of the State in being the first of the sister states, to enact an efficient law for the purposes so indicated. They have not intentionally taken a single step backward. Nulla vestigia retrorsum, in dragging of the giant from his den, has been their maxim, in adopting the changes by them proposed. The great principle of the act

of 1851, which they regard as a discovery in Legislation, as applied to this subject, that will rebound to the lasting honor of its author—that is the seizing by the strong hand of the law, and destroying by the order of the court, the great agent of the mischief—they have resigned sedulously to preserve. It may truly be said to be a discovery in Legislation, on this subject. Legislation has been at war with intemperance in drinks for a very long period of time, and has been thus far constantly foiled and defeated. For the earliest enactments in England, upon this subject, we must go back to the days of black-letter law, so far certainly as the reign of Edward VI. At a parliament entitled, of the 5th and 6th years of his reign, an act was passed of which the preamble is as follows: "Forasmuch as intolerable hurts and troubles to the commonwealth of this realm, daily do grow and increase through such abuses and disorders as are had and used in common ale-houses and tippling houses, it is therefore enacted," etc. From that time to this the same complaint has been renewed almost every year, and the statutes of England and those of our Pilgrim fathers, of our colonial governments, and of our states, down to this day, are full of enactments upon this subject, constantly defeated, evaded and rendered of no effect; showing, on the one side, a strong inflexible Anglo-Saxon resolution to do something to restrain and check the evil, and, on the other, an equally unyielding determination to render everything so attempted nugatory and useless. The attempt in all this Legislation heretofore, has been to restrain and keep within bounds the evil, and the result has been that all these have been successfully met and resisted; and the lesson of experience to be learned from these facts is, that the principle upon which such Legislation is based, is wrong. The idea of this legislation is to regulate and restrain. It has had its day, and failed to answer its end. The idea of the act to which we refer, is to destroy and remove out of the way totally, the cause of the evil. It was first reduced to practical application by the United States in their enactments regulating the trade with the Indian tribes. By these enactments, the United States officers are directed and commanded to seize all intoxicating liquors introduced for sale into the Indian territories, and without judge or jury, immediately to destroy them; and your committee are not aware that the right to enact and enforce such laws has ever been called in question by any body. This course was found perfectly effective in the accomplishment of its object. But the idea was too valuable to be confined to such limited application. Its intro-

duction into the Legislation of states upon this subject, is an era from which will be dated a revolution in the history of the human race.

Without further preface, the committee will proceed to indicate the objects they have had in view, in preparing the bill herewith submitted. It is not at all a matter of surprise, that a first effort in legislation, upon so momentous a subject, affecting such a variety of interests, and upon a principle so novel in its use and application, should be found to be defective. On the contrary, your committee are ready to declare that with them the surprise is rather that there should be found so little that needs amendment. The object of the committee has been to maintain in the fullest degree, the integrity of the principle of the original law, that is, the destruction of the liquors, and the certainty of penalties, and to remove so far as is practicable, all causes of doubt and uncertainty in the application of these principles in the law in question. They do not propose to add intensity to the enactments, being fully satisfied that if the enactments of the original law can be honestly and fully carried out, they are all that is or can be required on this subject. In accomplishing that object they have not found it necessary to make any change in the first ten sections of the original act, except a repeal of so much of the sixth section as requires the appellate court to inflict a double penalty upon an appellant on final conviction. The five succeeding sections they recommended should be repealed, and in the bill herewith submitted they have embodied every principal feature of these sections, with such additions and modifications as in their opinion will render their application certain, plain and direct, and remove all reasonable objections to their enforcement. They have also endeavored to guard against any abuse or ill practices of agent appointed to sell under said act, and to provide a remedy for the very general and common abuse of the sanctity of a dwelling house in making it a store-house and place of deposit of liquors intended for illegal sale. Your committee do not believe, that to search the dwellings into which rum has retreated, relying upon the sacredness of the domestic hearth for its protection from the grasp of the law, will be, if made under due safeguards, any infringement of the right of citizens to be protected in their houses from unreasonable search. If rum, to avoid the strong arm of the law, creeps into a dwelling house, let it be seized and dragged out as a thief would be. In the bill herewith submitted it is provided, that before a warrant shall be issued to search a dwelling house, evidence of witnesses must be given in writing, on oath, filed with the mag-



istrate, sufficient to show that there is good ground to believe that spirituous and intoxicating liquors are kept or deposited therein, intended for unlawful sale therein or elsewhere; and thereupon, on complaint made in due form of law, a warrant may be issued for such search. It is further provided, that if any of the witnesses shall be convicted of giving false testimony knowingly and willfully in such evidence, they shall be punished by imprisonment in the State prison for the term of one year, which the committee think will be a sufficient caution against the indulgence of an undue curiosity on the part of any one in looking into his neighbor's affairs.

Your committee believe that all such liquors found in this State must be considered in law to be in the keeping and possession of somebody in this State, in the character either of owner or keeper, and they have provided a process by which such owner or keeper, if the liquors are not restored to him on his request, on his furnishing, to the magistrate who issued the warrant, satisfactory evidence that they were not intended for unlawful sale, for doing which they have provided, may in all cases be made a party to the proceeding and appear and defend his right, and have an opportunity of trial by jury if he wish it, and be made amenable to the penalties of the law if guilty of a violation thereof. They know no reason why farmers should not be permitted to manufacture the fruits of their conduct into cider, and sell the same, and they have inserted a provision to that effect; but if it be found in "drinking houses and tipping shops," it must suffer the fate of the poor dog in the fable who fell into bad company.

They have also in the act imposed a penalty on agents for selling to minors or to intemperate persons, and knowingly for purposes other than those allowed by law, and have provided that the liquors kept by such agent shall be of good quality and not adulterated or factitious. There will also be found a provision that certain municipal and police officers may upon view take into custody liquors which they have reason to believe are intended for illegal sale, and detain them till a warrant can be issued on complaint made. Among other changes of minor consequence they have provided that the complaint on which a warrant is to be issued, may be made by any three persons resident in the county, who are competent to be witnesses in civil causes. They are not aware of any good reason for confining the privilege or duty to voters. Thousands of people who are not voters are deeply interested in the execution of the law. They have provided also that all fines and penalties under this act shall go to the cities, towns and

plantations in which the offenses were committed.

The object of this law is not to dictate to men "what they shall eat and what they shall drink, or wherewithal they shall be clothed." These are not matters for which in themselves legislation is fitted, although in practice in all ages legislation has been more or less devoted to such objects. They are in themselves better let alone by law makers, who are justified in interfering with them only when from their abuses the public is a sufferer. If men will be so besotted as to be drunk at home, and will not thereby disturb the public peace, nor that of their own families or neighborhood nor expose the public to the liability to expense for the maintenance of themselves or their families, or for the expense of restraining or punishing the offenses they are liable and often induced to commit against the rights of their fellow citizens or the laws of the land, under influence of the excitement of intoxication, the law given should not interfere. It is the province of the moralist, the philanthropist, the preacher, to take up and reform such cases. Here is scope and latitude enough for that moral suasion which is so frequently in the mouths of the opponents of this kind of legislation, to exercise itself in its proper province. Here are subjects suitable for its enterprise and worthy of its zealous endeavors. But when the drunkard leaves his filthy den and staggers out into open daylight, a nuisance to all beholders, disturbing, disgusting and ready to quarrel with every peaceable and industrious man who comes in his way, and terrifying, distressing and insulting every decent woman whom he meets—it is time for the law to lay its restraining hand upon him, and it is time for it to reach a little further, and take into its iron grasp the manufacturer of such nuisances, the man who with a taste little less shocking than that of the ghouls of fiction who feed upon carcasses, draws his living out of such disgusting objects.

The committee does not feel that it is necessary for it to argue the question of the right of the Legislature to make such enactments. That question, they think, has already been decided by an almost unanimous public voice, which is fully sustained by the most eminent jurists and judges of our land, including, it is believed, every Judge of our own Supreme Judicial Court, and every Judge of the Supreme Court of the United States; but they think they may be pardoned a few suggestions on this topic if for no other reason than to show that it has by no means been kept out of sight or intentionally avoided. They declare that, in their opinion, the first articles of the bill of rights in our Constitution is the

basis upon which this legislation is rightfully built. Among the rights therein declared to be inalienable, which can never be parted with, are those of "enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness," which one of these rights is not endangered by the furious drunkard? What enjoyment of life can be had in his presence? So far as the effects of poverty and crime, with their attendant expenses of support of paupers and of prisons, abridge the right of acquiring and possessing property, that right is invaded by the drunkard, and may reasonably ask protection at the hands of the Legislature. So far as the enjoyment of life and liberty is impaired by the ferocious and maniacal madness of intoxication, they may also ask for protection. So far as the pursuing and obtaining of safety and happiness is marred, by the sympathy that must be felt for the unfortunate families of the inebriates, the brutalization of the victims, and the destruction of the peace and quiet of domestic life, incident to all these evils, they may also ask for protection. This evil attacks the Constitution and bill of rights in the very threshold of the temple of liberty, and there it should be met, resisted and overthrown, and not be suffered to enter the pure and sublime edifice and shelter its hideous deformity in any dark corner or nook of the building, in which should dwell nothing but peace and happiness, undisturbed by the filthy breathings of the demon of intoxication.

They ask leave to present the accompanying bill.

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## LETTER X.

### PROHIBITION SUSTAINED IN 1854.

AUGUSTA, Jan. 7, (Special Correspondence).—In 1854, Democrats and Whigs, who had become disaffected on account of the attitude of their parties toward the question of prohibition, united with the party known as the Maine Law Party, and Know-nothing, or American party. These men nominated Anson P. Morrill, one of the most prominent and able men in the State. The regular Democratic nominee was Albion K. Parris. The Whigs nominated Isaac Reed and Democrats who were opposed to their regular party nominee but who would not support candidates of the other parties, selected Shepherd Cary as their standard bearer, and he was known as the opposition Democrat.

That year the total vote of the State was 90,633, nearly approaching the phenomenal vote of 1852. The result of the election was Morrill, Maine Law, 44,565; Parris, Dem., 28,462; Reed,

Whig, 14,001; Cary, opposition Dem., 3,478; scattering, 127.

In his inaugural address, Governor Morrill said: "The law for the suppression of drinking houses and tipping shops has been fully discussed by the people of this State, and becomes a question of prominence and deep interest in our elections. The result proves conclusively that the people are by a very large majority in favor of sustaining that law—a happy verdict for the cause of humanity throughout the land. Had Maine declared against the law; her decision would have been felt most disastrously by other communities, where strong efforts are being made to obtain similar legislation. That any law which human wisdom can devise, will at once rid the public of an evil so vast and deep-rooted as intemperance, should not be expected; but that the traffic which produces it, can be circumscribed and controlled by penal enactments, as surely and as legitimately as other crimes, there can be no reasonable doubt.

"And it is equally clear that the people are determined to pursue the effort faithfully, and give the law a fair trial. They see and feel the terrible ravages the traffic in intoxicating drinks has made upon society and its best interests. They feel deeply the loss of many valued citizens, who are constantly being hurried to the inebriate's grave. They fully realize that the sale and use of alcoholic liquors as a beverage, are in direct conflict with the health, morals, industry, peace and happiness of society, and that this fact is so apparent, that those individuals who insist on selling in violation of the law should be made to feel its consequences.

"It is too late to plead that making men inebriates, or giving the facilities to become such is no crime; none but the more depraved or reckless will support a doctrine so pernicious and absurd, and it is believed that few are now engaged in the traffic, in this State, except those persons who are alike indifferent to public sentiment, the demands of humanity, and their own best interests. Persuasive efforts having been exhausted on this class of men, the law should be enforced in protection of society and in mercy of the offender. This important statute has not had a fair trial. Executive officers have been culpably negligent in seeing it enforced. Too often has the officer, whose duty it was to honor and execute it as the law of the commonwealth, been found more willing to exculpate the offender than to bring him to justice. Such official derelictions of duty embolden violators of the law to repeated offences, which they would not have committed, with the full assurance that the law was to be faithfully administered. This error must be corrected, the law must be faithfully enforced. The people de-

mand that grog shops be closed, whether found in spacious saloons and popular hotels, where the temptation is presented in the most alluring form, or in the filthy cellar or den, where poor degraded humanity is made loathsome to the last degree.

"No man sells ardent spirits in violation of this law through the promptings of patriotism or humanity; he has no higher motive than a reckless or sordid love of gain; he should be held strictly accountable for the mischief his traffic produces. Let this be done, and none will continue in the business, except as such as are madly bent on suicide.

### The Penalty.

"I would suggest the importance of so amending the law as to impose imprisonment for the first offence. The penalty for the first conviction is trifling, and the schemes devised to avoid detection are so numerous that man sellers, undoubtedly, realize large amounts from the business before a conviction is had.

"Let the prison be opened for their reception and reformation, as it is for offenders of less magnitude, even the unhappy victims of their traffic, and be assured its prospective, chastening influences will be felt more restrainingly, than merely taking by fine from the pocket of the delinquents a trifling part of the money the business had given them.

"The willingness of rum sellers in other states to supply those in the same business and the facilities afforded by the steamboats and other common carriers to bring liquors into this State for unlawful purposes call for such improvement in the law as shall meet this prolific source of evil and cut off a great artery which is pouring the poisonous liquid into this State. Other amendments may be desirable to give efficiency to the law and meet modes of evasion which the ingenuity and cupidity of determined violators have invented."

The Legislature, backed up by the sentiment of the people who had elected a Maine law candidate and a legislature favorable to prohibition, greatly strengthened prohibitory sentiment.

Hon. Nelson Dingley in an article upon the conditions of that time, stated that in Maine in 1855 there were 10,000 persons, one for every 45 of the population, accustomed to get beastly drunk; there were 200 deaths annually from delirium tremens, there were 300 convicts in the State prisons and jail and intemperance was destroying a large proportion of the homes throughout the State.

The Legislature that year passed a law in which it was declared that the

term "intoxicating liquor" means and includes every liquid preparation that will produce intoxication. No liquors were to be sold except for medicinal and mechanical uses, and these only by agents appointed for the purpose, and there should be only one agent in any city or town. The agent was to be appointed by the mayor and aldermen of cities, and selectmen of towns. He could not sell to any person unless known to be an inhabitant of the city or town; he could not sell to any minor, servant or apprentice, nor to any intemperate person, nor to an Indian. He should have no interest whatever in the liquors sold, nor in the profits of the agency. He must be a person of sober life, and not addicted to the use of liquors. No one who had been convicted of selling liquors should be an agent, neither could an inn holder, tavern keeper, or trader be selected for the position.

The penalty for first conviction of violation of the act was a fine of \$20 and costs, and imprisonment for 30 days. The second conviction brought a fine of \$20 and costs, and prison for 60 days; third conviction, a fine of \$20 and costs and imprisonment for 90 days; for the fourth and every subsequent conviction he should be deemed a "common seller," and subject to a fine of \$200 and costs, and imprisonment for six months. No person was allowed to manufacture any intoxicating liquor. No apothecary or druggist should have liquors except for the preparation of medicine, which must be ordered by a physician, who should be a person of sober life and not addicted to the use of intoxicating liquors. Artists or manufacturers could keep liquors only for use in the arts or manufactures; apothecaries, druggists, artists or manufacturers who violated this law were subject to fine of \$100 and costs and three months imprisonment for the first offence, and for the second and every subsequent conviction, a fine of \$200 and six months' imprisonment. Stage drivers, expressmen, common carriers, teamsters, or other agents could not carry any liquors from place to place except for agencies, under a penalty of \$20 and costs for first conviction; \$20 and costs and 30 days in prison for the second; \$200 and costs and three months in prison for the third, and for later offences, \$400 fine and six months in prison.

One section of the law provided that if a person was found intoxicated in the streets or highways, in his own house or in any other building, and should disturb the public peace, he could be arrested. If found guilty of intoxication he should be in prison in the common jail for 30 days. But the judge or justice could remit any portion of the punishment, and order the prisoner to be discharged, if he should make disclosures or furnish evidence to authorize a warrant to be issued for an offence against the person of whom he procured or received the liquors, whereby he became intoxicated.

The entire act comprised 34 sections, and was approved March 16, 1855, to take effect the first day of May of that year.

## LETTER XI.

### REPEAL OF PROHIBITION.

AUGUSTA, Jan. 8, (Special Correspondence).—During the years 1855 and 1856, the question of slavery became of the first and foremost importance, throughout the North. And during these two years, the Maine Law party was practically disbanded. Those who had formed that party, with the Whigs and the Democrats who sympathised, organized under the name of Republicans.

In the campaign of 1855 Governor Morrill became a candidate for Governor, nominated by the new party. The vote was the biggest ever cast in Maine up to that time, the total vote being 110,477. It was divided as follows: Morrill, Rep., 51,441; Samuel Wells, Dem., 48,341; Isaac Reed, Whig, 10,610; scattering, 81. Governor Morrill had not received a majority of the votes, and the Legislature elected Mr. Wells for Governor.

"The regulation of the sale of intoxicating liquors will claim the early attention of the Legislature," said Governor Wells in his inaugural. "The laws upon that subject have undergone frequent changes, and with the light of experience, a new one may be framed, which will suit the wants of the community. The liability to abuse and excess in the consumption of such liquors, calls upon society to restrain the sale as far as is consistent with the liberty of the citizen. Intemperance is a great evil, the parent of many sorrows, vices and crimes, and every legitimate and proper means should be used to prevent it. But the true foundation of temperance must be laid in education. Fines and imprisonment terrify and restrain to some extent, but they rarely reform. Every man capable of managing his affairs has the right to determine for himself what shall be eaten or drunk in his own house, and any attempt by law to control him in the exercise of it, cannot be justified. But when one undertakes to act upon society, by selling liquor, the law can properly prescribe rules for his government he then makes himself amenable to the will of others. Society, in the employment of a proper discretion, may protect itself. The use of stimulants containing the intoxicating principle, has prevailed among all nations from the earliest times, and it is not probable that it will ever be entirely abandoned.

"Whether a person will or will not use intoxicating liquors as a beverage, is a question for his own determination. One may persuade another as to what he will do in relation to himself in morals or religion, but coercion in respect to such action is persecution. It is founded in the sentiment, that one knows what is better for his neighbor, than his neighbor knows

himself, and a unity of will must be made by compulsion. An attempt of this kind is at war with the very elements of civil liberty. The wants of the community will be satisfied with a very restricted sale, by granting licenses in each city, town and plantation, to no more sellers than will conveniently accommodate the purchasers. It is a desirable object to place the traffic in the hands of respectable citizens. Innholders by furnishing liquors to their guests and travelers alone, would stand in the same situation as the heads of families. Importers under the laws of the United States should be allowed to sell in the original packages. And there are some classes of persons to whom sales could be prohibited, those whose habits show them unfit to be trusted with what they are sure to use improperly.

"The public good requires that no intoxicating liquors should be allowed to be drunk in the shops where they are sold. Such practices lead to breeches of the peace, and other conduct injurious to society. It does not accord with wise and consistent laws to forbid the manufacture of an article which is permitted to be sold. No doubt the legislature will enact a law, with suitable penalties, that will receive the approbation of the people, and will accomplish all that legislation can be expected to do in promoting the cause of temperance.

"Although many well meaning people have approved of the existing law on this subject, believing it to be the best instrumentality to advance a good cause, it seems to me that they have done so without a thorough examination and understanding of it, and that no rational and unprejudiced man, who has studied it attentively can sanction its tyrannical details, and recommend it as a rule of government, to a free people.

#### ..as Repealed.

The opposition to the Prohibitory Law had rallied their forces, and an effort to repeal the legislation of 1851 and the subsequent years, was successfully made. A committee of the judiciary through its chairman, P. Barnes, made a report relative to the sale of intoxicating liquors, reviewing the legislation since 1851. Among other things a majority of the committee, who were hostile to the principles of prohibition, said:

"The present statute law of this State prohibits the sale of intoxicating liquors for drink. The sale for medical and mechanical uses is permitted, but no question arises at this time in regard to these uses. The manufacture of these liquors is also prohibited, with a slight exception.

"It is argued that the Prohibitory Law encroaches upon the rights of the people who should be left to decide for themselves whether or not they should

drink intoxicating liquors. The fact is notorious," says the report, "that the unlimited sale of alcoholic liquors leads to drunkenness, dissipation, vice and poverty. For hundreds of years, therefore, the State has imposed checks and limitations upon the traffic as a hazardous trade. The laws for this purpose stand upon the same footing as the gunpowder laws, with the important difference that unlawful keeping of powder exposes the lives of the most innocent without any power on their part to protect themselves. But the sale of liquors can do no harm, to a rational person, unless the buyer voluntarily commits a wrong, after the sale, by excessive drinking.

"The State has the right to forbid the sale of liquors to soldiers in the public service; to jurors engaged in the trial of cases; and to others in like public employment because they are under statutory contract with the Government, which, for the time being, suspends a part of their individual freedom. It has the right also to forbid the sale to minors, to Indians, to paupers, to drunkards, to prisoners in the jails, to patients in the hospitals and other like classes, because these persons are under conceded disabilities, and subject to the governing power in a wholly different relation from that of the free adult, well behaved, self supporting citizen.

"To the last named class the State has also the right to prescribe that they shall not drink at places established as common resorts for drinking, and to prescribe that such places may be suppressed, because experience shows that they tend to excess, and increase the exposure of the classes requiring protection.

"The State also has the right to require that the manufacture of alcoholic liquors shall be confined to a limited number of persons; that it in material parts. The law of 1851 lasted one year and 11 months. The law of 1853 remained in force for an equal period. The law of 1855 did not stand upon the statute book 60 days when the Supreme Court had occasion be carried on only at permitted places, and under such regulation and control that it shall not have a tendency to aid the unlawful sale."

The committee reviews the prohibitory legislation in this way:

"To inquire whether the recent and existing prohibitory laws in this State have been successful might lead only to a conflict of interested judgments. Some things, however, are obvious to all. The Prohibitory Law consists of two parts—that which is declaratory, showing what may and what may not be done, and that which embraces the modes and penalties for enforcing it. The methods and apparatus of the law, are, of course, as what is called its principles because if machinery

cannot be devised to work out the principle, steadily and successfully, the principle has no practical value. Within four years, from 1851 to 1855, we had three several statutes, of this kind, each one professing as to the part of principal importance, to be complete in itself, and each succeeding one repealing its successor. What is called the principle remained substantially the same in all of them, but the apparatus was regularly changed to point out a defect in its provisions, which its friends may perhaps claim was a mere oversight, but which very materially weakened its efficiency.

"These rapid changes have usually been accounted for by the friends of the system on the ground of their intention to make the law more and more stringent."

"That a large body of our citizens have been committed in favor of these measures is evident ;many have taken this position with honest and well-meant purposes; it is notorious also that a political party, having the ordinary stakes of partisanship at risk, has assumed the championship of these laws. We are plainly, therefore, in the midst of a struggle, which may be exceedingly unfavorable to the investigation of true principles, and for a time most hazardous to the cause of temperance among us, but which must result, sooner or later, in the general acquiescence upon that which is sound and true. There are many men who prefer to reach a demonstration by experiment, rather than by reason. If the Prohibitory Laws have not yet shown to their partisan supporters that the system is impracticable as well as unwarrantable, the people of the State will have to endure further conflicts upon this issue. If, by possibility, the persons who have adopted the Prohibitory Law as an article of the partisan creed of an ordinary political party, could be induced to waive that dangerous pretension, and allow the question to stand as an open question before the people we might sooner and more easily reach a true solution of the case, resting upon admitted principles, and satisfactory to all honest men.

"But this may be too much to expect, and the case may have to be worked out, in the face of this great disadvantage. It may, indeed, lead to an ultimate advantage and benefit, for, the sharper the conflict, the more clear may be the results of the trial. As in a thousand cases before, between the principles of popular right and the principles of arbitrary power, the violence of the struggle may bring a deeper and firmer settlement upon the questions of natural right, of constitutional limitation, of the moral power of self-government, and the extent of popular privilege in a free state.

In accordance with the views entertained by a majority of the committee on the general subject referred to them, they have agreed to report a bill, under the title of "An act to restrain and regulate the sale of intoxicating liquors and to prohibit and suppress drinking houses and tippling shops," which is herewith submitted.

## LETTER XII.

### LICENSE INCREASED INTEMPERANCE.

AUGUSTA, Jan. 9 (Special Correspondence.)—The friends of prohibition, although acknowledging that they had met with disaster by the repeal of the prohibitory legislation in 1856, were not cast down, but renewed the fight with fresh determination. On January 23, 1857, in an address dated at Augusta, a committee composed of prominent men, sent out an appeal to the people of the State. The committee included Anson P. Morrill, A. R. Abbott, N. G. Hichborn, D. C. Magoun, H. G. Russ, Joseph B. Hall, Thomas Chase, George Downs, Charles Hill, Abner Coburn, Joseph Covell, D. B. Randall, W. B. Sargent.

In this address allusion was made to the defeat of prohibition. The committee stated that two years previous, no liquors were brought into the State for sale as a beverage, except by stealth. The statement was made that during the six months ending on January 21, 1856, the weekly steamer from New York to Portland had brought 10 pipes, 23 barrels, 11 cases of liquors, and 2 barrels of ale. Nearly all of this was for the city and town agencies. In contrast the statement was made that during the six months ending January 1, 1857, the quantity of liquors brought by the same means was 58 pipes, 1,040 barrels, 308 cases, and 373 barrels of ale.

The committee called attention to the fact that under the license law intemperance was again increasing. Continuing, the committee said :

"We take courage in the belief that a majority of the people in this State are in favor of a Prohibitory Law—by which we mean, a law that prohibits the entire traffic in alcohol liquors, except for medicinal and mechanical purposes. The repeal of the Maine law furnishes no evidence that this is not the case. The causes which result in that repeal were accidental and transitory. We do not deny that there were imperfections in the statute of 1855, which made a revision necessary. Its enemies seized upon these, and, with the aid of an excitement caused by local disturbances and by constant misrepresentations

succeeded in alarming the public mind "Many timid men yielded to the pressure. It was also a year of new combinations in politics and the people were charged with false pretenses of politicians, who pledged themselves to do no more than amend the law, to substitute for it a 'suitable Prohibitory Law.' That a Legislature chosen at such a time, and controlled by such men, should trample the law under foot, and in spite of promises and pledges, license the free sale of rum, is not surprising. But their acts are no evidence of the popular will. The license system which they established will soon be known as a monument to their brief authority and speedy condemnation. That five only of 96 members who voted for it have been re-elected is abundant evidence of the estimation in which they were held by the people. And the fact that a large majority in our present Legislature is in favor of a Prohibitory Law we regard as an indication, at least, of the popular majority on this question.

"We know, indeed, that the members of the present Legislature were not elected on this issue. Another important question absorbed the public interest. All good reforms move in harmony—but they do not all move with the same impulse. We do not complain that the past year has been given to freedom. And we hope the results of the present license law have already convinced such as have heretofore doubted the necessity of prohibition.

"But no other cause needs, or has the promise of the coming year. No great National question will demand our exclusive attention. And we appeal to the people of this State as they look out upon the hundreds or thousands of fountains that are day and night pouring their poisonous streams in our midst, unchecked, and many of them established by law, if the time has not come when the cause of temperance demands our aid, and is paramount to all others in its importance!

"If entire abstinence is the only safe rule of life, entire prohibition is the only proper rule of law. They cannot be separated. If the use of alcoholic liquors as a beverage is wrong, injurious or destructive to the best interests of society, the necessity of a Prohibitory Law is self evident. The mere regulation of the traffic, if it were not impossible, would be absurd.

#### Regulation Impossible.

"But the attempt to regulate, instead of prohibiting, the sale of liquors is attempting an impossibility. If they are allowed to be sold at all for use as a beverage, the sale will of necessity be practically unrestricted. If they may ever be thus sold every man must judge for himself of the time, the occasion and the quantity.

The traffic is like fire that cannot be controlled after it is once kindled. It is like a flood which has burst its bounds, when there is no longer any ground on which barriers can be erected.

"And, besides, if restriction outside of the limits of entire prohibition were possible, it would be productive of no good. It would be a limitation, not of the traffic, but only of the number of the traffickers. The sale would not thus be diminished. When a trade is illicit and secret, the amount may depend very much on the number engaged in it. But if the traffic is open and allowed by law, it matters not whether those engaged in it be many or few. Ten, as well as 20, can fill a town with drunkenness. Undoubtedly the 10 would like to do the whole of the business, and they will therefore favor the license system. But if such a system could be enforced, and the number limited to 10, nothing is gained by it. Why should temperance men wish to enforce it? It would not benefit the community. The traffic is nonetheless vile for being licensed. Let those who have licensed it themselves defend the monopoly they have created! Under the statute of 1856 there may be more than 2,000 rumsellers licensed in this State! Who does not know that, whether more or less, they can supply—aye, that regardless of consequences, they are anxious to supply—every man in Maine with all the liquors he will purchase. If the number be increased a thousand by unlicensed dealers—as it unquestionably is—this will not increase the quantity sold. It is only a question and not how much, or for what purpose it may be sold. The slave of appetite can be plundered of his last dollar at a licensed as well as at an unlicensed dram shop, and the poor wife and mother, whose famishing children are crying for food, cares not which. The coroner's jury who inquire concerning the dead body found by the wayside, report not whether the murderer was licensed by the mayor and aldermen to do his work of death. It matters not except as it may involve those who license in equal guilt. And as the doors of the poor house and the prison open to receive their victims, it is idle to ask whether those who have brought them to that condition be many or few, licensed or unlicensed. If this trade, so full of evil, is to be allowed by law, we care not whether it may be monopolized by a few, or be open to all who are willing to share in its guilt, and infamy and shame.

"Speaking then in behalf of the temperance men of Maine, whom we represent—who, as we believe, constitute a majority of the people—we demand the re-enactment of a prohibitory law. We do not desire that it

should correspond in all of its provisions, with either of the statutes we have ever had; but we do claim that it shall prohibit the manufacture and sale of intoxicating liquors, except for medicinal and mechanical purposes.

"A uniform principle of criminal law—one which the meliorations of the code have in no wise changed—is that punishment by imprisonment is more effective than by fine. The great leader in that heroic struggle for English liberty in the time of Charles the First, saw clearly its practical importance. 'It is true without all question,' says Pym, 'that exemplary punishments conduce more to the safety of the State than pecuniary reparations, for who would not venture to raise a fortune if the worst that can fall be but restitution merely?' So long as the penalty for selling alcoholic liquors be but a fine, large profits will cover the whole risk of detection. All liquor laws, whether for license or prohibition, not excepting even the present license law of this State, have recognized the force of this principle. The application of it, however, with all the details of the law we are content to leave with those whose duty it may be to frame it.

"And yet, we will add the suggestion that we desire no heavier penalties upon this subject than for other offenses. Experience has undoubtedly shown that penalties may be such as to prevent a conviction. We ask for no impracticable legislation—nothing that shall outrun the public judgment. We know that it is the certainty as well as the severity of the punishment, which restrains from the commission of crime, and the latter should not be sought when it can be obtained only at the expense of the former.

#### Paramount Question.

"We have thus reviewed the ground on which we stand—the hopes which we cherish. We have no interest in this matter, except in common with all. We seek no selfish purpose, no private advantage. But our feelings are as strong as they are disinterested. The question of a prohibitory law is, with us, paramount to all other questions now in direct issue, and is superior to all party attachments. We believe that such a law will bring comfort and joy to many households, restore peace and quiet to many communities, diminish poverty and crime in our State, and greatly promote private and public prosperity. From 1846 to 1856 we had such a law—though not alike efficient for the whole time—and during no other 10 years of our history have we advanced so rapidly in all the elements of wealth and power. Other causes, doubtless, contributed something to this result, but to the progress of the temperance reform, which saves so much of time and labor and property, which incites and encourages and

strengthens all that is good in society, physical, intellectual, moral—we owe more than to all other causes combined, and we call upon the people of this State—of whatever party, as they cherish our free institutions, and hope to transmit them unimpaired to their children, as they love their children, and desire to see them worthy, to receive and capable of preserving this inheritance, to unite with us in erecting the barrier of a prohibitory law against that tide of evil, which, unchecked, is sure to involve communities, as well as individuals, in profligacy and ruin.

"It is for you to say, how long before the darkness that now covers us, shall be followed by the light of a new morn—the dawning of a happier, a better day.

"We are told in Grecian story that when Orpheus touched his lyre, a sacred gift from Apollo, wild beasts were tamed, Tantalus forgot his thirst, the wheel of Ixion stood still, and the Furies relented in their work of torment. Such a gift from Heaven to any people who will accept it, is a prohibitory law. It alleviates suffering and tortures, more cruel than those of Tantalus and Ixion, and subdues enemies that are more dangerous than any beast that ever roamed in ancient forest. There are thousands of wretched families in our State that are waiting, longing, praying once more to hear its blessed music. Voters of Maine! when shall it be?"

In 1856 the State Central Temperance Committee of Maine made an investigation to collect reliable information as to the actual operation of the Maine law upon the cause of temperance, and also upon the condition of the traffic in intoxicating drinks under the Maine law, and, during the periods preceding its enactment and subsequent to its repeal. This report was published under date of Portland, Dec. 1, 1856, and the information collected from many towns and cities in every section of the State, was to the effect that under the Maine Law there was no manufacture and open sale of intoxicating liquors, and that the consumption of liquors was very largely reduced. After the enactment of the license law, the traffic in liquors at once increased, and there was a noticeable increase in intemperance.

It should be kept in mind that there was a tacit understanding that the Legislature elected in 1856 was not to change the license law, but that that legislation was to be given a trial of one year. It was well understood, however, that the Prohibitory Law would be re-enacted in 1858, and so firmly was this fixed in the minds of the people that, although the statutes were revised in 1857, the license law of 1856 was not incorporated in it.

## LETTER XIII.

### DEMAND FOR RETURN TO PROHIBITION.

AUGUSTA, Jan. 11. (Special Correspondence.)—The Legislature of 1856 passed a bill, approved April 7, 1856, and this act repealed the law of March 16, 1855, and all sections which had hitherto been unrepealed of the Act of Aug. 7, 1846. The new bill was entitled, "An Act to Restrain and Regulate the Sale of Intoxicating Liquors and to Prohibit and Suppress Drinking Houses and Tippling Shops."

It allowed the manufacture of intoxicating liquors. The provisions of the bill did not extend to wine or spirituous liquors, imported into the United States, when sold by the importers in quantities not less than were prescribed by the revenue laws for importation, and delivered and carried away at one time. Nor to the manufacture and sale of cider or wine made from fruit grown within the State.

The aldermen and city clerk of cities, the selectmen, treasurer and clerk of towns, and the assessors, treasurer and clerk in plantations, could authorize persons to sell intoxicating liquors. In every city, town and plantation, at least one person and not more than two, could be thus licensed. In cities and towns of more than 3,000 and less than 8,000 inhabitants, authority could be given to three additional persons to sell; and in places having more than 8,000 inhabitants two persons could be added for every addition of 3,000 inhabitants. Apothecaries could be authorized to sell for medical purposes only, upon written prescription of a physician.

No person authorized to sell liquors could allow them to be drank in the place where sold, or in any place under his control. Inn-holders were authorized to sell only to travelers and strangers who were guests and lodgers, but no innholder was allowed to keep a bar for selling liquors. The licensed persons were forbidden to sell to minors, Indians, and so forth, as was usual.

It was the duty of the persons granting the license when informed by the relatives of any person that he was of intemperate habits, and they were satisfied of the fact, to give notice to all persons authorized to sell intoxicating liquors, not to sell to him. Any person who sold liquor contrary to law, not being duly licensed, was punished by a fine not exceeding \$20. Upon conviction of being a common seller the guilty party was punished by a fine not exceeding \$100, or imprisonment not exceeding six months. If a licensed person sold intoxicating liquors to a drunkard, or to any one while intoxicated, knowing them to be



such, or sold to anyone to whom he had been forbidden to sell, he was liable for all the injuries which the drunkard, intoxicated person or persons to whom liquors were forbidden committed while in a state of intoxication arising from the drinking of the liquors.

If a person who was not licensed sold liquors to any person he was liable for all the injuries such person might commit while in a state of intoxication arising from drinking of the liquors.

#### Law Unsatisfactory.

This law was unsatisfactory to many people in the State, and there at once began an agitation for a re-enactment of the prohibitory laws. In the election of 1856, owing to the interest in the prohibitory question and other important issues, the total vote of the State was again increased, to the largest on record. Hannibal Hamlin came into prominence as the Republican candidate; Gov. Wells was renominated by the Democrats, and George F. Patten was the nominee of the Whigs.

In a total vote of 119,814 Hamlin had 69,574, Wells 43,628 and Patten, 6,554, scattering, 58.

In his message to the Legislature, in 1857, Governor Hamlin referred to the liquor question, as follows: "The evils of intemperance are seen and acknowledged by all, even by its unfortunate victims. The crime, pauperism and consequent misery produced by it, present a melancholy spectacle. Its prevention is earnestly desired by all right thinking men, but, unfortunately, upon the best method of suppressing or preventing it there is a difference of opinion in our community. Laws for the suppression of drinking houses and tipping shops have been passed, designed to prohibit the sale of intoxicating drinks, except for mechanical and medicinal purposes. These laws have been repealed, and another enacted instead, licensing and permitting the sale of intoxicating liquors for all purposes, under the limitations and penalties therein contained. This law was passed under the alleged belief that it would be better to promote and secure the cause of temperance, than one of a prohibitory character. This is the state of the question as now presented. What should be done? What is wisest and best?"

"The public mind has been deeply agitated upon the matter, and it would seem to be most wise, under existing circumstances, not to disturb the present law until the whole subject can be more dispassionately discussed and determined. Such, undoubtedly, is the desire and expectation of the people of the State; such the implied, if not the actual pledge given in our recent election. Political bodies, like individuals,

should always maintain good faith—and good faith requires that the question should not be disturbed during the present session. It is far better to wait patiently until all the angry feeling shall have subsided, and when the whole subject can be more appropriately acted on. Then let a well matured and carefully prepared bill be submitted directly to the people, for their approval or rejection, at meetings held expressly for that purpose. The question would then be wrested from the vortex of party politics, connected with which any such measure must always, inevitably, be exposed to a constantly recurring opposition, and fail to secure that general acquiescence which alone can give it permanence. Under a Government like ours, no law can stand the test of time which does not meet the support of a deliberate and enlightened public judgment. No judicious friend of either a license or prohibitory system, can desire to see either to become a law again to be repealed. That law, and that only, which shall receive the approbation of the community, by and for which it is enacted, can be permanent and useful."

At this time those who favored prohibition were extremely active and asserted that under prohibition conditions had been much more conducive to good morals than was the case under the new laws of the year before. Prominent men, both within and without the State, gave evidence favorable to prohibition. Horace Greeley, who visited Maine in 1855, while the most extreme prohibitory legislation ever enacted was in force, wrote in the New York Tribune, his own paper, the following testimony:

"The pretense that as much liquor is sold now in Maine as in former years, is impudently false. We spent three days in traveling through the State without seeing a glass of liquor or an individual who appeared to be under its influence, and we were reliably assured that, at the Augusta House, where the Governor and most of the Legislature board, no liquor is to be had."

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## LETTER XIV.

### THE FAILURE OF LICENSE.

AUGUSTA, Jan. 12.—(Special Correspondence.)—It was found that the law of 1856, did not bring about the result which its advocates claimed, which was that it would tend to the promotion of temperance. Many men in all sections of the State declared that the restrictive sections of the act for which much was claimed, were farcical in effect. At the hotels, where it was understood sales were to be made only to guests, there was soon promiscuous drinking, and the sale

of liquor at these places, or the most of them, was practically unrestricted.

It was asserted that intemperance was on the increase, and that unless something was done to stem this growing tide of immorality the State would revert into the undesirable conditions of the thirties.

In the meantime, the prohibitory question, like all great moral issues, became involved in politics. The majority of the Democratic leaders were favorable to the license laws, and in every sense were hostile to prohibitory legislation. The Republican party from its inception advocated temperance and prohibition. And so, in the election of 1856, there was a square issue between the Republican and Democratic parties, upon the question of license or no license, as there was upon other matters.

#### Gov. Morrill's Message.

Lot M. Morrill, one of the strongest men of his time, afterwards United States senator, was the Republican candidate for Governor. The Democratic candidate was Manassah H. Smith. Mr. Morrill was elected, having 54,655 votes, to 42,968 for his opponent. Governor Morrill in his message spoke at length upon prohibition, one of the questions uppermost in the minds of the people, as follows:

"The people of the State view with deep solicitude the subject of the traffic in intoxicating drinks. The prevalence of intemperance consequent upon the nearly unrestricted traffic, is just cause for public alarm. The sentiment is nearly universal as to the common danger from this source, and the demand for some adequate remedy is equally universal. The sentiment as to the best method of relief is not equally concordant, and from this want of harmony there is reason to apprehend that the cause of temperance, which all right minded citizens desire to promote, may suffer harm.

"It is contended that in this great reform, reliance must be placed in efforts strictly moral, and that all legislative penalties are unwise and injurious—that men cannot be reformed of their habits by penal enactment. There may be more or less truth in this position; its fallacy, however, consists in assigning to the Legislature a province essentially foreign to it. The Legislature assumes to deal with the traffic, as it is supposed to affect injuriously the well being of the State, and does not address itself to the moral sense of the individual as to what is right or wrong in moral conduct merely. The legislator takes cognizance of the prevalence of the traffic, which afflicts the State with crime, pauperism and disorder, and according to his observation is injurious to the public morals, health and general prosperity, and for these reasons we seek to suppress it.

"Upon this, as upon other subjects, there may be intemperate legislation, which will react against the salutary object sought to be promoted; but upon this, as upon all other important subjects, there may be found, it is to be hoped, a common principle or basis upon which intelligent and well disposed men may unite for the promotion of a common object.

"With the lights of experience, and a sense of the magnitude of the evil, and with a general feeling among the people that this whole subject is pre-eminently a moral question, the times it is believed, are favorable to calm deliberation and united effort with the common purpose of enacting the most efficient and expedient law possible—the most efficient because the most expedient.

"That the evil falls within the powers of legislation, and that the exercise of its powers is expedient, is sustained by the legislation of this Country from its earliest settlement. The right of this exercise of the legislative power over the subject conceded, it only remains, as a practical question, to determine the extent of the power, and how far it is expedient to exercise it. All would agree that it is expedient to exercise so much conceded or ascertained, power as may be required to accomplish the object.

"Happily, the extent of the conservative power of the State, on this and kindred subjects, has been clearly defined and settled by the judiciary of this Country, both Federal and state.

"The present chief justice of the Supreme Court of the United States, in pronouncing the opinion of the court in a case involving this right of the States, says: 'Every state may regulate its internal traffic according to its own judgment, and upon its views of the interest and well being of its citizens. If any state deems the retail and traffic in ardent spirits injurious to its citizens, and calculated to produce idleness, vice and debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic, and prohibiting it altogether, if it thinks proper. The acknowledged police power of the state extends often to the destruction of property; everything prejudicial to the health and morals of the community may be removed. If the foreign article be injurious to the health and morals of the Country, a state may, in the exercise of that great and conservative police power, which lies at the foundation of its prosperity, prohibit the sale of it.'

#### Court Decisions.

"The decisions of our own State court are equally comprehensive and explicit. The late chief justice employed this language: 'The state, by its legislative enactments, acting prospec-

tively, may determine that articles injurious to public health and morals, shall not constitute property within its jurisdiction. It may come to the conclusion that spirituous liquors, when used as a beverage, are productive of a great variety of ills and evils to the people, both in their individual and in their associate relations; and the least use of them for such a purpose is injurious, and suited to produce, by a greater use, serious injury to the comfort, morals and health; that the common use of them for such a purpose operates to diminish the productiveness of labor, to injure the health, to impose upon the people additional and unnecessary burdens, to produce waste of time and of property, to introduce disorder and disobedience of the law, to disturb the peace, and to multiply crimes of every grade. Such conclusion would be justified by the experience and history of man. If a legislature should declare that no person should acquire any property in them, for such a purpose, there would be no occasion for complaint that it had violated any provision of the constitution.'

"The same doctrine prevails in Massachusetts: "The legislature may declare the possession of certain articles of property, either absolutely, or in particular places and under particular circumstances to be unlawful, because they would be injurious, dangerous or obnoxious, and may provide for the seizure or confiscation, or destruction thereof, by due process of law."

"The State, then, it will be perceived, has plenty power over the traffic in intoxicating liquors, and 'may regulate, restrain, or prohibit it altogether,' 'may declare that the least use of intoxicating drinks, as a beverage, is injurious,' that 'such conclusions would be justified by the experience and history of man,' and that 'It may provide for their confiscation and destruction.'

"Thus, with great perspicuity, has the judicial mind of the Country, Federal and State, determined the province and prerogatives of the Legislature, in relation to this important subject; and our own State court has, in the language above quoted, with equal clearness indicated a formula, within scope of which it may be expedient to exercise the power "to prohibit the traffic in ardent spirits as a beverage," and to 'provide for the confiscation and the destruction thereof, by due process of law.'

"The expediency of this exercise of power, is in my judgment, equally clear upon principle. If it be assumed that the traffic in intoxicating drinks as a beverage be injurious, then it necessarily follows that such traffic cannot with propriety be permitted, can-

not be licensed or tolerated—but the enacting power must forbid it altogether. And this rule is as imperative in legislation as in morals—prohibition is the only intelligent action in the case of a conceded wrong.

"The annals of legislation upon this subject in this Country may also be appealed to, in proof of the correctness of this position, as a practical question. The license system has proved wholly inadequate everywhere. Under it, the sale and consumption of intoxicating liquors has greatly increased. Our type of intemperance, both as to quantity and quality of liquors used, is severer than is known elsewhere. Experience proves how futile are all attempts to subject to authority and wisely control, a practice which claims to act by permission. The utmost vigilance over licensed houses has always been in vain—all efforts to prevent abuse of authority without success.

"Under the present law, the traffic in intoxicating drinks for a beverage, is becoming quite common in all the cities and towns. It is fraught with ills innumerable to the State—with beggary and crime. It may well be considered whether, for such use, should not be considered contraband.

"While experience and history clearly indicate the duty of the State to prohibit the traffic for a beverage, it is not equally clear that those liquors have not an important use in medicine and the arts—if indeed the converse be not true, and therefore it would seem their sale for such purposes should be provided for, to such an extent, and under such restrictions and regulations, as the public interest and safety require. I commend the whole subject to your special attention.

"In a popular form of government, where the efficiency of the law depends upon the unanimity of the people in their support, particularly in that class of enactments which intimately affect the social habits of a community, it is highly important that they should have the popular sanction. With the hope, also, that some common ground may be found upon which all well wishers to the public sobriety can unite, and thus place the question, by a decided action of the people, in their primary assemblies, above partisan aims, I commend to your consideration whether it be not wise to submit to them for approval, in such manner as shall most likely elicit a general expression, any law you may enact upon this subject."

## LETTER XV.

### LEGISLATIVE REPORT FAVORS PROHIBITION.

AUGUSTA, Jan. 13.—(Special correspondence.)—The Republican platform in 1858 had pledged itself to place the

license matter before the people. And when the matter was referred by the Legislature to a committee, that body reported as follows:

The Joint Select Committee, to whom was referred so much of the Governor's message as relates to the traffic of intoxicating liquors and to whom also was referred the petition of Maria Cornelia D. Dow and 1,937 other women of Maine, and numerous other petitions relating to the same subject, have had that subject under consideration, and ask leave to report that they have, as far as they were able, devoted their attention to the matters with the consideration of which they were charged, with that degree of care and deliberation which the importance of the subject and the public expectation seemed to demand. The conclusion of your committee is that the well-being of society requires the enactment of a law for the restraint and regulation of the sale of intoxicating liquors, more efficient than that now in force.

"Recognizing and fully appreciating many excellent provisions in the law, yet your committee are of the opinion that it is wanting in the most efficient elements of a law required by present exigencies.

"Your committee are also of the opinion that the general and distinctive principles of the statute of 1853 are the only true and profitable basis of all enactments intended for the suppression of intemperance by a restraint of the promiscuous traffic in ardent spirits.

"It has, therefore, been the purpose of your committee to construct a bill upon that basis in such a manner as to provide an efficient law, which shall not be obnoxious or open to any just cause of complaint.

"Your committee have no hope to reconcile the widely different opinions that prevail, upon the cardinal question of legal restraint upon that traffic. We are also aware of the diversity of opinions among those who are in favor of some measure of restraint; but your committee have proceeded upon the conviction that the better argument is in favor of the more summary methods of the suppression of the unlawful traffic. We have accordingly endeavored so to construct and adjust the provisions of a bill, that, while it shall give due force to all proceedings instituted for that purpose, the rights of individuals shall be properly guarded, and no one shall be made to feel its severity but he who may be disturbed in his desire to violate the law with impunity.

"Your committee do not deem it incumbent on them to argue the propriety of the bill which they have made. It contains no important provisions which have not been discussed

most thoroughly, not only by the press, the pulpit and by numerous legislative bodies, but by the people at large; and the greater part of the people are believed already to entertain fixed opinions on the one side or the other.

"Neither does the bill contain any distinctive provisions justly chargeable with novelty of principle. The doctrine of search in case of suspicion of crime, is known wherever the common law is known, and was so well recognized as a proper and necessary practice, that those who framed the fundamental law, thought it worthy of them to guard and direct it by constitutional provisions.

"The doctrine of seizure and forfeiture of contraband goods has also the sanction of antiquity, as well as the further authority of numerous National and state enactments. These have always been measures fit to be applied in all cases where the public exigencies required it.

"Hence it would seem that the only question would be as to the propriety of the application of those methods to cases of unlawful traffic in ardent spirits. Upon that question every member of the Legislature probably has his own views; and it is to be hoped that every one will act freely and according to the dictates of his own judgment.

"It may, however, be remarked that nearly all agree that there should be some degree of prohibition. If there must be prohibition, there must be a penalty for a violation of it, and whether that penalty be imprisonment or a forfeiture of money or of goods, it falls only upon those who might easily avoid it by obedience to the law. Your committee, therefore, report the bill herein submitted and entitled 'An act to restrain and regulate the sale of intoxicating liquors,' and recommend the passage thereof.

"Your committee further report that there is, in their opinion, a general desire among the people that such an act as may be passed on this subject should be submitted to the people for their suffrages; and considering the importance of the subject and the necessity of popular favor, in order that such law may be efficient, your committee think it advisable so to submit it, and ask leave to sit again and to report a bill for that purpose."

#### Discussion in Papers.

Discussions at once crowded into the State papers on the license subject, and one writer no doubt expressed the views of a majority when he said: "The people will insist upon having a law that will at once and effectually suppress the numerous grog-holes and tipping shops that are now a stench in the nostrils of the public."

At the beginning of the session of the Legislature, a correspondent writing to the Portland Advertiser, said: "There is quite a temperance furor reigning in Augusta, at the present time, the alarming increase of rum drinking in the community having aroused a state of feeling never before witnessed here."

A call was issued for a temperance meeting, and the correspondents noted as a fact of peculiar importance, that among those who signed the call for this meeting were "Several gentlemen who are active Democratic politicians, and among the signers was observed the name of Col. G. W. Stanley, who, it will be remembered, was one of the prime organizers of the anti-Maine Law Chandler movement, against Governor Hubbard, in 1852. The appearance of his name on the call can only be regarded as a significant and remarkable confession of the utter inefficiency and failure of the present license law, which at the time of its enactment, was claimed by its friends as eminently adapted to promote the cause of temperance."

The friends of prohibition declared that with the aid of many who formerly stood aloof from temperance reform, and with the unabated energy and ardor of the old pioneers in the cause, no one could deny that the principles of prohibition, as applied to the grogshops and tippling houses, had won for itself a great moral triumph, and was now to be regarded as the fixed sentiment of the majority of the people of Maine.

The fact that Col. Stanley, Hon. J. W. Bradbury, and other prominent Democrats had signed this call for a temperance meeting, disturbed the friends of the license system, and the Augusta Age declared that it was not true that Col. Stanley and J. W. Bradbury "had come out in favor of the Maine Law; that what they did was to sign a call for a meeting, to take measures for the suppression of the unlicensed sale of intoxicating drink, by an enforcement of existing laws."

The retort was made that the distinction was one without a difference, and that the gentlemen under discussion would have to stand by the record of their own act.

At the beginning of this session, therefore, a great temperance meeting was held in Augusta, over which Governor Morrill presided, and among the speakers were many of the prominent men of the State.

## LETTER XVI.

### PROHIBITION ADOPTED BY THE PEOPLE.

AUGUSTA, Jan. 14. (Special Correspondence.)—The form of the prohibitory bill which should be enacted by the Legislature of 1858,

caused much difference of opinion. The more radical element favored the re-enactment of the law of 1855, but some objected to the stringent clauses of the bill and the result was a compromise, and the bill finally reported and passed, was practically the law of 1853, with the exception that liquors could be manufactured for sale to municipal officers, authorized by law to purchase them. The manufacturer had to give a bond of \$1,000 in the city in which his establishment was located that he would sell no liquors except his own manufacture. He could not sell less than 30 gallons at a time, and the officers of the cities and towns could purchase only for medicinal and manufacturing purposes.

The provisions of the act did not extend to the manufacture of cider or wine from fruit grown in the State, to be sold by the manufacturer. The bill also provided that if three persons competent to be witnesses in civil suits made complaint, to any municipal or police court, or justice of the peace, that intoxicating liquors were unlawfully sold or kept in any place, warrants could be issued for search and seizure.

The Legislative vote was as follows: In the House, affirmative: Bailey, Banks, Barton, Bean, Bicknell, Blaisdell, Boody, Bowen, Brackett, Brown, Buck, Bucknam, Burbank, S. J. Chadborne, Chick, A. H. Clark, Clement, Conant, Coffin, C. P. Davis, J. Davis, Deane, J. H. Drummond, R. R. Drummond, Dunn, Estes, Fields, Fisher, Flye, Foss, Fuller, Gilkey, Goodale, Hager, J. Hall, J. E. Hall, Hanson, Hale, Hill, Hobbs, Holt, Johnson, Jones, Judkins, G. A. Kimball, C. A. Kimball, I. C. Kimball, H. Kingsbury, S. Kingsbury, Knapp, Lane, Laughton, Longfellow, Loring, Maddox, Marcey, Marshall, Merrithew, Merrill, Miller, Milliken, Morrison, Oliver, Parker, T. Parkes, Parsons, Pattee, Percy, Perkins, Pettingill, F. A. Pike, S. R. Porter, Pratt, Prentiss, Rackliff, Rice, Roak, Rogers, Royen, Salley Sanborn, Sargent, Sawyer, Sherman, Skillings, Skinner, B. Smith, W. C. Smith, Snow, Stanley, Stockbridge, Strickland, Tapley, Tilson, Wad'in, Walsh, Wasson, Waterhouse, Weeks, Wheeler, Whitrey, Wing, Woodbury, Woodman. York. Total, 104.

Negative: Balch, Bachelor, Buxton, H. M. Chadborn, E. Clark, Cunningham, Hersey, Ingalls, Keene, C. E. Libbey, J. Libbey, Maberry, Mitchell, Nutting, J. Palmer, H. Pike, J. B. Pike, J. Porter, Ranney, Rideout, Spooner, M. E. Sweat, W. H. Sweat, Tibbetts, Trussell. Total, 27.

The vote in the Senate was affirmative, Berry of Kennebec, Berry of Waldor, Burbank, Burpee, Chapman, Connor, Davis, Fletcher, Goddard, Hamlin, Hobbs, Hoyt, Jones, Lotirop, McGill-

very, Plaisted, Scammon, Stinchfield, Thomas, Twitchell, Wasson, West, Wing, Woodbury. Total 24.

Nays, Mr. Wiggan. Total. 1.

In addition to this act, an act was passed entitled, "An act to ascertain the will of the people concerning the sale of intoxicating liquors." This act was to the effect that an election was to be held on the first Monday in June, to give their vote in relation to an act entitled, "An act to restrain and regulate the sale of intoxicating liquors, and to prohibit and suppress drinking houses and tipping shops," approved April 7, 1856, and in relation to an act entitled 'An act for the suppression of drinking houses and tipping shops,' approved March 25, 1858." At such meeting the qualified voters were to give in their ballots as follows: Those in favor of the act approved April 7, 1856, shall give in their ballots with the words 'License law of 1856,' written or printed thereon. And those in favor of the act approved March 25, 1858, shall give in their ballots with the words 'prohibitory law of 1858,' written or printed thereon.

After the Governor and Council had sorted and counted the votes, the Governor was authorized to issue his proclamation declaring the majority vote returned, and if the license law had the majority, then the act approved March 25, 1858, was to be repealed, and the act of April 7, 1856, revived.

In the discussion of this matter, the Democrats in the Legislature were arrayed upon the side of license, and the Republicans of prohibition. In the final discussion Dr. Buxton of Warren, and Mr. Spooner of New Portland, argued that the objections which they had against the proposed bill was that it was "unconstitutional, to refer a law to the people for ratification or for rejection."

The vote in the election was for prohibition, 28,865; license, 5,912. The vote was small, being only about one-third of the number cast in the election following in September, and less than one-fifth of the total number of voters in the State at that time. It was expected that the vote would be heavy, as it was a great issue before the people, discussed in the press, churches, and even taken into the schools. The Portland Advertiser, editorially, in speaking of the election, said: The Democratic papers have persistently counselled their readers not to vote, and it is quite evident that the advice has been heeded, and obeyed. This same paper stated that had the Democrats labored as hard to get voters to the polls as they worked to keep them away, there would doubtless have been 100,000 votes thrown. The vote in Portland, on the issue was:

Prohibition. License.

Ward One .....	228	6
Ward Two .....	163	3
Ward Three .....	179	4
Ward Four .....	109	2
Ward Five .....	171	4
Ward Six .....	181	2
	251	2

Totals ..... 1258 23

In Westbrook the vote was 284 for prohibition, and for license, 0. In Waterville, 292 against 18; in Bangor, 540 for prohibition, and 430 against. In Augusta, 304 for, 24 against. In Lewiston, 519 for, and 0 against. In Auburn, 256 for, and 0 against. Danville gave 114 for, 0 against; Hallowell, 157 to 14; Gorham, 245 to 1.

The Kennebec Journal, in commenting upon the election, said: In the State generally, the Prohibitory Law has been adopted by a large majority. The vote is not large, nor have the votes ever been large in Maine, on constitutional questions submitted to the people. In 1855, when the question of election of judges of probate, registers of probate, land agent, attorney general, adjutant general, was submitted to ascertain if they should be elected by the Legislature instead of being appointed by the Governor, only 29,853 votes were cast on the question, although it was on the same day as the State election. The official vote of the people on the liquor laws is given below by counties. Every county in the State, with the exception of Aroostook, decided in favor of the Prohibitory Law of 1858, where there was a small majority for the liquor law. The Kennebec Journal, in commenting upon this matter, said: The course taken in this matter by removing it entirely from the line of politics, by submitting it fully and fairly to the people, proves to be generally satisfactory. The vote:

License. Prohibition.

York .....	28	3,112
Cumberland .....	141	4,229
Lincoln .....	313	1,076
Hancock .....	224	1,329
Washington .....	277	1,387
Kennebec .....	318	3,443
Oxford .....	338	2,280
Somerset .....	411	1,889
Penobscot .....	2,486	2,705
Waldo .....	303	2,027
Piscataquis .....	433	692
Franklin .....	136	1,335
Aroostook .....	399	370
Androscoggin .....	62	2,184
Sagadahoc .....	13	851

Totals ..... 5,912 28,864

The position taken upon the question by the Democrats seems to have been a peculiar one. The Age, published at Augusta took the position that unless the Republicans showed a division in their party and in the press, on the

subject of the liquor law, it amounted to nothing for the Democrats to vote upon the question. It seems to have been admitted in advance that prohibition would triumph.

For the first time, in that election, this question was submitted to the people, and the issue was plain. The people decided not to allow liquor shops for the legal sale of intoxicating drinks as a beverage but to confine the sale to mechanical, chemical and medicinal uses alone.

## LETTER XVII.

### LIQUOR QUESTION IN 1861.

AUGUSTA, Jan. 15.—(Special Correspondence.)—The liquor question did not come before the legislature again until the year 1861. In that year there were many petitions and memorials praying for an amendment to the law, and the joint select committee to whom these were referred made the following report:

That, impressed with the importance of the question for the investigation and consideration of which the committee was selected, and fully aware of the deep interest felt upon the subject by the people of the State, they have endeavored to give their earnest attention and careful consideration to their work which its importance and the expectations of the people in reference to it would seem to demand. The number of petitioners who have asked for alterations and amendments of the law, are very considerable. And gentlemen have appeared before the committee from various parts of the State—men of the most eminent ability and of life long devotion to the cause of temperance—advocating changes of more or less moment. And on the other hand, gentlemen of equal ability and of no less eminent a record for devotion to the principles and practice of temperance have appeared before the committee, deprecating all material alterations of the law, and urging further time be given for a trial of the law as it now is.

All these arguments, as well as the facts presented in support of them, the committee has tried to weigh carefully.

An argument often urged by those who deprecate any alteration in the law as enacted in 1858, is the fact that the bill was submitted to the people in a special election and by them adopted by a very large majority, and that it has, therefore, a more solemn sanction than the laws enacted in the ordinary routine of legislation.

Undoubtedly, there is some force in the argument. And, yet, the committee feel unwilling that any action of the present Legislature should be in-

terpreted as giving to that law the character and authority of a finality.

In the June election of 1858 the people of the State unquestionably gave their sanction to the principle of prohibition. And it was upon that principle rather than upon the various provisions of the law that they voted. Any alteration of the law that should take from it the prohibitory principle would be in contravention of the will of the people as then solemnly expressed. If, when the law has been fairly tried it shall be found unequal to the accomplishment of the end for which it was enacted—if, when the penalties it provides have been brought home to the various classes of offenders against its provisions—it shall be found that the law is defective in operation, and in its penalties too light, then it will be the right and duty of the Legislature to revise that law and increase its penalties; for the committee has no doubt that it was and is the intention of the people of Maine to secure a law by means of which, when faithfully and judiciously used, the traffic in intoxicating liquors may be wholly suppressed.

But the time has not yet come, in our opinion, for any legislative action upon the law looking to a material change of its provisions. In every instance where complaint has been made to us that the law is insufficient—that its penalties are not severe enough, or its guards too loose—it has appeared upon inquiry that no earnest and continued effort has been made by the people or by the municipal authorities to execute it. And the committee un-animously agrees that in any community where the controlling sentiment of the public does not demand, or will not sanction the infliction of the penal provisions of the present statute, a law provided with sharper weapons of punishment would be even less likely to be put into operation against offenders. It is alike the dictate of reason and of experience that legislation should not go very far in advance of public sentiment.

In those sections of the State where the present law has been most applied, the fewest complaints have come of its insufficiency.

For the reasons thus briefly suggested the committee unanimously recommended that, with the exception of the single brief explanatory enactment hereinafter mentioned, the law of 1858 be allowed to remain intact upon the statute book, until an advanced public sentiment, having used the means afforded by the present law, shall demand a change.

As hinted above, the committee deem some legislation necessary on one important point, but not involving any change in the original intention of the law. In different parts of

the State magistrates have given different interpretations of the term, "intoxicating liquors," used in the various sections of the law of 1858. More generally the term has been understood to include ale, strong beer, lager beer and porter. But in some localities these malt liquors have not been understood as included in the term "intoxicating liquors," and the law therefore not enforced against the sale of them.

The committee has no doubt that the law was intended to include these malt liquors, and to prohibit the sale of them in the same manner and to the same extent that it prohibits the sale of distilled intoxicating liquors. And to remove all doubt upon the question, the committee recommended the passage of a brief explanatory bill which is herewith submitted.

Per Order,

J. A. MILLIKEN.

The legislation recommended was, "An Act Explanatory of an Act for the Suppression of Drinking Houses and Tippling Shops," approved March 5, 1858. It was as follows:

'The words 'intoxicating liquors,' and 'intoxicating liquors,' wherever they occur in the 'act for the suppression of drinking houses and tippling shops,' approved March 25, 1858, shall be understood and construed to include strong beer, lager beer, ale, porter and other malt liquors.'

## LETTER XVIII.

### THE FIRST STATE POLICE.

AUGUSTA, Jan. 16.—(Special Correspondence.)—The Legislature of 1862 passed a law establishing a State liquor agency. The authorized authorities in towns under this law could purchase of the Massachusetts commissioner instead of the Maine agent if it were more convenient for them to do so.

Eaton Shaw of Portland was the first commissioner and from his first report it was evident that some of the towns purchased liquors not only of the Maine agent and the Massachusetts commissioner, but secured liquors also from other sources. The total sales of liquors for first year was \$24,607.86, an amount far below what many people had expected. Commissioner Shaw called attention to the fact that in some parts of the State there was an illegal sale of liquors, and that not so much attention as formerly had been given to the enforcement of the law, no doubt due to the fact that the public mind was so engrossed with the National affairs. The undivided energy of the people was given to the Government, and raising troops and supplies for carry-

ing on the Civil War, Mr. Shaw said. "It cannot be doubted that the moral convictions of a large majority of the citizens of this State favor prohibition. In foreign states distinguished professional men and eminent statesmen are giving the whole weight of their influence to the principle of total abstinence, and are recommending the disuse of intoxicating liquors and beverages, by legal restraint."

### Shaw's Annual Report.

In his second annual report, Mr. Shaw said: "Agencies in about 100 cities and towns are now supplied directly from this office, and from these agencies the citizens and agents of various other towns obtain their supplies. In the early part of the year, several agencies were discontinued—some, where the patronage was small, on account of the expense of a United States license, others evidently because the existing municipal boards do not regard a prohibitory or a restrictive law with favor."

Mr. Shaw claimed that the general agency was embarrassed by persons who traveled through the principal cities and towns claiming to represent large liquor establishments in other states, and selling liquors to the people which were below the standard. He recommended that the fine in such cases should be increased, and imprisonment added for a second offense. He said some of the towns were inconvenienced because they had no agency, and he thought the State ought to amend the law so as to impose a fine if towns neglected to appoint an agent in a city or town having a given number of inhabitants. He said that the extensive issue of licenses in the State under the United States law was a cause of regret and that the people who held these licenses claimed that they had the sanction of the supreme law of the land, in carrying on a business although it was distinctly prohibited by State enactment. He called attention to the fact that in Massachusetts cases of prosecution for a violation of the state liquor law which have come before the Supreme Court of the Commonwealth when a defense has been made on the ground of having a license under the United States law, a verdict had been given in every instance against the defendant. The total amount of sales that year were \$44,341.25.

### Conditions Improved.

In his third annual report Liquor Agent Shaw quoted improved conditions and that the liquors furnished the city and town agencies, so far as he had been able to learn, had been as judiciously disposed of as could be expected and gave general satisfaction. Mr. Shaw believed that the Prohibitory Law made it abso-



lutely necessary to have places where people could obtain liquor for legitimate uses. The total sales in that year increased to \$76,360.

In his report in 1865, Mr. Shaw made the statement that the State commission for supplying the city and town agencies was generally appreciated and held to be a necessity. He thought that the fact that town agencies in Maine were allowed to get their supplies from the general agency of Massachusetts was unfavorable, both to the interests of the State commission and the town agencies themselves. The sale of liquor that year reached the amount of \$94,008.01.

In 1865 the liquor agency law had been amended to allow the Maine agent to sell to authorized agents in other states.

In 1868 Commissioner Shaw reported that there were places in the State where liquors were sold in large quantities, under the name of town agencies, which had no account whatever with the State agency. The total amount of sales that year were \$106,860.30.

In this same report Mr. Shaw complained that although the agencies were generally well conducted, and had the confidence of the communities in which they were located, there were instances of "their gross perversion." In several towns shops had been opened for the sale of liquors under the name and pretence of a regular agency, with the obvious intention of violating the law. The commissioner thought that in large towns the people would be much better accommodated if they had more than one agency and this without any detriment to the cause of temperance. Mr. Shaw said:

"In the opinion of physicians generally, various liquors are necessary for medicinal use, and as this commission is a legitimate source of supply in this State of pure and reliable articles, it holds an important relation to the public welfare, I therefore suggest whether it is not advisable that provision be made for an annual or more frequent examination of its affairs, by a committee from the executive board." The sales for the year ending Nov. 30, 1867, were \$137,382.39.

### State Police.

In 1867 the Legislature passed an act to provide for a State police on certain occasions, and it was approved March 1, 1867. This was the law known as "The State Constabulary Act," Joshua Nye of Waterville was appointed State constable. This law did not meet with popular approval. On Dec. 31, Mr. Nye made his first annual report, which also proved to be his last. In this document Constable Nye said, in part:

Of the appropriation of \$20,000 which had been made for the State police, \$17,310.24 had been expended. The

amount paid in fines was \$539. During the 10 months that the law was in effect that year 668 searches were made for intoxicating liquors and of these 279 were successful. A total of 1,670 gallons of liquors, valued at \$5,323 were seized. Other offences to the number of 93 were prosecuted. Twenty-nine constables were appointed in the several counties of the State. Cumberland County had four of these.

In his report Mr. Nye claimed that at the time the law was passed that more than 3,000 persons were engaged in the illegal sale of liquors, and previous to the first day of May a little more than 2,000 of these went out of the business.

Of the 394 hotel keepers in the State, 254 were found to be engaged in the traffic, and 781 persons had places in shops or private business. Mr. Nye stated that he notified these persons that they must go out of business, and that the most of them obeyed.

The following in relation to the liquor agencies is taken from this report of Mr. Nye, and in view of the present Legislative investigation of this subject is of more than passing interest and importance:

"Early in the Winter I was surprised to learn with what perfect looseness a large part of the liquor agencies of the State were conducted. Many were purchasing their liquors from agents not authorized to sell in this State, keeping no record at all of their sales or purchases, and selling to any persons almost, who asked for liquor; in fact, most of them were fast becoming nuisances, and liable to indictment as such. Many of these agents confessed that they never had read any of the laws regulating agencies, and many of them said they did not know there were any."

Mr. Nye then states that he issued a circular to agents and town authorities referring them to some of the laws regulating the sales at agencies and asking their co-operation in having the laws enforced. He then goes on to say:

"Very soon there was a great change and most marked improvement. Some of the deputies report, however, that they are troubled more with licensed agents in their localities than with all other persons. The more the law is enforced against unlicensed persons, so much more will persons rush to the licensed agencies for liquors, and the many complaints made against appointed agents show conclusively into what close quarters rum drinkers are driven, and how hard it is for them to get their liquor, because the law is so effectually enforced."

Mr. Nye was enthusiastic over what he claimed had been the good work of the State Police, and declared that the work of his force had greatly de-

creased the sale of liquors, saying: "It is estimated, on reliable authority, that in 1866 more than one and a half million of dollars were paid for liquors brought into this State, while in 1867 not one-tenth of that amount was brought into the State."

## LETTER XIX.

### PROHIBITION RATIFIED BY THE PEOPLE FOR A SECOND TIME.

AUGUSTA, Jan. 18, (Special correspondence).—The act to provide for a State police passed in 1876, provided that an officer to be called the constable of the State should be appointed by the Governor and Council. This constable upon application of ten or more legal voters in any city or town could appoint one or more deputies if he was satisfied that the local force failed to enforce any law of the State and the public good required it. The number of deputies in any county could in no case exceed ten, and the entire number in the State at any one time could not exceed thirty. The State constable and his deputies had exercise throughout the State of all the common law and statutory powers of constables, except the power to serve civil processes. It was the duty of the constable and his deputies to see that the law was enforced in all parts of the State, and to co-operate with the sheriffs and their deputies, and the city marshals and their police officers.

They were forbidden to act in any case unless in their judgment there should be a failure neglect or inability, in the part of the local authorities, to cause persons violating any laws to be prosecuted and punished. The deputies were to receive \$3 a day when on duty, and when obliged to travel, were allowed their expenses.

A bill was introduced that this act should be submitted to a vote of the people, but that failed of passage.

The Legislature of 1868 met on January 1. On January 3 in the Senate, E. Wilder Farley of Lewiston presented an act to repeal the law of the last Legislature, entitled An Act To Provide For the State Police, Under Certain Circumstances. He moved a suspension of the rules "that the bill be read at the present time." On motion of Senator John L. Stevens of Kennebec the bill was laid upon the table. Those who were opposed to the law were strenuous in their exertions that this matter be given early consideration, and so it was referred to the committee on judiciary, who were instructed to give the matter their earliest attention.

In the House on the second day of the session Representative Brackett of Augusta presented a bill for the repeal of the constabulary law, and it

was tabled upon motion of Parker P. Burleigh. On January 9 the matter was called up in the House, and Mr. Brackett moved a suspension of the rules, and that the bill be given its second reading. This the House refused to do, by vote of 57 to 66, and the bill was referred to the House judiciary committee. When it finally came before the house the vote was as follows: Affirmative, D. Allen, O. Allen, Atkinson, Atwood, Bailey, Barrell, Buxton, Beale, Bean, Berry, Bickford, Blanchard, Bradford, Davis, Brown Buck, Bucknam, M. V. B. Chase, I. Chick, Cilley, S. H. Clark, Coffin, Cushing, Dame, Ellis, Farmer, Farnham, Fenderson, Files, Fish, Foster, Frost, Frye, Gibbs, Gilman, Gerald, Gordon, Grindle, Hains, Hale, A. Hall, D. Hall, S. Hanson, W. H. Hanson, Hartwell, Haskell, Henley, Hinckley, Holland, Hutchins, Hutchinson, Jackson, Jordan, Lapham, Leighton, Libby, T. Lord, McArthur, Merry, Messer, N. P. Meserve, Morris, Nowell, Oak, Packard, Payne, J. D. Parker, P. C. Parsons, Peaslee, Pennell, L. Perkins, Perley, Philbrick, Phinney, Pierce, Pinkham, Plaisted, Prescott, Pulsifer, Purington, Rogers, Sawyer, Shaw, Spear, Stevens, Tainter, Talbot, Thomas, Thompson, Titcomb, Tolman, Tukey, Wagg, Wakefield, Walton, Watson, Webster, Whidden, Whittier, Wyman, York. Total 100.

Negative, D. R. Allen, G. M. Chase, H. H. Monroe, W. W. Parsons, Pollard, Shepley, Stetson, Woodman. Total, 8.

In the Senate the vote was affirmative, Billings, Burpee, Caldwell, Crosby, Fulton, Greene, Hersey, Hobbs, Holbrook, Houghton, Ludwing, Ma on, Perkins, Porter, Ramsdell, Robie, Weld, Woodbury, Woodman, Woodward. Total, 20.

Nays, Boynton, Brown, Dennison, Dyer, Eaton, Hamlin, Hobson, Parks, Read, Wingate. Total, 10.

The Legislature of 1867 had also passed an act entitled "An act to ascertain the will of the people concerning the sale of intoxicating liquors." The people to meet on the first Monday in June, and give in their votes for the suppression of drinking houses and tippling shops. This act which was amendatory of the laws of 1858, greatly strengthened the prohibitory laws.

The law upon which the people voted increased the penalties. Persons convicted of selling liquors in addition to the fine provided for, were obliged to undergo imprisonment in the County Jail for 60 days. Persons convicted of being common sellers on the first conviction were imprisoned in the county jail for three months, and for second and every subsequent conviction got four months in county jail. Persons convicted of keeping drinking houses and tippling shops on the first conviction were imprisoned in county jail for three months, and for every

subsequent conviction were imprisoned six months.

The act also provided that in the future the manufacture of all kinds of intoxicating liquors, except cider, was prohibited.

The election day was a stormy one, and coming at a busy season of the year, the vote was not large, although it was very evident that had it been necessary, the friends of prohibition would have rallied in much larger numbers. People generally, after this election, believed that the principle of the prohibition of the sale of liquors as a beverage was firmly established, as a fundamental rule of the State. In this special election, the vote by counties was, as follows:

	Yes.	No.
Androscoggin .....	1,707	64
Aroostook .....	772	249
Cumberland .....	3,033	575
Franklin .....	910	143
Hancock .....	941	254
Kennebec .....	2,043	387
Knox .....	643	62
Lincoln .....	655	119
Oxford .....	1,153	384
Penobscot .....	2,039	725
Piscataquis .....	572	253
Sagadahoc .....	736	75
Somerset .....	1,290	382
Waldo .....	693	761
Washington .....	992	610
York .....	1,189	493
Totals .....	19,358	5,536

Thus, for the second time was the Prohibitory Law submitted to the people, and the people ratified it by a large majority.

In the election of 1866, General Chamberlain had been elected governor over Eben F. Pillsbury, the Democratic candidate, by 27,490. In 1867, which was an "off year," General Chamberlain's majority over Mr. Pillsbury was only 11,342. An attempt was made on the part of the Democratic Press, to show that this was due to the unpopularity of the State constabulary law. Such, however, does not seem to be the facts. There was no doubt whatever of Mr. Chamberlain's re-election, and in 1867 while the Democratic vote increased about 4,000, the Republican vote fell off about 12,000.

#### Governor Chamberlain.

Governor Chamberlain in his address in January, 1869, said:

"Legislation upon what a man shall eat or drink, is certainly a pretty strong assertion of 'State rights' over those of the individual. But every good citizen will admit that drunkenness is an evil; a dishonor to manhood, a disturber of society, and a detriment to the State. It stands out from other vices in being the exciting cause of much of the costly litigation and criminal proceeding before the

courts, and in driving men to crimes which they would not otherwise commit. Hence it is the duty of the State to restrain men from it, and protect the innocent from its depredations; and the duty of the individual to yield some of his personal rights for the general good. Our State has accordingly enacted the present Prohibitory Law as in its judgment an adequate means to this end, and wherever it has been executed it appears to have been effective.

"Since the repeal of the Constabulary Act there does not appear to have been much effort to make use of the ordinary means of enforcing the Prohibitory and kindred laws. In some localities the friends and guardians of good order have done their duty, and the traffic in intoxicating liquors is effectually suppressed. But for the most part there seems to have been a reaction from the severe measures of the previous year, and also a willingness on the part of some to let the reaction do its worst, in order to give urgency to the movement for more stringent legislation. Precisely what measures to adopt to secure the more general execution of this law is a question on which the wisest and best will differ. It may be proposed to restore the late Constabulary system, but experience found in that much that was objectionable. It was essentially repugnant to the deep settled notions of municipal rights. It was an independent and abnormal power in the civil system. It afforded peculiar liabilities to abuse and indiscretions in its exercise. We should be able to provide some means which would more command the consent and co-operation of the people. I think it highly desirable to accomplish this end if possible through our established civil officers. But at all events let us execute our laws or repeal them.

"Let no one imagine that with the severest execution—either of the liquor or the murder laws, all crime and all evil are to be expelled from among men. The most we can hope to do is to intimidate and restrain them—the Divine law has as yet achieved, no more."

"These are important matters, and I am persuaded that you will deal with them without rashness or fear."

## LETTER XX.

### GOVERNOR CHAMBERLAIN'S MESSAGE.

AUGUSTA, Jan. 19. (Special Correspondence).—A political party appeared in the State, in 1869, known as the Temperance Party. It was composed of men claiming to be dissatisfied with the manner in which the prohibitory laws were enforced.

Some complaints were made against Governor Chamberlain, to the effect that he was not entirely friendly to the principle of prohibition. Governor Chamberlain was a candidate for reelection on the Republican ticket, and the Democratic candidate was Franklin Smith. The Temperance party nominated N. G. Hichborn. The total vote that year was a small one, being 95,082, as compared with 131,782, the previous year; a falling off of 36,700. The Republican vote was 51,314; compared with 75,523, the previous year a decrease of 24,209. The Democratic vote was 39,033, as compared with 56,207, a falling off of 17,160. The vote for Mr. Hichborn, the Temperance candidate, was 4,735, and this no doubt was largely drawn from the Republican ranks.

That part of Governor Chamberlain's inaugural address in 1870, which was directed toward the temperance issue, attracted unusual attention. In beginning his remarks upon this subject, General Chamberlain said :

"The accounts of the State liquor commissioner and his method of doing business have been carefully examined and are found highly satisfactory. Some points remarked on in his report will demand your attention. The practice of turning in confiscated liquors—always more or less impure—to the town agencies, taken in connection with the fact that we have provided a State commissioner who is paid and placed under bonds to furnish nothing but the purest liquors, which the town agents are imperatively required to purchase exclusively of him, is so absurd that good logic, if not good morals, demand that it should be prohibited."

#### The Temperance Party.

Governor Chamberlain took exceptions to the attacks made upon him by the Temperance party, their methods of conducting their campaign, and denied the position which they assumed, that they were the only real friends of temperance and Prohibition. In alluding to this party, Gov. Chamberlain said:

"A principle prized by all was arrogated by a few, and made the placard if not the watchword of a political organization. The result, as might have been expected, was to give to a worthy and sacred cause the appearance of defeat. The cause has suffered, but should not be held to blame. Its very virtue was its misfortune. The strong hold which it had upon the hearts of the people was the occasion of its being seized upon to cover sinister intentions. Various elements of disaffection availed themselves of the confusion which their cries had raised, and rallied in a strange companionship, under a banner which had never been so entrusted to them, and which lost its consecration by their laying on of

hands. The elements which conspired in this movement and the animus which impelled it, appear to have been so well understood by our people as to require no analysis by me. Four thousand seven hundred votes in a total of nearly 100,000 after the unparalleled resorts of that campaign, prove that whoever else voted that way the Temperance men of Maine did not. They answer to a longer roll-call. They muster a nobler host. The people of this State are a temperate people, and "in favor of temperance," if that can mean anything more. They are also a manly people. They do not fear to express their opinions, nor shrink from espousing any just cause. What they desire of right or expedient in their laws they will in their own good time have. But anything forced upon them contrary to their best judgment, and consequent upon their good nature alone, cannot be expected to receive their hearty moral support, or be productive of real good. It is a sad day—however, for the welfare of this State when any rash measure must be adopted simply because no one dares for a moment to question its expediency lest its champions should taunt him with infidelity to a creed of which they are not the chosen apostles, and anathematize him in the name of a power which they have usurped.

"Gentlemen, I yield to no man in respect for the rights of minorities. This is the glory and nobility of liberty. Men may vote as they please and be protected. They may do and say what they please, perhaps; but not without being held responsible for the abuse of the privilege. And if I may be allowed the opportunity to advert to matters which, although of a personal nature, yet in their effects rise to the dignity of a public consideration, let me here deprecate the practice so recklessly resorted to in the last campaign, of aspersing the motives of official conduct, and of misrepresenting private character for political and sinister ends. So far as those efforts were successful, I fear they did no good to the cause of temperance, or to the young men of Maine. It is a regard for their welfare, and solicitude that those who have followed me on other fields may not be seduced to wrong ways, by the false fancy that they are following me still, that I ask you to let me lift my standard for a moment that they may see where I am. Let them not think that the record of a life-long loyalty is so easily reversed. I shall not seek safety in the lines of the enemy to escape the mutinies of the discontented, more anxious for their own way than for a right cause; nor turn back to camp because some raw recruit on picket, with the impetuosity of terror, unable to discern front from rear, or friend from foe, shrieks at me for the counter-sing.

"Let us not, however, in our scorn of hypocrisy, or resistance to ill-judged or encroaching measures, be forced in to a seeming antagonism to virtue, and to those who love and labor for its cause. But rather with cool brain and steady nerve, summoning all the agencies of good, whether of heart or hand, go on to practice and promote the things that are honest and pure and of good report. Those who join wisdom with zeal to promote virtue among the people, will labor to nourish aright public sentiment as well as to secure punitive enactment. Some margin must always be left for differences of moral sentiment. Otherwise we might break down the public conscience. For one, however, I do not object to a law's being somewhat in advance of public opinion—that is, more stringent in its provisions than the people really like to obey. The requisitions of even an impossible virtue may avail for good. Its broad, high aspect may strengthen and hold up some that would otherwise fall before the influence of bad surroundings, and the terrors of its penalty might cool the recklessness of some who would not be restrained by milder persuasives. But when a law is widely different from the people's judgment, and provokingly contrary to their wishes; then, instead of expecting it to go on crushing its way like an unrelenting law of the universe, it would be better to look for one that takes some cognizance of human conditions, and reach out a hand that will meet half way the trembling instincts of good. These are questions which go to the foundations of society. Indeed it may be said that wisdom consists in seeing the practical points of contract between the abstract and the human right. For the human law is not as the divine. That declares the ways of absolute justice and the inexorable right. But the object of human law is to protect individual rights so that every man may be free according to his own conscience to work out his obedience to the higher. Any law, therefore, which proposes to abridge personal rights, should be ventured upon with the utmost caution, and administered with the widest charity. There are other things to be thought of besides restraining men from the use of intoxicating drinks. Although this be a parent of crime, and begets monsters from which all the good avert their faces and seek to save their fellows, yet we must not expect that it can be wholly subdued and driven from among men. The laws against intoxicating liquors have been as well executed and obeyed as the laws against profanity, theft, unchastity or murder. Even if they are executed, they will not avail to extinguish crime, nor banish evil from the hearts of wicked men. We must consider what can be done. Restrain and intimidate

as much as you can by law; it is only by the gospel still that men can be converted from evil.

"I see no reason why measures for the promotion of temperance should not be approached as calmly, and, if need be, as boldly as any other question of so much moment. Nay, it is such questions as these, most of all, which demand the full measure of your wisdom, your candor and your courage."

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## LETTER XXI.

### GOVERNOR SIDNEY PERHAM.

AUGUSTA, Jan. 20. (Special Correspondence).—The Democrats in 1870, nominated General Charles W. Roberts of Bangor, as their standard bearer. He had been a soldier of the Civil War, and was popular throughout the State. The Republicans nominated the Hon. Sidney Perham, of Paris, a man widely known, who had already served in Congress. He was a strong advocate of temperance, and of prohibition. The Temperance Party, which, although numbering only about 5,000, had conducted such a vigorous campaign in the previous election, made no nomination. Mr. Perham was elected by a vote of 54,019 to 45,733.

Governor Perham, in his inaugural address in 1871, said:

"The evils resulting from the use of intoxicating drinks are so destructive to all the highest interests of the State, and so promotive of all that we must deplore, that neither the philanthropist nor the statesman can ignore the demand for their suppression. To grapple effectively with an evil so interwoven with the love of gain, the appetite, the prejudices, and the social habits of the people, and to which so many in high social standing are wedded, is, in some respects, an unwelcome duty, and requires courage and devotion which many good people shrink from exercising.

"The work necessary to restrict this evil to the smallest possible limits, belongs primarily, and perhaps chiefly, to the domain of what is termed moral effect. Still experience shows, and all, or nearly all, the people of this State concede that in this, as well as in our efforts against all other vices and crimes, the aid of legislative enactments is indispensable. The only question is as to the kind of Legislation best calculated to produce the desired result.

"For centuries the traffic in intoxicating drinks has been the subject of restrictive Legislation in every Christian nation—the laws being more or less stringent according to the public opinion of the times. Sometimes communities and governments have sought to protect themselves from the

evils of the traffic by licensing only such persons as possessed moral character which, in the opinion of the authorities, qualified them for the trade. Sometimes a large sum has been required as a license fee for the purpose of reducing the number of places where liquors were to be sold; thus discouraging their use by higher prices and greater inconvenience in obtaining them. Sometimes relief and protection have been sought by the entire prohibition of the traffic except for certain specified purposes. For more than forty years the attention of the people of this Country has been given to the traffic and the long train of evils inseparably connected with it.

"Many laws have been passed by all the States upon this subject all intended to prevent or limit the sale. In many of these States the laws are very stringent against it. In two of three a clause in their constitution forbids the licensing of the trade; and in as many more liquor sellers are held responsible for all damages to individuals and society resulting from it.

"After years of discussion, Maine adopted the policy of prohibition in 1851, and with the exception of one or two years, it has been continued with remarkable unanimity.

"This legislation is not intended to interfere improperly with the personal habits of individuals. It only seeks to prohibit a public trade, which in the opinion of a large proportion of our people—perhaps all—is a public mischief. Nor does it attempt to dictate what we shall drink more than the laws against the sale of diseased, poisonous, or otherwise unhealthy articles of food, dictate what we shall eat. In both cases the laws are against the sale, not the drinking or eating. The laws of prohibition upon gambling houses, impure books and pictures, houses of ill fame and tipp'ing shops, all rest upon the same principle, viz.: that these trades are inconsistent with the public welfare, which it is not only the right but the duty of the government to provide against in all legitimate ways. There is, and can be, no difference of opinion amongst intelligent men as to the effect of the liquor traffic upon the prosperity of the State, and the happiness and welfare of the people. It is in direct hostility to all interests of the Country. No man can rightfully claim that a trade so injurious in its effect should be permitted to exist for his profit or accommodation. Every man is bound by his duty to society and the State to subordinate his personal preference and interests for the general good.

"If the principles I have thus briefly stated are correct, it follows that it is the duty of the State to enact and enforce, and of all good citi-

zens to obey and sustain, such laws as will most effectually prevent the traffic. It is not necessary to argue this question further before a body of intelligent, thinking men like this. If any have doubts on this subject, they would, I am confident, be removed by a careful comparison of the localities in this State where the law is enforced with places having a similar population in states where prohibitory legislation does not exist.

"The present law, where it is enforced, so far as I can judge, as effective in the suppression of the traffic as are our other criminal laws against the crimes they are intended to prevent. In a majority of counties the law appears to be well executed with very favorable results. Whether any further legislation in regard to the law or its execution is necessary or expedient, is for the Legislature to determine. I commend the whole subject to your careful consideration; reminding you and the people of the State that while recognizing the law as a necessary auxiliary in our efforts against intemperance, we should not neglect to use all the moral influence within our reach to create and maintain a correct public sentiment on this subject; for on this the existence and enforcement of the laws and the good we hope to see accomplished through these efforts depend.

#### Senator Frye.

At this time, there was discussion in plenty not only in Maine but throughout the Country over the effects of a prohibitory law. Senator William P. Frye, then a congressman, writing from Washington in a letter addressed to George S. Page, Esq., on this subject, said:

"The Maine law, has not been a failure, in that, first: It has made rum-selling a crime, so that only the lowest and most debased will now engage in it. Second: The rum buyer is a participator in crime, and the large majority of respectable moderate drinkers have become abstainers. Third: It has gradually created a public sentiment against both selling and drinking. Fourth, in all of the country portions of the State, where, 20 years ago, there was a grocery or tavern at every four corners, and within a circuit of two miles unpainted houses, broken windows, neglected farms, poor school-houses, broken hearts and homes, it has banished almost every such grocery or tavern, and introduced peace, plenty, happiness and prosperity. These two things, making the traffic disgraceful both to seller and buyer, the renovating and reforming the country portion of the State, are the worthy and well-earned trophies of our Maine liquor laws, and commend it to the prayers and well wishes of all good citizens. Of this law I have been

prosecuting attorney for 10 years, and cheerfully bear witness to its efficiency whenever and wherever faithfully administered. It has done more good than any law on our statute book and is still at work."

### Perham Re-elected.

In 1871 Mr. Perham was re-elected by an increased majority, Charles P. Kimball being the Democratic candidate, and in 1872 he was again elected. Mr. Kimball again being the Democratic nominee. Governor Perham in 1873 in relation to the enforcement of prohibitory laws, wrote in his inaugural address:

"All agree that intemperance is one of the greatest evils that afflict the people. How to eradicate it, is a question that addresses itself to all lovers of sobriety and good order, and involves the highest interests of the State. The legislator who is compelled to aid in levying taxes upon his constituents for the support of criminal courts, jails, prisons, poor houses and reformatory institutions, two-thirds of which are made necessary by the liquor traffic, cannot ignore the duty of removing, as far as possible, the cause that imposes these heavy burdens. Our State suffers greatly by this evil, and still no one can go out of the State in any direction without noticing a contrast in this regard, highly commendable to our people. It is probable that less intoxicating liquors are drunk in Maine than in any other place of equal population in the Country, perhaps in the civilized world. This enviable position has been reached through many years of individual and organized moral effort, supplemented by efficient prohibitory laws; neither means could have been equally successful alone. Other states have temperance men and women as devoted and as efficient as ours, but having no laws to aid them, or lacking the public sentiment necessary to sustain and enforce them, the success they deserve is not achieved.

"While some doubt the wisdom of prohibition, it has been so often and so emphatically approved by the people that it may be regarded as a part of the settled policy of the State. The law of the last Legislature, making it the duty of sheriffs and their deputies to institute legal proceedings against violations of the laws prohibiting the sale of intoxicating liquors, has secured a more effective enforcement of these laws. The effects are perceptible in the decrease of drunkenness, and consequently in less arrests on that account; in the reduction of criminal business generally, and in thousand of comforts and blessings brought to homes where poverty and misery reigned before. If it be said that it has destroyed an important business, and left the venders of liquor without employment, and their shops unoccupied.

it is answered that the money formerly paid to support their business has been turned into other and more useful channels of trade, or into the families of those whose hard earned money supported the traffic.

"The law prohibiting the sale of cider the same as other intoxicating drinks, except when sold by the manufacturer, has, it is believed, failed to meet the expectations of its friends. It has, however, demonstrated the fact, (if any demonstration was necessary,) that cider in any of its forms, is no less injurious when sold by the manufacturer or his agent than when sold by any other man. The difficulty in discriminating between cider in its harmless and hurtful condition is such that most of the temperance organizations, after much experience and careful consideration, have found it necessary to include cider with other intoxicants in their pledges. It must be remembered, however, that a majority of our people do not view the subject from this standpoint, and have not come to regard the sale of cider as an evil equal to the sale of other drinks that are held to be intoxicating by the law. It must also be remembered, that any law to be effective and permanent, must express, not simply what its friends deem to be wise, but what the aggregate moral sense of the people recognizes as right. It will not be denied that many shops where, professedly, nothing stronger than cider is sold, either in consequence of the age of the cider or of its being mixed with stronger liquors, are among the worst drinking places in the State. This is especially observable at the present time, in places where the enforcement of the law makes it difficult to obtain other liquors.

"Many young men supposing the beverage sold to be harmless, take their first departure towards a life of shame and disgrace, in these places. Against the sale of cider when it is simply a harmless beverage, there is, I presume, no desire to interfere, but when by age or adulteration it becomes intoxicating, and is retailed and drank for its intoxicating qualities, and tends to educate the appetite for stronger liquors, the sale becomes a positive evil.

"Conscious of the difficulties attending legislation upon this subject, I submit these suggestions for your consideration, in the hope that in your wisdom you may be able to embody the principles upon which they are based in the form of law that would be practicable in its operation, and commend itself to the judgment of the people."

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## LETTER XXII.

### GOVERNOR NELSON DINGLEY, JR.

AUGUSTA, Jan. 21.—(Special to the EXPRESS.)—The Legislature of 1872 passed "An Act Relating to the Duties of Sheriffs and County Attorneys."

This law made it the duty of sheriffs to obey all orders and directions relating to the enforcement and execution of the laws of the State, as they should receive from the Governor. It was made the duty of sheriffs and their deputies diligently and faithfully to inquire into the laws of the State, and in particular the laws against the illegal sale of intoxicating liquors, and the keeping of drinking houses and tipping shops. The law provided that sheriffs and their deputies should be entitled to the same per diem compensation as for attending on the Supreme Court and the same fees for traveling as for service of warrants in criminal cases, with the necessary incidental expenses which were just and proper. The county attorneys were obliged to summon before the grand jury witnesses whose names had been furnished by the sheriff or his deputies, and to direct inquiries before that body into violations of law. If the Governor, after investigation, was satisfied that any sheriff or county attorney had wilfully refused and neglected the discharge of his duties, it was the duty of the Governor to bring this fact to the attention of the Legislature, at the earliest practical day.

At this time the enforcement of the Prohibitory Law seemed to be generally satisfactory in the State. Hon. William P. Frye, writing to Hon. Neal Dow, in relation to the effects of the enforcement of prohibition, said:

"I can and do, from my own personal observation, unhesitatingly affirm that the consumption of intoxicating liquors in Maine is not today one-fourth as great as it was 20 years ago; that, in the country portions of the State, the sale and use have almost entirely ceased; that the law of itself, under a vigorous enforcement of its provisions, has created a temperance sentiment which is marvelous, and to which opposition is powerless. In my opinion, our remarkable temperance reform today is the legitimate child of the law."

The above statement from Senator Frye was concurred in by United States Senators Lot M. Morrill and Hannibal Hamlin, and by members of Congress, James G. Blaine, John Lynch, John A. Peters and Eugene Hale.

#### Nelson Dingley, Jr.

Nelson Dingley, Jr., in 1873, was elected Governor. He was a man of marked ability and thorough honesty. Afterwards he represented Maine in the most distinguished manner in Congress. He had all his life been an advocate of prohibition, and had consistently and logically argued in favor of the Prohibitory Law. He was a devoted student of this subject and,

perhaps, no man in the Country was more thoroughly informed upon it than was Governor Dingley. No man was better able to speak of what it had accomplished than was he. In his address to the Legislature, in 1874, Governor Dingley took up the subject to a considerable length, saying:

"It is cheaper and more effective and beneficent to prevent crime by removing its causes, than to allow these to ripen into criminal acts which require punishment. A large part of this work of prevention is within the sphere of personal moral effort; yet that important portion which consists in removing the hindrances to right conduct, and repressing the temptations to vice interposed by men in their relations as citizens, comes confessedly within the domain of law. Indeed, no government fulfils its mission which forgets that the State can in this way do much to make it easy to do right and difficult to do wrong. So large a proportion of pauperism and crime arises from intemperance, of which the dram shop is the prolific cause, that all citizens who have regard for the public safety and welfare, as well as the highest court of the Nation, unite in affirming the principle that the liquor traffic is a source of grave peril to society, against which it is the right and duty of the State to protect itself by such enactments as the Legislative authority shall consider best calculated to that end.

"On this well settled principle has rested all the legislation ever had in restraint of the liquor traffic, whether involving the principle of license or of prohibition. For more than 200 years, first in the parent province and commonwealth, and subsequently in the State of Maine, a thorough trial was had of the license system, in every form that could be devised. This experience led to so widespread a conviction that any system of licensing dram shops is nearly powerless to repress the temptations which promote intemperance, that in 1851 this State adopted the policy of prohibiting drinking houses and tipping shops altogether, and of authorizing the sale of intoxicating liquors only for medicinal and mechanical purposes, by agents appointed for that purpose. This system has had a trial of only 22 years; yet its success, in this brief period, has on the whole been so much greater than that of any other plan yet devised, that prohibition may be said to be accepted by a large majority of the people as the proper policy of this State towards drinking houses and tipping shops; and to be acquiesced in to a great extent by others, as an experiment which should have as thorough a trial as other systems that preceded it. By dealing in this spirit with a ques-



tion affecting so momentous interests there will ultimately be substantial agreement among all good citizens on such a policy as experience shall have shown to be most effective in repressing the evils of the liquor traffic. To this end, such an investigation into the effects of the traffic, and the results of legislation to suppress or restrain the same, as is contemplated by a proposition introduced into Congress by one of the representatives from this State, could not fail to be in the highest degree beneficial.

"It would be unwise for any one to claim that prohibition has entirely suppressed or can entirely suppress the dram shop. That is no more possible than it is for human enactments to entirely prevent theft, robbery, arson, or even murder. Indeed, any effective enactments against practices which are exceptionally profitable, and at the same time pander to men's appetites and passions, are peculiarly difficult of thorough enforcement, as has always been found the case with statutes prohibiting gambling saloons and houses of ill-fame, as well as drinking houses and tippling shops. The true test of the merits of such legislation, of whatever character, is not whether it entirely uproots the evils prohibited; but whether on the whole it does not repress them as effectually as any system that can be devised.

"Where our prohibitory laws have been well enforced, few will deny that they have accomplished great good. In more than threefourths of the State, especially in the rural portions, where 40 years since intoxicating liquors were so freely and commonly sold as any article of merchandise, public sentiment has secured such an enforcement of these laws, that there are now in these districts few open bars; and even secret sales are so much reduced as to make drunkenness in the rural towns comparatively rare. The exceptions to this state of things are mainly in some of the cities and larger villages, where public sentiment on this question is usually not so well sustained as in towns more remote from the tide of immigration. But even in these places our prohibitory legislation has always been enforced to some extent, and not infrequently with much thoroughness; and has never been without that important influence for good which all laws in moral directions exert. Constant, uniform and impartial enforcement, to the highest practicable standard, is required in any municipality, in order to obtain the full benefit of any system of legislation in restraint of the liquor traffic. Under our system of government, where the public sentiment of municipalities even will have great influence in controlling the measure of enforcement of this as well as other

laws, the only permanent remedy for any laxity in this direction in exceptional localities, ultimately lies in such a quickening of public opinion as will either give new energy and purpose to local officers in power, or will secure the election of other men in their places. For it should be remembered that local officers are primarily required to enforce the laws against drinking houses and tippling shops, and can do this work, if they will, much more satisfactorily and effectively than any others.

"In addition to the duties thus imposed on local officers, the act of 1872 and the executive orders issued in compliance therewith, make it the duty of sheriffs to inquire into all violations of these and other laws of the State, within their respective counties, and to institute legal proceedings against such violations. The act also imposes upon county attorneys the duty of directing inquiries before the grand jury into such violations, and of prosecuting persons indicted and securing the prompt sentence of such as shall be convicted. If either of these officers shall wilfully refuse or neglect to discharge the duties imposed upon him, evidence of the specific instance of such refusal or neglect, as contemplated by the act and the constitution, may be presented to the Executive, and if he is satisfied that the charges are sustained, it will be his duty to bring such fact to the attention of the Legislature at the earliest practical day, whereupon that body may request the removal of the delinquent officer.

"While such a remedy as this is provided for exceptional cases of delinquency, yet it will rarely be found that any of these officers will wilfully refuse or neglect to do his duty, where he is made to feel that the public sentiment will sustain him. Where this sentiment is not strong enough in a county either to urge existing officers to a faithful discharge of their duty, or, in case of their neglect, to secure the election of men who will do their duty, the ultimate remedy must be sought, under our system, through such instrumentalities as will arouse and elevate public opinion.

"Valuable and indispensable as is the prohibitory system of legislation for the repression of drinking houses and tippling shops, whose fruits are drunkenness, ignorance, brutality, waste, pauperism, crime, impaired health, shattered intellect, premature decay and untimely death, it should not be forgotten that the efficiency of law, as well as the power of those moral instrumentalities which law only supplements depends on the constancy and energy with which labors are directed to maintain a high standard of public sentiment on this ques-

tion. In so glorious a moral work as this, every good citizen should unite his sympathies and efforts."

## LETTER XXIII.

### TESTIMONY OF HON. WILLIAM FOX.

AUGUSTA, Jan. 22. (Special Correspondence.)—Hon. William Fox, ex-prime minister of New Zealand, visited this Country in 1875, and attended the convention of the Right Worthy Lodge of Good Templars, and the National Temperance Convention at Chicago. On his return to London, a breakfast was tendered him by the United Kingdom Alliance and in an address he gave an account of his visit to the Maine Law Country, in which he said:

"To sum up the whole, I believe the condition of the states of Maine and Vermont to be as follows: If the house of lords and the house of commons, and all the country justices, mayors, and aldermen of Great Britain, and a small number of the lower classes—perhaps 200,000 out of a population of 28,000,000, drank, and all the rest did not, you would have a state of things analagous here to what they are in Maine and Vermont. You would have a very small fraction who would get and use liquor, furnishing those shocking examples which some persons are in the habit of parading before us as existing in those states, but the whole of the rest of the population would be sober. The effect on their general condition is something marvelous; a total abstinence externally at all events, of all those vices and crimes which you meet with amongst drinking populations, which is very agreeable and very surprising. The impression left on my mind by my visit to these states, was the full confirmation of the statements made to you by the Hon. General Neal Dow and the documents which have been put forth; that in Maine and Vermont, on the whole, the prohibitory law has been a great success, notwithstanding that it has been more difficult to carry out because of its non-permissive character."

#### Interview With British Consul.

Mr. Fox gives an interesting account of his visit to Portland, and a call which he made to Mr. Murray, the British consul in that City. He says: "Having an introduction I went down to Mr. Murray, the British consul. I found him a most courteous gentleman. He did his best to give me all the information in his power, and, finding we had mutual friends, we were soon on a footing of considerable intimacy. He spoke his mind to me without the least reserve, and allowed me to argue with, and interrogate him to any extent I pleased. I am bound to say that I think he entertains very

strong prejudices upon the question. Shakespeare tells us of men who cannot endure a harmless, necessary cat; now the Maine law seems to be Mr. Murray's harmless, necessary cat. He alleged as facts all the priori arguments against it, such as that it made men hypocrites, was one law for the rich and another for the poor, etc. But when I asked him for facts, he seemed to be at a loss to supply them.

"I called his attention to the statistics adduced on the other side such as those contained in the 'Cloud of Witnesses,' and other documents, and I begged him to tell me whether the facts stated by Gen. Neal Dow and others, as to the diminution of crime, employing of persons, etc., were true or not. Mr. Murray candidly admitted that they went far to prove the success of the law. Then, said I, will you tell me if they are true, or not? Mr. Murray admitted that he could not, and that he had no evidence to disprove them, either. The result of our interview was to leave the impression on my mind, that Mr. Murray was much prejudiced on the subject, and that he had based his opinions chiefly on very limited observations, of the exceptional conditions of the large seaport town in which he resided."

Mr. Dingley was re-elected Governor in 1874, and in 1875, speaking in his inaugural address, about prohibitory law, remarked:

#### Gov. Dingley's Address.

"The Attorney General embodies in his report communications from the several county attorneys, furnishing important official statements and statistics relating to the enforcement of the laws prohibiting drinking-houses and tipling-shops. The statistics show that during the past year, in the Supreme Court alone, there have been 276 convictions, 41 commitments to jail and \$30,898 collected in fines under these laws—more of each than in any other year, and four times as many convictions and ten times as much in fines as in 1866, when the general enforcement of these laws was resumed after the close of the war, which had engrossed the public attention and energies. It is significant also that during these nine or ten years of gradually increasing efficiency in the enforcement of the laws against dram-shops, the number of convicts in the State Prison has fallen off more than one-fourth.

"The report of the Attorney General and the statistics accompanying, conclusively show that the laws prohibiting drinking-houses and tipling-shops have for the most part been enforced during the past year more generally and effectively than ever before, and with corresponding satisfactory results in the diminution of dram-shops and intemperance. These results are due,

to a considerable extent, to the increased efficiency given to these laws by the sheriff enforcement act, but more especially to the improved temperance sentiment which has been created by the active moral efforts put forth in this State within a few years. Experience has shown that however faithful officers may strive to be, their permanent success in the enforcement of any laws, and particularly laws opposed by unprincipled avarice and debased appetite, will largely depend on the strength and activity of the public sentiment which supports the object they have in view, in the several counties and municipalities. It is gratifying to know that this sentiment exists in the counties and municipalities. It is gratifying to know that this sentiment has become so predominant as to secure the very general suppression of known dram-shops, and the consequent marked mitigation of the evils of intemperance in four-fifths of the State. In the remainder of the State, comprising some of the larger cities and villages, the results are not so satisfactory although even there, as compared with the condition thirty years since, there has been an improvement.

"I am happy to bear witness to the idelity and efficiency with which most of the sheriffs and county attorneys—for the latter officers are as important in this work as the former—have labored to enforce the laws against dram-shops, as well as other laws of the State, as required by the act of 1872, and as directed by special orders of the Executive. No case has been presented to me involving such a 'wilful refusal or neglect' on the part of any officer, as would probably afford ground for the Legislature to cite him before that body for trial with a view to removal by address; although it has seemed to me that on the part of a few officers there has been a failure to do all in their power to secure the enforcement of the law in their respective counties. As sheriffs and county attorneys are not appointed or removable by the Executive—as they formerly were, and as it seems to me they should now be, in order to secure the highest efficiency in the execution of the laws,—but are elected by the people of the several counties, it is of the utmost importance that those voters who believe that the public interests will be promoted by a suppression of the dram-shops, should endeavor to secure the election of officers who will efficiently discharge all the duties imposed upon them by law. At the same time it should be borne in mind that the primary duty of enforcing the laws against dram-shops, gambling-houses and houses of ill-fame, rests on the officers of municipalities. It is of the highest importance that the large police force which is constantly maintained in cities, and

which can enforce the laws much more efficiently than the smaller number of local deputy sheriffs, should be held by the people of those cities to the faithful discharge of the duty which the law and their oath of office impose upon them.

"We should not, however, fall into the error of expecting too much of enactments against drinking-houses and tippling-shops. Laws prohibiting adultery, fornication, slander, fraud, gambling and Sabbath breaking, have always been on our statute book; but no one has ever on the one hand denounced these statutes as a failure, or on the other hand concluded that their frequent non-enforcement proved official incapacity and dishonesty, because adultery, fornication, slander, fraud, gambling and Sabbath breaking still exist. And yet take the State as a whole, especially if two of three of our larger cities are omitted, and it is very questionable whether the laws against these crimes are much more effectively enforced than the laws against tippling-houses. Again, it should be remembered that laws against dram-shops are only subsidiary to moral efforts in the promotion of temperance, in the same manner as laws prohibiting gambling-places and houses of ill-fame are supplementary to moral inculcations in the promotion of virtue. Law will accomplish but little alone; but sustained and applied by a public sentiment which brings vividly home to a large majority of citizens the magnitude of the evils of intemperance, it has proved in this State to be an important and indispensable adjunct in the promotion of temperance.

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## LETTER XXIV.

### PEOPLE ENDORSE PROHIBITION AGAIN IN 1875.

AUGUSTA Jan. 23.—(Special Correspondence.)—In the campaign of 1875 the liquor question again was brought prominently before the people. Neither of the great political parties had made this a paramount issue for some time previous. The Democrats at that time did not oppose prohibition in their party platforms and it was generally understood that a majority of that party was in favor of prohibition. Some of the leaders endeavored to make the liquor question an issue during this period of quiescence, but attempts to pass resolutions opposed to sumptuary laws were fruitless.

In 1875 the Democrats held their State convention in Augusta, It was well attended. There were two candidates for the nomination for Governor. Gen. Charles W. Roberts of Bangor and John C. Talbot. Gen Roberts won the nomination by a

vote of 462 to 620. In this convention James F. Rawson of Bangor was prominent as a delegate. It was well known that he was strongly opposed to the prohibitory policy, and was one of the men who was anxious to have the Democratic party take a decided position against the sumptuary laws. He went to this convention with an anti-prohibitory resolution in his pocket, intending to present it. But he stated in a speech in the convention that he had been prevailed upon not to do this.

At that time the Democratic party was led by two brilliant men, Marcellus Emery of Bangor, for many years an editor of a weekly Democratic paper, and the founder of the Bangor Commercial. He was graduated at Bowdoin College, and, after graduation, went South to teach, where he gradually absorbed the Southern principles, and during the war became known for his strong anti-war sentiments. He was an able, scholarly man; and, although the majority of the people differed with his political principles, he was respected throughout the State for his honesty of purpose and purity of life. He was the recognized leader of the Democracy in the Eastern part of the State. The other leader was Eben F. Pillsbury of Augusta, a lawyer of recognized ability, and an orator almost unsurpassed in New England. Mr. Emery opposed prohibition. Mr. Pillsbury may not have been in sympathy with the prohibitory principles, but, as a matter of party policy, did not believe it best to take that stand. Although the Democrats failed to pass an anti-prohibitory resolution in the convention, Gen. Roberts in his speech of acceptance made later in Bangor, made the issue prominent, and at once the question came to the foreground in the State once again, and attracted the attention of the entire Country very soon. In this speech of Gen. Roberts, which was quoted again and again during the campaign, the general, among other things, said:

"And here, lest I might be misquoted, I will say that the Prohibitory Law, that bone of contention so long upon our statute books, I never favored, I never shall: I believe it to be revolutionary in spirit, a clog to the wheels of business demoralizing to the cause of true temperance which it proclaims to advance, and which I shall openly oppose."

This speech at once stirred up great furore throughout the state. Solon Chase, at that time the editor of "Chase's Chronicle," and a delegate to the convention which nominated General Roberts, was a prohibitionist, and disliked the position, which his candidates had assumed upon this question. In his paper he asked, "What business does the Maine law clog, except the

rum business?" The Portland Argus openly took the same position as did General Roberts, and said that it had never been a believer in the Maine law, and that license would furnish a substantial revenue to the State.

### The Republicans.

The Republicans in their convention that year took a position favorable to temperance and prohibition, and passed the following resolution:

"Temperance, among the people, may be wisely promoted by prohibitory legislation, and it is a source of congratulation that the policy of prohibition, always upheld by the Republicans of Maine, is now concurred in by a vast majority of the people of the State." H. A. Shorey of Bridgton was the Cumberland county member upon resolutions at that convention.

The Republicans throughout that campaign took the position that there should be prohibition by law of the sale of intoxicating liquors, and that the law should be enforced. General Roberts was an extremely popular man, who had served in the Civil War, and was one of the strongest candidates who could have been advanced, owing to his wide acquaintanceship through the State. He was always honored by his party, and under President Cleveland, was appointed collector of customs at Bangor.

He was opposed by General Selden Connor, in this campaign of 1875, he being the Republican nominee for Governor. Although the prohibitory question was prominent, many other issues were brought into the campaign. The Republicans had long been in power in the State, and there was the usual dissatisfaction in the ranks over matters which might be termed purely personal, and it was at a time when the National Democracy was gaining ascendancy throughout the Country. The Greenback party was also just making its appearance in National affairs. The total vote that year in Maine was 111,665; General Connor had 57,812, Gen. Roberts 53,807, and there were 46 scattering votes. Gen. Connor's plurality being only 3,962, the smallest Republican victory which had been won since 1862, when the Republicans carried the state by 3370. In this election the Republicans increased their vote about 7000 over that of the previous election, and the Democrats gained about 13,000. The total vote being 16,365 greater than it was in 1874.

In this election the Democrats made an unusual exertion and carried on a "still hunt" campaign. The Republicans relied upon their majorities of previous years, and were not as active as they might have been. The result was that the Democrats claimed they had won practically a victory, by cutting down the plurality to such a low figure.

## Governor Connor.

In his inaugural address in 1876, touching upon the prohibitory question, Gov. Connor said:

"I have no official information to present to you with regard to the workings of the law prohibiting the sale of intoxicating liquors. It is a matter of common knowledge that they have been very generally enforced, especially in the cities and large towns, where the traffic is most persistently attempted to be carried on in defiance of them. The law as a whole fairly represents the sentiment of the people. The opposition to it presents in appearance a strength which it does not in reality possess.

"The opponents who are entitled to a hearing, are the good citizens, the intelligent, thoughtful men, conservative by nature, who sincerely deprecate the evils caused by the sale of liquors, and yet are so tenacious of private rights that they cannot yield to the paramount claims of public order and economy. The loudest and most aggressive portion of the opposition are not entitled to a hearing in the court of reason, since the only arguments they regard are those of self-interest.

"Maine has a fixed conclusion upon this subject. It is that the sale of intoxicating liquors is an evil of such magnitude that the well-being of the State demands, and the conditions of the social compact warrant, its suppression. Hostility to the great wrong does not find expression solely in the law, but also in the great Reform movement, whose persuasive power has been so beneficially exercised throughout our communities."

In the election of 1876 National politics predominated. It was in that year that the Democrats throughout the Country made the greatest effort they had exerted in many years, with Samuel Tilden as their candidate for the Presidency. Governor Connor was renominated and the Democrats nominated John C. Talbot. For the first time the Greenback party appeared in Maine politics, Almon Gage of Lewiston being their candidate for Governor. The total vote was 136,823, of which Governor Connor had 75,867, Mr. Talbot, 60,423; Mr. Gage, 520; scattering, 13. Governor Connor's plurality was 15,117. In his inaugural in 1877, Governor Connor had nothing to say upon the question of prohibition.

In 1877 Governor Connor was again re-nominated; the Democrats nominated Joseph H. Williams, and the Greenbackers, Henry C. Munson. The total vote dropped to 102,058; of this 53,585 votes went to Governor Connor, 42,247 votes were thrown for Joseph H. Williams, 64 for Joseph Williams, 3,770 for H. C. Munson. Henry C. Munson was given 1,521, John C. Talbot, 736; J. C. Talbot, 11, and scatter-

ing, 124. Other questions had been so prominent during the campaign that the prohibition matter dropped back out of sight, and Governor Connor did not consider it necessary to make any allusions to it.

In 1878 Governor Connor was again put forward by the Republicans, Alonzo Garcelon of Lewiston was nominated by the Democrats, and the National Greenback party nominated Joseph L. Smith of Old Town. The one great issue in this campaign was that raised by the Greenback party. In a total vote of 126,169, Governor Connor received 56,554, Mr. Garcelon, 28,208; Mr. Smith, 41,371; scattering, 36. At that time it was necessary for candidate to receive a majority of the votes cast, and as none of the candidates received that number, the election of Governor devolved upon the Legislature, and Alonzo Garcelon was elected.

Dr. Garcelon's message was brief, and made no comment upon the matter of prohibition.

## In 1879.

In 1879 the Republicans nominated Daniel F. Davis of Corinth. Joseph L. Smith was again nominated by the Greenbackers, and Alonzo Garcelon was the standard bearer of the Democrats. The total vote was 136,806, Mr. Davis having 68,967; Mr. Smith, 47,643; Alonzo Garcelon, 21,851, and Bion Bradbury, 264; Scattering, 81.

In this election the Democrats and Greenbackers, although making separate nominations for Governor, united in appointing "Fusion" nominees, for most of the State and county officers. This was the year when the "count-out" caused such a disturbance in the State, and there was no legal organization of the Legislature until seven days after the usual time for the Legislature to convene. Before the questions involved were settled the Supreme Court was appealed to, and gave their famous opinions of January 3, January 16 and January 27, 1880. The people had made no choice for Governor, and the Legislature elected Daniel F. Davis. In his inaugural in 1880, Governor Davis upon the matter of prohibition, said:

"All agree that intemperance is one of the worst evils that can afflict a people. The way to eradicate it is a question that should address itself to all classes. The women's temperance movement, the reform clubs and the other temperance organizations have accomplished a great and lasting work. Like all other evils intemperance will succumb, at least in part, to true moral force, well directed. It is to be regretted, however, that there are those whom moral forces will not reach. To restrain this class, prohibitory laws have been found necessary. The principle of prohibition has

been so long the settled policy of the State, and has been found so useful and effective in suppressing the liquor traffic, that no party or class of men now dare to assail it. A proper and vigorous enforcement of the law upon this subject is reasonably demanded by the friends of temperance. None of the agencies which can be invoked for the suppression of intemperance should be impaired."

## LETTER XXV.

### LEGISLATIVE REPORT IN 1880.

AUGUSTA, Jan. 25.—(Special Correspondence.)—A report to the Legislature was made in 1880, by the committee on temperance and Prohibitory Laws, who were F. G. Lamson, Richmond; G. R. Fernald, Wilton; A. R. Crane, East Winthrop; G. C. Goss, Auburn; W. Hills, Union; E. Jewett, Sangerville; L. S. Heal, Westport; J. D. Baker, Orrington. The committee made report as follows:

"The law restricting the sale of intoxicating liquors, commonly called the Prohibitory Law, has been in operation in this State in some of its modified forms more than a quarter of a century. The people of the State have had ample opportunity to observe its workings, to judge of its efficiency in restricting the sale of liquors, and in suppressing the vice of intemperance. A large majority of the citizens of Maine, we are confident, believe that it is a righteous law, and that it has proved an effective agency in shutting up liquor shops and restricting the sale and use of intoxicating liquors."

"The principle of prohibition," says Governor Davis in his message, and we fully endorse the statement, "has been so long the settled policy of the State, and has been found so useful and effective in suppressing the liquor traffic, that no party or class of men now dare to assail it."

"While relying mainly upon moral forces to reform inebriates, and to train the youth of our State to temperate and virtuous habits, the friends of temperance desire and reasonably demand that the law shall be vigorously enforced against those who, in defiance of public sentiment and the appeals of suffering, persist in selling intoxicating liquors."

"The assertion sometimes made that the Prohibitory Law has not diminished the consumption of liquor, but simply changed the manner of selling it, is not supported by the testimony of those who appeared before

your committee. It is not denied that the suppression of public drinking places has caused those engaged in the traffic to resort to a variety of methods for the purpose of evading the law, and has multiplied club rooms and other places of resort, where liquor is secretly sold, but there is no evidence to support the statement that the secret sale of liquor has increased in the same ratio that its public sale has decreased. In fact, the testimony of those who appeared before the committee showed conclusively that where the law has been vigorously enforced it has largely suppressed the private as well as the public sale. Any failure to accomplish this is due more to the negligence of officers than to the defects of the law.

"The objection made by some against the law on account of the expense of enforcing it, is not deemed valid. The enforcement of all laws for the protection of society is expensive, but this is not regarded as a sufficient reason for not enforcing them. No one would argue that a person guilty of crime against society should be allowed to escape the penalty of the law because it would cost something to arrest and convict him. And surely the expense of enforcing the law for the suppression of the liquor traffic, the most fruitful cause of crime, poverty and wretchedness, is not a sufficient reason for neglecting to enforce it. A due regard to economy requires a rigid enforcement of the law, for it would compel offenders to pay large sums into the treasury of the State as well as diminish crime and pauperism."

"The law is in the main satisfactory. Your committee does not recommend any radical changes. A few amendments are proposed, chiefly for the purpose of securing a more faithful enforcement. These amendments are recommended in response to a large number of petitioners from all parts of the State."

#### Changes in Statutes.

The Legislature that year made some important changes in the statutes, in relation to common nuisances, and the sale of intoxicating liquors. Among other changes "all places used as houses of ill fame, resorted to for lewdness or gambling, for the illegal sale of intoxicating liquors, and all places of resort where intoxicating liquors are kept, sold, given away, drank, or dispensed in any manner not provided for by law," were made com-

mon nuisances. "Wine, ale, porter, strong beer, lager beer, and all other malt liquors and cider, when kept or deposited with intent to sell, for tipping purposes or as a beverage, as well as all other distilled spirits," were to be considered intoxicating, within the meaning of the law. The provisions of the law were not to extend to the "manufacture and sale of unadulterated cider in any case when sold in quantities of five gallons or upward, delivered or taken away at one time, nor to wine made from fruit grown in this State, nor to the sale by agents appointed under the provisions of this chapter, or pure wines for sacramental and medicinal uses."

An important innovation was made. When 30 or more well known taxpayers in any county petitioned and represented that the prohibitory liquor laws were not faithfully enforced by county and local officers, it was made the duty of the Governor and Council to enquire into such representation, and if in their judgment such representations were well founded, the Governor, by and with consent of the Council, should appoint two or more constables for such county, whose duty it should be to diligently enforce the provisions of the law. These constables were to have the powers and duties of sheriffs and deputies, and to have the same compensation as was provided for sheriffs and deputies. It was also made the duty of the Governor or if complaint was made that a county attorney wilfully refused or neglected to discharge the duties of his office in enforcing the Prohibitory laws, to remove such an attorney from office and to fill his place by appointment.

The penalties for violating the Prohibitory laws were also increased, by imposing more fines, and longer imprisonments.

Four candidates for the Governor's office appeared in the field in 1880. The Democrats and Greenbackers united under the name of "Fusion," and nominated Harris M. Plaisted, who had been prominent in the State in former years, in the Republican ranks, having held the office of attorney general. He had been a member of the State Legislature, and also served as congressman for that party. The Republicans renominated Governor Davis. The so-called "Temperance Party" nominated Joshua Nye, and for the first time the National Prohibitory party appeared in Maine politics. This party was or-

ganized in 1869, and in 1876 an unsuccessful attempt was made to form an organization in Maine. In 1880 a convention was held in Ellsworth, and William P. Joy was nominated as their candidate for Governor. Another convention of temperance men was held in Portland and J. K. Osgood was nominated as candidate for Governor. He declined to serve, and Joshua Nye was put in his place. This organization was discontinued after the election of this year.

The vote this year was a phenomenal one, the total being 147,802. Mr. Plaisted receiving 73,713, Mr. Davis, 73,544, Mr. Nye, 309, Mr. Joy, 124 and scattering, 112. Mr. Plaisted was elected, but his inaugural address in 1881 made no allusion to Prohibition.

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## LETTER XXVI.

### CONSTITUTIONAL PROHIBITION.

AUGUSTA, Jan. 26.—The Fusionists renominated Governor Plaisted in 1882 and he was opposed by Frederick Robie, the Republican candidate. The Greenbackers who were dissatisfied with the Fusion party nominated Solon Chase, the Independent Republicans put up Warren H. Vinton, and the Prohibitionists, William T. Eustis.

Mr. Robie was elected, receiving 72,481 votes, 63,921 being cast for Governor Plaisted, Solon Chase receiving 1,324, Mr. Vinton 269, Eustis 381, and scattering, 102.

At this time Prohibition had taken such a strong hold upon the people of the State that the question of placing Prohibition in the Constitution was agitated. In 1882 the Republicans in their resolutions had re-affirmed their faith in Prohibition, and made a recommendation that it was time to give the people the chance to express their opinion at the polls, on the advisability of making Prohibition a part of the Constitution as had already been done by Kansas and Iowa.

#### Governor Robie.

In his message to the Legislature, in 1883, Governor Robie in touching upon the topic Temperance and Prohibition, said: "Temperance has been for many years one of the leading public questions and has enlisted the service of many of the best men and women of our State. Prohibition had been prominent in the politics of the State, and, after an active agitation through many years the Maine Law was adopted in 1851. The evidence is unmistakable that a majority of our people favor the pol-

icy of Prohibition, and there are few localities which do not favor a wise and impartial enforcement of all law relating thereto. There has undoubtedly been a difference of opinion among good and conscientious citizens in regard to the best mode of eradicating intemperance, but there are few who are unwilling to admit that there has been a wonderful change for the better in public sentiment where the law has been rigidly enforced. In a large part of the State, embracing more than three-fourths of our population, the liquor traffic is practically unknown. It lingers on a small scale, and more or less secretly, in our larger towns and cities, producing in them the evils which inevitably arise from it wherever it exists.

"The successful party at the recent election affirmed the principles of Prohibition in its resolutions, and also recommended that the people of our State be allowed the opportunity of expressing an opinion at the polls, on a constitutional amendment, which, if adopted, will make Prohibition a part of the organic law of the State. Kansas and Iowa, by a vote of the people, have incorporated Prohibition into their respective constitutions, and a very active agitation is now in progress in many other states to the same end. The right of the people to determine for themselves what is most conducive to their interests, is in accord with the theory of popular government.

"Furthermore, constitutional Prohibition would have the effect of keeping the question, to a considerable extent, if not entirely, out of party politics. In view of these facts, the Legislature will be called upon by petition and otherwise, as it has already been asked by the voice of the sovereign people, to submit to them the determination of this question. It is your province to consider this request, and whatever may be the final result, let the voice of the people be the law of the land."

On Jan. 9, 1883, Eaton of Camden presented a resolve, entitled:

"Resolve: Providing for an amendment of the Constitution forever prohibiting the manufacture of intoxicating liquors, and prohibiting their sale except for medicinal and mechanical purposes, and the arts."

On Jan. 12, the resolve was referred to the committee on judiciary. On Feb. 6 the resolve was taken from the table, and on motion of Mr. Meader the following amendment was offered: "To strike out the words 'not including cider,' so that the clause should read as follows: The manufacture of intoxicating liquors and the sale of, and keeping for sale of, intoxicating liquors, are and shall be forever pro-

hibited." A vote on this amendment was taken on Feb. 8 and was lost by a vote of 56 to 84. On the same day the resolve was put upon its final passage, and was carried by a vote of 104 to 37. The vote was as follows:

#### The Vote.

Those who voted yea were Messrs. David Allen, Chesterville; James W. Ambrose, Sherman; Daniel W. Ames, Portland; John S. Ayer, Palermo; Edwin C. Barrows, Vassalboro; Henry M. Bearce, Norway; Alden Blossom, Boothbay; James W. Bolton, Frenchville; Joseph Burland, Lincoln; Edward H. Carleton, Woolwich; John E. Case, Rockland; David Chamberlain, Bristol; Charles P. Chapman, Orrington; James B. Chase, Litchfield; Jonathan A. Chase, Sebec; Sanford Chick, Plymouth; William M. Cook, Casco; H. W. Copeland, Turner; John D. Crimmin, Eastbrook; James T. Cushman, Ellsworth; Alexis Cyr, Grand Isle; Isaac N. Dearing, Waterboro; William Dobson, Pittsfield; Moses J. Donnell, Pittston; Orrin J. Doyen, Abbot; Jesse Drew, Fort Fairfield; Joseph Dunnell, Westbrook; Hosea B. Eaton, Camden; George A. Emery, Saco; Charles D. Fall, Lebanon; Eben P. Files, Detroit; Daniel J. Fisher, Charlotte; Hiram H. Fogg, Bangor; William G. Foster, Clinton; William Freeman, Cherryfield; Frank Gilman, Winn; Pascal P. Gilmore, Oldham; Edward C. Goodnow, Calais; S. H. Goodwin, St. Albans; Clarence Hale, Portland; Oliver G. Hall, Rockland; John Hall, Alfred; Thomas W. Ham, Wales; Herbert M. Heath, Augusta; Benjamin J. Hill, Auburn; F. O. J. S. Hill, Newburg; Stephen Hinkley, Gorham; Daniel W. Hiscock, Alna; Joel W. Hobart; Cornville; Elisha T. Holbrook, Vanceboro; Orrin A. Horr, Lewiston; N. F. Houston, Belfast; A. H. Houston, Bradford; Charles E. Hubbard, Hiram; Alfred E. Ives, Castine; John H. Jameson, Waldoboro; Elijah D. Jepson, China; Alfred F. Johnson, Wayne; John C. Kendall, Freeport; Charles M. Kimball, Bethel; George F. Knapp, Bridgton; Henry J. Lane, Raymond; Arthur B. Latham, Auburn; Daniel C. Leavitt, Phillips; S. S. Leighton, Columbia; Edmund R. Luce, New Vineyard; Charles P. Mattocks, Portland; Charles B. McIntire, Solon; Charles S. Newell, Lewiston; Aaron Noyes, Whitefield; S. A. Nye, Fairfield; Thomas H. Phair, Presque Isle; Roscoe D. Y. Philbrook, Webster; Charles H. Prescott, Biddeford; Charles N. Rand, Parkman; John G. Reed, Brookline; Francis A. Robinson, Readfield; S. A. Rodick, Eden; Orville S. Sanborn, Standish; George L. Shaw, Yarmouth; D. M. Shapleigh, Kittery; W. S. Small, Limington; William Smith, Stockton;



John M. Smith, Robbinston; Charles L. Smith, Jonesboro; Lewis Simpson, Milford; Albert M. Spear, Hallowell; Robert D. Spear, Bowdoinham; Parker Spofford, Bucksport; Solomon F. Etetson, Summer; George W. Stone, Jay; Elliot C. Stratton, Hancock; Daniel Strout, Cape Elizabeth; Ephraim D. Tasker, Jackman; Benjamin B. Thatcher, Bangor; Elias Thomas, Portland; G. L. Tracy, Oxford; Eben Webster, Orono; Moses Wentworth, North Berwick; Wallace H. White, Lewiston; John M. White, Windham; Solon White, Richmond; George A. Wilson, Paris; George W. Young, Lincolnville—104.

Those who voted nay were Messrs. Charles E. Allen, Dresden; Stephen S. Bartlett, Washington; Anthony Brackett, Starks; John S. Briggs, Poland; A. A. Brown, Liberty; Edward S. Bucklin, Warren; S. A. Dinsmore, Bingham; John B. Donovan, Biddeford; G. H. Fox, Lowell; George F. Goodwin, South Berwick; Charles Hamlin, Bangor; C. P. Harmon, Hollis; Charles P. Haskell, New Gloucester; Barak A. Hatch, Morrill; Francis C. Hathorn, Cushing; George B. Leavitt, Deering; John J. Linscott, Farmington; James T. Matthews, Cutler; Nathaniel Meader, Waterville; George H. Milliken, Cornish; Joseph E. Moore, Thomaston; Charles E. Perkins, Kennebunkport; Charles E. Phillips, Hermon, Haywood Pierce, Frankfort; M. V. B. Piper, Kenduskeag; Llewellyn Powers, Houlton; William Rogers, Bath; Joseph L. Smith, Old Town; Levi W. Smith, Vinal Haven; Benjamin L. Simpson, Hampden; Charles A. Spofford, Deer Isle; Lamont A. Stevens, Wells; John C. Talbot, East Machias; Frederick W. Talbot, Falmouth; Weston Thompson, Brunswick; Albert F. Trufant, Harpswell; Lorin B. Ward, Sidney—37.

The resolve was introduced into the Senate, on Jan. 15. On Feb. 20 it came up for a vote in the Senate, when those who voted in the affirmative, were: Bragdon, Clark, Coffin, Heath, Hume, Lebrohe, Marble, Maxwell, McLughlin, Nutting, Parkhurst, Pennell, Roak, Smith, Stubbs, Tabor, Weeks, Wentworth, Weymouth, Wilson, Young. Total—21.

Messrs. Gushee and Kimball were the only ones voting in the negative.

This resolve, which is known as Amendment 5, reads:

"The manufacture of intoxicating liquors, not including cider, and the sale and keeping for sale of intoxicating liquors, are and shall be forever prohibited. Except, however, that the sale and keeping for sale of such liquors for medicinal and mechanical purposes and the arts, and the sale and keeping for sale of cider, may be permitted under such regulations as the Legislature may provide. The

Legislature shall enact laws with suitable penalties, for the suppression of the manufacture, sale and keeping for sale of intoxicating liquors, with the exceptions herein specified."

Time passes so rapidly that few realize that it has been over a quarter of a century since the Maine Legislature passed this resolve. It was adopted in the election of 1884, after a campaign which was more than usually filled with exciting and notable incidents. It was during the Presidential election, when James G. Blaine was the Republican candidate, and Grover Cleveland the candidate of the Democrats. The people of the State generally took a great interest in the question of the adoption or rejection of this amendment, and the women, through organized efforts, had a prominent part.

On the day of the election, in many places, they were at the polls, and furnished refreshments for the voters, also exhorting them to vote in favor of the amendment.

The vote on the amendment was an unusually large one, there being 70,783 votes for its adoption, and 23,811 against it. The total vote, therefore was 94,594. The total vote for Governor that year, was 143,107.

The vote on the amendment, by counties, was as follows:

County.	Yes.	No.
Androscoggin .....	4,436	2,408
Aroostook .....	3,863	773
Cumberland .....	9,247	3,856
Franklin .....	2,571	623
Hancock .....	3,047	803
Kennebec .....	7,168	2,175
Knox .....	3,049	755
Lincoln .....	2,481	536
Oxford .....	4,032	1,698
Penobscot .....	7,280	3,038
Piscataquis .....	2,212	356
Sagadahoc .....	3,385	741
Somerset .....	3,991	1,157
Waldo .....	3,342	1,028
Washington .....	3,555	742
York .....	7,108	2,700
	70,783	23,811

The following cities and towns voted as follows:

Biddeford .....	961	904
Saco .....	783	323
Eastport .....	190	46
Machias .....	288	16
Belfast .....	728	105
Bath .....	920	414
Bangor .....	1,718	1,146
Brewer .....	379	46
Old Town .....	330	151
Augusta .....	936	534
Hallowell .....	445	85
Gardiner .....	552	281
Waterville .....	563	238
Ellsworth .....	429	151
Portland .....	2,948	2,887
Westbrook .....	614	129
Brunswick .....	504	46

Deering .....	518	145
Houlton .....	278	87
Presque Isle ... ..	348	56
Auburn .....	1,225	264
Lewiston .....	1,120	1,485
	<hr/>	<hr/>
	26,837	9,544

These 22 cities and towns gave a vote of 26,837 for the adoption and 9,544 for the rejection, a majority of 17,293. Lewiston was the only one in the number that voted in favor of the license system. Some of the smaller towns did not give a single vote for the rejection of the amendment, and many a very small number.

It will be noticed that Bangor, which at times has received undesirable and perhaps unjust notoriety because of the alleged sentiment of its people in favor of license, gave a decided majority for the adoption of the amendment. It is only just to say that, even in the earliest times, there was a strong sentiment in Bangor in favor of temperance and Prohibition. On January 19, 1843, a large mass meeting was held in City Hall, in Bangor, and the following resolution was passed:

“Resolved, That it is expedient that a committee be appointed to address a circular to each trafficker in intoxicating drinks in this city, presenting in this same the various motives which should lead him to abandon the traffic.”

This committee consisted of Rev. John West, Edward Kent, Dr. J. Deane, Rev. S. B. Pomeroy, C. K. Miller, Isaiah Stetson, A. Drummond, Rev. F. K. Hedge, Benj. Swett, N. D. Wiggin, H. G. Cushing, Henry Call. Henry Little was chairman of the committee, and Joseph S. Wheelwright, the secretary. This committee addressed a strong circular, as they had been instructed. In this same year a great temperance conference was held in Bangor, and one of the resolutions adopted was,

“That in view of the light which had been shed upon the nature and effects of intoxicating drinks, now in common use, this community can no longer regard the traffic in this article in any other aspect than one of immorality.”

After the passage of the Maine Law, in 1851, some of the citizens of Bangor sent General Dow in recognition of his labors in securing the passage of the law, a beautiful silver pitcher, one side officers of the law were represented executing penalties upon casks of liquor, by pouring their contents upon the ground; in the background was a tenantless jail, and in the distance, prosperous commerce is represented by a ship in full sail. On the other side of the pitcher is a rural scene, a cottage embowered in a grove of trees, with a fountain spouting waters in front. It was inscribed as follows:

“Presented to  
Neal Dow Esq.,  
Mayor of Portland.  
By a Few  
Of The

Friends of Temperance in Bangor, as  
a Small Token of  
Their Regard for His Valuable Services  
in  
Procuring the Passage of the Law of  
1851  
for the  
Suppression of ‘Drinking Houses and  
Tippling Shops.’ ”

## LETTER XXVII.

### GOVERNOR ROBIE'S ADDRESS.

AUGUSTA, Jan. 27.—(Special Correspondence.)—Governor Frederick Robie, in his address to the Legislature in 1885, made mention of the passage of the Constitutional amendment, and spoke at length of the matter of temperance and prohibition, as follows:

“By a resolve of the last Legislature, an amendment to the constitution of the State, so as to make the sale of intoxicating liquors forever prohibited by the provisions of that instrument, was submitted to the voters of Maine, at the election last September, and the return of 70,783 votes for its adoption, and 23,811 votes against it, indicates an emphatic declaration on the part of the people in favor of prohibition. That amendment became part of the constitution on the first Wednesday of the present month. The constant agitation of the subject of temperance has created a firm adherence of the people of our State to the principles of prohibition. I am able to say that during the past year there have been 818 prosecutions for violating the liquor law and 163 prosecutions for maintaining nuisances, making a total of 981 cases, against an average of 588 for the past six years. And this increased number of prosecutions has had a good influence upon the amount of other crime in the State. Our example has been potent in the promotion of temperance reform in other states, and the ‘Maine law,’ which in earlier times was looked upon as premature, or too progressive legislation, is now pointed to with pride by the faithful advocates of temperance, not only at home but in foreign countries. Its claim for public support rested upon its good effects in our own State and wherever else it had been adopted. The value of the Prohibitory Law has been shown by the restrictions imposed

upon the sale of intoxicating liquors throughout the State. Statistics furnish us with conclusive evidence that far less intoxication and its fruitful evil consequences exist, than were seen in earlier periods.

In no city or town in our State does one see the open advertisements of the bar room inviting the young, as well as the old, to indulge in a habit so degrading as the habitual use of intoxicating liquors. Criminal statistics show that the law has been beneficial in restraining crime, and the number of indictments found against the violators of the law in all of our courts, and the fines and costs, or sentences of imprisonment imposed, prove the general willingness of the people to assist in its enforcement. The present Prohibitory Law is the growth of over thirty years, the original law of 1851 having been followed by thirty-nine statutes in reference to intoxication and the sale of intoxicating liquors. The present law may, therefore, be considered sufficient to cover all violations of its provisions that can possibly occur, and its weakness seems to be in its non-enforcement by those officers whose duty it is to execute the laws of the State. The laws of the State are well defined and emphatic and should compel officers, not only by a sense of duty and honor, but by the religious regard for a sacred oath to specially enforce the provisions of the prohibitory statute. In a very few localities, its general enforcement is disregarded. Special provisions have been incorporated into the law to remedy this negligence on the part of county and municipal officers, and the Governor and Council have frequently been called upon to appoint special constables to enforce it. In some cases such officers have been appointed, and always when needed and practicable. While I would not recommend the repeal of that portion of the law, I have failed to see its good effects even when an opportunity has been given to test it. An appointment of this kind brings with it an implied unpleasant censure and reprimand, not only to the officers, but to the citizens of the locality thus temporarily placed under the guardianship of the State. This is considered so offensive that county and municipal officers and citizens are too apt to fall back into inactivity and leave the State constable, single-handed, to execute the law. Every endeavor should be made to secure the enforcement of the Prohib-

itory Law by the regularly chosen officers. Public sentiment has much to do with this question; the enforcement or non-enforcement of prohibition in any locality depends upon the general disposition of the people. Prohibition is no longer a question for a political campaign; it is forever settled, and cannot be changed until the people give their consent. If anything further can be done to increase the sobriety and morality of the people by temperance legislation I hope it will receive your careful consideration. It should not be forgotten that too frequent changes destroy the efficiency and moral power of enforcing laws, and that "no principle of criminal law is better settled than that the certainty of punishment is more important than severity." One objection to the constabulary law could be removed by requiring State constables to give sufficient bonds for faithful performance of duty, as is required of all county and municipal officers of like character. Provisions should also be made for removal from office for good and sufficient reasons."

#### Legislature of 1885.

The Legislature that year, (1885,) made it necessary for the constables who were appointed by the Governor to execute the liquor laws, to give bonds in the sum of \$500, for the faithful performance of their duties. They also passed the following:

"Whoever advertises or gives notice of the sale or keeping for sale of intoxicating liquors, or knowingly publishes any newspaper in which such notices are given, shall be fined for such offence the sum of \$20 and costs, to be recovered by complaint. One-half of said fine to complainant, and other one-half to the town in which said notice is published."

In 1886 Joseph R. Bodwell of Lowell was elected Governor, over Clark S. Edwards Democrat. The Prohibitionists nominated Aaron Clark who received 3,851 votes. Gov. Bodwell in his message in 1887, said regarding prohibition:

"The question of the prohibition of the liquor traffic in Maine has engaged popular attention within the last year to a considerable extent. The agitation has resulted in a re-affirmation on the part of the people, at the polls of their full faith in the prohibitory system, and of their desire to see the law fairly administered and properly enforced.

The situation in the State respecting the law may be briefly and candidly stated. In from three-fourths to four-fifths of the towns of the State the law is well enforced and has practically abolished the sale of spirituous and malt liquors as a beverage. In the larger cities and towns, on the seaboard and at railway centers, it has been found more difficult to secure perfect compliance with the law but it can still be said that at very few points in the State is liquor openly sold. The offenses against the law are in large part clandestine, and therefore difficult to detect and expose by legal testimony. But it is a great moral gain when the liquor seller is driven from the light of day to secret places and to stealthy devices to carry on his hurtful and demoralizing traffic.

"Some of the more zealous friends of the temperance cause think that an increase of the penalties, especially for the first offense of liquor selling, would cure the admitted evil of imperfect enforcement, but the more prudent, and I think by far the larger number, are of the opinion that an increase of the penalty would do harm, rather than good. What is actually needed at the points named is a sound public opinion to urge and uphold the enforcement of the law. Where that is wanting the case is made difficult with the Prohibitory Law, as, indeed, it always is with every form of law. Perhaps an increase of penalty would, in the places referred to, enhance, rather than diminish, the evils of indifference and of hostility.

"It can, however, be said with satisfaction that even with this imperfect enforcement at certain points, the law has been of immeasurable value in reducing the liquor traffic, and has correspondingly increased the wealth of the State by increasing the sobriety of the people and saving the fruits of industry. One evil, inseparable from a law enacted after a strong popular contest, is that the prevailing side is looked to as the one to enforce its provisions, whereas every law should be as binding upon those who opposed its enactment as upon those who labored for it. The experience of Maine for the last 30 years abundantly justifies the adoption of the prohibitory system, and it will be the duty of the Legislature to add to its efficiency in whatever way, after full and impartial investigation, may be found practicable,—always remembering that legal

penalties must be kept inside, and not pressed beyond, the bounds of public opinion."

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## LETTER XXVIII.

### PROHIBITION AN ISSUE IN THE FIRST BURLEIGH CAMPAIGN.

AUGUSTA, Jan. 28.—(Special Correspondence.)—"The great evils of the liquor traffic, the pernicious influence of the saloon upon the public morals and the disorder and crime resulting from intemperance have rendered restrictive and prohibitory legislation imperatively necessary in the opinion of a large majority of the people of the State. Both by constitutional provision and by statutory enactments, Maine has permanently prohibited the manufacture and sale of alcoholic liquors, except for medicinal and mechanical purposes. Long experience has demonstrated the wisdom and advantages of this policy.

"Yet like all other laws against public evils, that against the liquor traffic has its violators, those who wantonly disregard the interests of the community and the authority of the State. This renders it necessary that those intrusted by the people with the enforcement of the laws should be prompt and faithful in the discharge of their sworn obligations. So long as it shall be incumbent upon me to discharge the duties of the executive of the State it will be my endeavor to enforce the laws with vigor and with impartiality. To successfully discharge my official duty in this connection it is necessary that the Governor should have the earnest and hearty aid of all other executive officers and the active co-operation of the people."

Thus wrote Governor Burleigh in his inaugural address in 1889. He had been elected in 1888 over the Democratic candidate, William L. Putnam, Volney B. Cushing being the Prohibitory candidate, William H. Simmons, Labor candidate. The total vote that year was large, being 145,384. Mr. Burleigh had 18,053 votes over Mr. Putnam, who received the largest Democratic vote ever cast in Maine, unless the vote cast for Harris M. Plaisted in 1880 and 1882, could be reckoned as Democratic. The Prohibitory candidate received 3,109 votes, and the labor candidate, 1,526.

At this time even the most strenuous advocate of a license system could but admit that the cause of temper-

ance and prohibition had made marked progress. Conditions were in great contrast with those which existed in 1789, exactly a century before. In that year the general court of Massachusetts passed "an act to encourage the manufacture and consumption of strong beer, ale, and other malt liquors, by exempting them from taxation for five years." This was done under the impression that it "would promote the purposes of husbandry and commerce, by encouraging the growth of such materials as are congenial to our soil and climate." In justice to the law makers of that time it should be stated that at the same time that same legislature passed an act which was promotive of better things. It was made the duty of every town and district of 50 families "to hire a schoolmaster of good morals" to teach reading, arithmetic and decent behavior, for six months in the year. The language used was as follows: "A school master of good morals to teach children to read and write, and to instruct them in the English language, as well as in arithmetic, orthography and decent behavior for six months of the year."

#### Campaign of 1890.

Up to this time the constitutional amendment which was adopted in 1884 had seemed to stop the agitation of the liquor question. But in 1890 the issue again came prominently before the people. Gov. Burleigh was renominated by the Republicans. The resolutions of the Republican convention recognized the evils of intemperance, and sympathized with all well directed efforts to eradicate them. The party emphatically renewed its allegiance to the principle of the prohibition of the liquor traffic, and insisted upon a thorough and effective enforcement of the Prohibitory Law. It demanded of Congress the enactment of such legislation as should enable each state to exercise full control within its borders of traffic in all liquors whether imported therein in original packages or otherwise.

The Democratic convention was held in Augusta on June 4, and Hon. M. P. Frank of Portland was the presiding officer. The committee on resolutions was J. S. Lyford of Androscoggin, W. S. Spear, Aroostook; Augustus F. Moulton, Cumberland; H. C. Whitehouse, Franklin; R. J. Worcester, Hancock; Charles F. Johnson, Kennebec; Lincoln; O. N. Bradbury, Oxford; P. H. Gillin, Penobscot; D. F. Ayer, Piscata-

quis; Charles W. Larrabee, Sagadahoc; D. M. Parks, Somerset; L. H. Murch, Waldo; W. E. Cooper, Washington, and L. H. Stevens, York.

Mr. Johnson representing seven of the committee, presented a resolution in favor of resubmission, and local option. It was defeated by a vote of 273 to 176. The resolution adopted, which referred to the Republican party and its position upon prohibition, read:

"We denounce this trifling with the constitution of the State, and their shameless hypocrisy in dealing with the temperance question, permitting the unrestrained sale of intoxicating liquors throughout the State. We recognize the evils of intemperance, and sympathize with all honest, well directed efforts to eradicate them, and in support of this, we appeal to the thoughtful men and women of Maine that all true enforcement of the Prohibitory Laws has been, with a few exceptions, in the hands of Democratic officials.

Francis W. Hill of Exeter was nominated as candidate for Governor. But he died shortly afterwards, and another convention nominate a candidate for Governor was held in Augusta, July 2. Mr. Frank again presided. This being a second convention, and coming at a season of the year when the farmers were busy, there was not a large attendance from the rural districts. The friends of license in the cities made a special effort to attend. A license resolution supported by such able men as W. H. McClellan of Belfast, William Henry Clifford of Portland, and was opposed by Elliot King of Portland, Henry Hudson of Guilford, F. B. Torsey of Bath and others.

There was great excitement and strong feeling in the convention. The debate was long and spirited. After it had proceeded for a time a country delegate arose, and said that he had come there to vote for a license plank, but as he did not see many of the tillers of the soil present, he should vote against it. When the vote was taken, the license men won by a vote of 145 to 99. Par. demonium reigned for a time, and the license men were greatly elated. The vote by counties on the resolution was as follows:

Counties.	Yes.	No.
Androscoggin .....	3	11
Aroostook .....	3	1
Cumberland .....	13	13
Franklin .....	0	1
Hancock .....	1	0

Knox .....	3	0
Kennebec .....	38	24
Lincoln .....	3	3
Oxford .....	0	1
Penobscot .....	36	0
Piscataquis .....	0	8
Sagadahoc .....	2	15
Somerset .....	8	3
Waldo .....	21	7
Washington .....	1	1
York .....	1	8

The Hon. William P. Thompson of Belfast was nominated as the candidate for Governor.

### Rural Democrats Displeased.

The action of this convention was very displeasing to the Democrats in the rural districts, and to many in the cities. It was claimed that the license element in the party had taken advantage of the peculiar conditions under which the convention was held, and which was not a representative gathering, and had forced the liquor question upon the party. Mr. Burleigh in the election which followed, received the largest majority that had been given any Republican candidate since 1866. It was an off year, and the total vote naturally was not as large as it is in a Presidential year. Mr. Burleigh received 64,259 votes, a decrease of 15,142 from the vote of two years previous. Mr. Thompson received 45,360, a decrease of 15,988 from Mr. Putnam's vote in 1888. The Republican loss was about 19 per cent, to the Democratic loss of 26 per cent.

The Democratic license leaders were very much disturbed over the result of this election, and tried to explain it in various ways. Among other things, they blamed the Democratic State committee for inactivity. The Democrats who favored prohibition said that the expected had happened, and declared that it was due to that second convention, which declared for license. Aaron Clark, the prohibition candidate that year received 2,981 votes, and it was asserted that the efforts of that party tended to aid the Democrats, although they had openly declared themselves in favor of license.

Gov. Burleigh, in his message in 1891, said:

"The past year has been an important one for the temperance interests of our State. For the first time since the adoption of the prohibitory amendment to our constitution, the people of Maine have been afforded an opportunity to pronounce at the polls upon

a movement looking to its repeal, and the substitution of the high license system. There was no uncertainty in their decision. By an emphatic majority they declare their belief that the best interests of temperance in this State, and the highest welfare of all our citizens, demand the maintenance of prohibition.

"It cannot be denied that the law for the suppression of the liquor traffic is often violated, and that officials charged with its enforcement are frequently derelict in duty. But it is undoubtedly true that this condition of affairs is mostly confined to our cities and larger villages. In other places the law appears to have been faithfully and successfully administered. During the past two years I have personally written the officials in the various counties upon whom was devolved the duty of enforcing the law, urging the vital importance of the suppression of the dram shop. I did this that such officers might clearly understand that they would have the support of the executive department of the State in all their efforts to enforce prohibition.

That the various officers of the State, upon whom devolves this duty, have accomplished a great deal in the enforcement of the law, is everywhere conceded. It is, nevertheless, necessary to the highest success of prohibition that there should be in every community a strong temperance sentiment demanding a vigorous enforcement of the law and sustaining the officers in their efforts to secure it. When the sentiment against the liquor traffic is as universal and emphatic as against other forms of crime, the violations of Prohibitory Law will be no more numerous than those of other penal enactments. That prohibition has accomplished a vast work for temperance in this State no candid man will deny.

The liquor traffic is no longer respectable. It is under the ban of popular condemnation. Those who engage in it are criminals in the sight of the law. The open dram shop with its flaunting signs and alluring windows, is no longer a feature in our State. The rum-seller is forced into dark corners. He has been obliged, like other criminals, to resort to concealment and stealth, where, before the advent of prohibition, he pursued his traffic with openness and ostentation. The whole traffic has been forever relegated to the furtive ways of crime. It is not easy to estimate fully the great temperance work which this change has

wrought in Maine. But there still remains much to be done in so educating public sentiment that it shall everywhere insist upon the faithful enforcement of the laws. Maine stands, by the emphatic declaration of her citizens, in the very van of temperance states. In keeping her there, the friends of prohibition must spare no effort or shrink from no responsibility."

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## LETTER XXIX.

### GOVERNOR CLEAVES' ADDRESS.

AUGUSTA, Jan. 29. (Special Correspondence).—The Democrats in 1892 nominated Charles F. Johnson of Waterville as their candidate for governor. He was essentially the candidate of the younger element of the party.

Mr. Johnson, young, able, magnetic, courageous, finely educated and of high character, no better candidate for the party could have been selected. Mr. Johnson placed himself on record in the convention as opposed to prohibition. The young men of his party rallied about him and the liquor question was made prominent in the cities and large towns, although the Democrats found it to be unpopular in the rural districts.

The Republican candidate was Henry B. Cleaves of Portland, a man of rugged honesty and much ability, who was already well known to the voters of the State, having held the high position of attorney general, among other offices, which he filled with distinction. This campaign was in a presidential year and at a time when protection and the currency question were prominent National issues.

In the election this year the Democrats increased their vote something like 10,000 and the Republicans 3000, in a total vote of 130,262. It was claimed that the Democratic vote was not increased through accessions from the Republican ranks, but solely by bringing out the reserve vote. In this election 3864 votes were thrown for Timothy B. Hussey, nominated by the prohibition party, and 2888 for Luther C. Bateman, candidate of the People's party. E. F. Knowlton, Union Labor, received 281 votes and 12 scattering.

Governor Cleaves in his inaugural in January, 1893, said: "The restraining influence of our laws upon the sale of intoxicating liquors, has had a marked and beneficial effect. The people of Maine have, repeatedly, reaffirmed their adherence to all reasonable pro-

visions for the suppression of intemperance; and the educational, moral and religious influences, constantly being exerted to maintain a healthful public sentiment, has had a controlling force in repressing the manufacture and sale of intoxicating liquors within our State.

"There must be an active public opinion in support of the laws and whatever advance can be made in this direction will tend to lessen the blighting influence of intemperance and command general approval."

In 1894 the Republicans renominated Mr. Cleaves, and the Democrats again selected Mr. Johnson as their standard bearer. The total vote was only 107,776, the smallest it had been since 1877. Governor Cleaves received 69,322, increasing his vote, while the Democratic vote fell off about 15,000, that party casting only 30,405 votes. Mr. Ira G. Hersey, the Prohibition candidate, had 2721 votes and Luther C. Bateman, again the choice of the People's organization, had 5328. In his inaugural address, Governor Cleaves took up at considerable length the matter of the State liquor agency, about which there was a wide difference of opinion. Some were of the opinion that, with a prohibitory liquor law the liquor agency was a necessity, to furnish pure liquors for medicinal, mechanical and manufacturing purposes. Others contended that the only necessity for intoxicating liquors was for medicinal purposes and that they could be furnished without a State agency, but, if it was decided to be necessary to continue the agency, there should be very strict regulations surrounding it.

In 1894 only 23 of the 438 cities and towns in the State had established agencies; but these had sold liquors, in the three years previous to 1895 to the amount of \$338,801.71. Governor leaves said, relating to this matter.

#### Liquor Agencies.

"The State has for many years authorized the maintenance of a liquor agency to furnish municipal officers of towns in this State, and duly authorized agents of other states, with pure, unadulterated, intoxicating liquors, to be kept and sold for medicinal, mechanical and manufacturing purposes.' With the continued advance of the cause of temperance in our State, and under the influence of a strong public sentiment, aroused and strengthened by our various temperance and Christian organizations, the city and town agencies have been

gradually reduced, and in 1894, in the 433 cities and towns in the State, only 23 agencies were in existence. It appears however, from official returns, that during the past three years intoxicating liquors were sold through the State commissioner to the established city and town agencies, amounting to \$338,-801.71.

"The statute regulating this immense traffic seems to be inadequate in many respects. The law formerly required that the commissioner should have a place of business in Maine; but under existing statutes, it is only required that he 'shall reside and have his place of residence in this State.' Under the practical interpretation of the present statute, liquors may be shipped direct from other states to the city and town agencies, without ever going into the possession of the commissioner; and necessary tests by a competent assayer, to determine the purity of such liquors after they reach the State, are not obligatory.

"The law compels the person assuming the duties of this position, to purchase of the retiring commissioner the entire stock of liquors on hand, yet the State does not retain the power to control the purchases or sales of such commissioner, or to limit the amount of stock to be carried.

"It will be observed by a further examination of the statutes, that the State has carefully relieved itself from nearly all responsibility, except the authority to finally pass upon the numerous applications for liquor commissioner; a position to which an annual salary of only fifteen hundred dollars is attached, and requiring, as now regulated, an invested capital of from \$12,000 to \$15,000. It will also be seen that the State disclaims all liability upon any contract made or obligation created in connection with the business carried on, but still takes its profits on the sales made by its agent.

"If the State is to continue the maintenance of a State agency, and authorize city and town agencies, more stringent legislation regulating the same should be enacted; we should recognize that these agencies are established solely to provide pure liquors, strictly for the purposes contemplated under the law sanctioning their creation. As now permitted, the State is a silent partner, sharing in the profits. If it is to authorize the source of supply in the future and receive its per-

centage on sales, it should assume direct supervision and control of all purchases, and of all sales to the city and town agencies. I recommend that either the State liquor agency be abolished, or that appropriate legislation be enacted in the direction indicated.

"The municipal officers of cities and towns have the right, under existing law, to establish city and town agencies, and are now required to purchase their stock of liquors through the State agency. Under a former statute, the municipalities were authorized to supply such agencies independent of a State liquor agency. With the large number of these agencies then maintained throughout the State, the legal restrictions surrounding this method were not considered sufficiently rigid to prevent an abuse of the authority conferred upon cities and towns, and the Legislature abolished the system, and established the State agency. A report, subsequently made by a legislative committee upon this subject, indicates that the latter method did not then entirely 'meet the approbation of the friends of law and good order.'

"Should you deem it advisable to discontinue the present method, and still continue to authorize city and town agencies, other questions will naturally arise. If it is impracticable for the State to assume the direct responsibility of supplying such agencies, then you may be called upon to consider, whether it will be judicious to confer independent authority upon the municipalities. Permit me to suggest, if legislation be contemplated in the latter direction, it should be guarded by the most inflexible legal restrictions; regulations should be established for proper tests as to the purity of the purchases, after their arrival in this State; the profits of the cities and towns should be limited to a sum not in excess of the actual cost of maintaining the agency; such agencies should be continually subject to inspection by a competent assayer; and absolute power should be conferred upon the courts to summarily close any agency, should it be found, upon investigation, that it was not being conducted strictly in accordance with the intention of the statute.

"Whatever action you may deem it wise to take, it should be with a purpose to promote the cause of temperance in the State, and remedy existing conditions.



"No reflection whatever is intended upon anyone connected, either now or in the past, with the management of the State agency, or the various city and town agencies. My criticism refers solely to the law governing the same, and to that the remedy should be unhesitatingly and vigorously applied."

In 1896 National politics predominated. It was at that time the silver issue was raised, and this one question was discussed to the almost utter exclusion of anything else. Llewellyn Powers was the candidate of the Republicans, and Melvin P. Frank was the Democratic standard bearer. Divided over the money issue, the Democratic party was demoralized and disorganized. The whole vote in the September election was 123,516. Mr. Powers received the phenomenal vote of 82,596, the Democratic vote was 34,350, Ammi S. Ladd, Prohibitionist, 2,669; Luther C. Bateman, People's, 3,292; William H. Clifford, National Democrat, 609, and there were 31 scattering.

In his inaugural in 1897 Governor Powers said:

"A large majority of the people of our State are thoroughly and conscientiously devoted to the principles and practice of temperance, integrity, morality and virtue, as a fundamental policy essential to our best development and growth. They believe that the restraining influence of our prohibitory legislation has had a marked effect in eradicating the evils resulting from the liquor traffic.

"Doubtless there has not been a full realization of what the most ardent and enthusiastic advocates of prohibition prophesied and hoped, but certainly great good has been accomplished.

"In most of our rural towns the groggery is a thing of the past; and we are moving in the right direction throughout the State.

"It is my conviction that what we need today is a more active public sentiment in our large towns and cities, which will enforce the laws we now have, rather than additional penalties, that would make the enforcement more uncertain and difficult.

"We should never forget that it is the certainty and not the severity of punishment that prevents crime. All efforts to increase this healthy public sentiment until it shall utterly root out and banish this blighting curse

from our land should receive the cheerful support of all good citizens. We should take no steps backward. Maine, which boasts the proud honor of having been the pioneer in prohibitory legislation should and will continue to be a prohibition State."

Governor Powers was renominated and elected in 1898, and in his message of 1899 he made no reference to the prohibitory question.

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## LETTER XXX.

### THE DEMOCRATIC POLICY OF RESUBMISSION.

AUGUSTA, Jan. 30. (Special Correspondence.)—The Republicans in 1900 elected John F. Hill, over Samuel L. Lord, Democrat, Grant Rogers, Prohibition, and M. W. Lermond, Socialist. On account of the difference of opinion on the currency question, the Democratic party was still unorganized, although in this election Samuel L. Lord, who had been the candidate in 1898, increased his vote from 29,485 to 40,086

The liquor question was agitated again, and there was much talk and discussion about the matter of resubmitting the constitutional amendment. It was now very well understood that the Democratic party was committed to this policy.

In calling attention to the question of prohibition Governor Hill spoke to the Legislature in 1901 as follows:

"Intemperance is such a fruitful source of misery, pauperism and crime, and its multitude of victims is so great a burden upon the sober and industrious citizen, that it is the duty of a government to control and restrict the liquor traffic in every legitimate way. By a provision of its constitution and by statute laws, which with overwhelming majorities its citizens have repeatedly sustained at the polls, the State of Maine stands opposed to the manufacture and sale of intoxicating liquors. The deliberate adoption of this policy by a people naturally careful and conservative in their judgments was the inevitable result of a moral evolution which recognized the demoralizing and far-reaching evils of intemperance, and sought to eradicate them from the community; and embodied the conviction that a traffic which took men from the ranks of productive industry, robbed them of their sober faculties, destroyed their self-respect and made them a burden

and menace to those who had the right to look to them for support and protection—a traffic which filled the poor-houses, prisons and asylums with human wrecks, and imposed its greatest misery upon the innocent and helpless—was hostile to the public interests and wholly contrary to the spirit and purpose of a Christian civilization.

“Fifty years ago, the so-called ‘Maine Law’, prohibiting the sale of intoxicating liquors, was placed upon our statute books, where it still remains. While it has not accomplished all that its advocates and supporters hoped for, it has been a powerful force in the development and promotion of a healthy temperance sentiment among the people of our State. How marked and gratifying this advance has been will clearly be shown by a comparison with the conditions existing 75 years ago. Then, liquor was largely manufactured in our State, while its sale was as common and looked upon in much the same light as the traffic in dry goods and groceries. Abstinence, was the exception rather than the rule. The drink habit, in varying degrees was so general as to excite little if any comment, and intemperance was more or less prevalent in every community.

“The temptations to drink were everywhere visible, and too often found victims in the best youth of our State. Today, in a large majority of our country towns, there exists practical prohibition, and the law against the liquor traffic is as well enforced as against other forms of crime. Even in our cities and larger villages, where the liquor interests are most active and aggressive, and where the law is most persistently violated, it has not failed to exert a restraining and salutary influence; and has been a power in stimulating and promoting that intelligent and vigorous public opinion which is the support of all effective law, and without which any legislative enactment must fall far short of its purpose.

“In a community where the official power is delegated from the people, public servants rarely rise superior to public opinion in their sense of duty. It is, therefore, essential that officers charged with the enforcement of law and the protection of society should be constantly sustained, in the faithful discharge of their obligations, by an active and healthy public sentiment.”

The question of resubmission of the constitutional amendment had been widely discussed in the press, upon the stump, and by the church, and temperance organizations. A resolve to abrogate the constitutional amendment was introduced in the house, and after a discussion was defeated, by a vote of 84 to 34. Those who voted “Yea” were:

Bradford, Briggs, Hudson; Carleton, Clark, Cordwell, Cramer, Daigle, Deering, Dillingham, Farnsworth, Beddington; Irving, Kaler, Kelley, Laliberte, Libby, Burnham; Littlehale, Maddocks, McNamara, Parkhurst, Pattangall, Plummer, Powers, Pittston; Randall, Ross, Sabourin, Shaw, Skidmore, Sutherland, Thomas, Thompson, Bristol; Trickey, Vogell, Walls, Williams—34.

Those who voted “nay” were Messrs. Adams, Allen, Sanford; Andrews, Norway; Andrews, Rockport; Ballard, Beal, Bennett, Bodwell, Boothby, Brewster, Briggs, Harrison; Cain, Carr, Carson, Chase, Cook, Crosby, Cushman, Dearborn, Dodge, Dudley, Eaton, Farnsworth, Pembroke; Fellows, Foster, Fuller, Auburn; Fuller, Kennebunk; Gammon, Gardner, Gilmore, Gooding, Greene, Hammond, Harris, Harvey, Haskell, Lewiston; Hinkley, Hix, Hodgkins, Hoxie, Hurd, Jackson, Jefferson; Jackson, Monson; Kneeland, Knowlton, Lawrence, Leathers, Libby, Poland; Libbey, South Berwick; Little, Monmouth; Loud, Manley, McDougall, Mead, Minott, Morin, Noyes, Page, Peabody, Pettegill, Pike, Porter, Pratt, Purinton, Putnam, Dixfield; Putnam, Houlton; Russ, Sanborn, Smith, Somes, Sprague, Staples, Stevens, Sturgis, Swett, Thornton, Tornquist, Tufts, Walker, Walter, Weatherbee, Webb, White, E. Machias; White, Naples—84.

Those who were absent were Messrs. Boyd, Brackett, Dunn, Farrell, Fay, Hutchings, Jones, Low, Merritt, Phoenix, Powers, Fort Fairfield; Sargent, Young—13.

The following pairs were announced: Mr. Allan of Portland, no, with Mr. Little of Lewiston, yes; Mr. Bird, yes, with Mr. Dobson, no; Mr. Burrill, yes, with Mr. Thompson of China, no; Mr. Coffin, yes, with Mr. Moulton of Bowdoinham, no; Mr. Davis, yes, with Mr. Mayo, no; Mr. Frederick, no, with Mr. Wilson, yes; Mr. Haskell of Windham, no, with Mr. Moulton of South Portland, yes; Mr. Hill of Belfast, no, with

Mr. Hyde, yes; Mr. Hill of Exeter, yes, with Mr. Spofford, no; Mr. Scammon, no, with Mr. Weymouth, yes.

In the Senate a rising vote was taken, it being 22 in the affirmative, to 3 in the negative.

The Legislature repealed Section 62 of Chapter 27 of the Revised Statutes, as amended by Section 7 of the Public Laws of 1885, giving the Governor and Council power to appoint special constables for the enforcement of the liquor laws.

In 1902 Governor Hill received a re-nomination by the Republicans, and was elected by a decided majority, over Samuel W. Gould, Democrat, James Perrigo, Prohibition, and Charles L. Fox, Socialist. James Perrigo, the candidate of the Prohibition party, received 4,429 votes, the largest ever cast by that party, in this State.

### Governor Hill.

"An awakened public sentiment among the people of Maine demands a more complete and vigorous enforcement of the Prohibitory Law," said Governor Hill in his address to the Legislature of 1903. "In nearly all our country towns the law is respected, and obeyed. It is in the cities and large villages that it has been most frequently and persistently violated. This condition of things is apparently due to the fact that in the larger places there had been wanting an active and healthy sentiment in support of the law, and indifference and opposition has made its enforcement more difficult.

"Disrespect of one law breeds disrespect of all law, and there is a growing appreciation of the far-reaching demoralization that comes from the failure to honestly and fearlessly administer every law upon our statute books.

"Officers whose duty it is to see that the law is observed have no option in the matter; if they respect their official obligation and are true to their official oath; but it is most important that every law should be sustained by an unquestioned public sentiment, for officials elected by popular suffrage seldom rise to higher conception of public duty than is represented by the prevailing sentiment of their constituents.

"Good citizens may differ among themselves as to the best method of contending with the liquor evil, but they cannot afford to be otherwise than a unit in demanding the faithful, fearless, and impartial enforcement of

every existing law, so long as it continues to be the law.

"Among some of the most earnest and sincere friends of temperance in the State, there is a strong feeling that the prohibitory amendment should again be submitted to the people, that they may have an opportunity to declare themselves upon the question. They believe that such an expression of the popular will would give renewed strength to the law, and lead to more complete and thorough enforcement in those portions of the State where officials have failed to do their duty.

"If you are satisfied that the people desire to express themselves upon this matter, it will be your duty to give them an opportunity to definitely pass upon the whole question at the polls."

In 1903 the matter of annulling and abrogating the Constitutional Amendment again came before the Legislature. In the House the vote was 88 to 40 against the measure.

Those who voted "yea" were:

Messrs. Barker, Benner, Brewster, Burrill, Buzzell, Cameron, Carleton, Curtis, Daniels, Davis, Drew, Farnsworth, Pembroke; Gagnon, Haskell, Hayes, Irving, Kelley, Knowlton, Camden; Lamb, Little, Maybury, McIntire, McNamara, Pooler, Poor, Ross, Sewall, Shackford, Poland; Shaw, Spear, Stearns, Stover, Sutherland, Swett, Sweeney, Tartre, Thomas, Harpswell; Thompson, Orono; Thurlow, Tremblay—40.

Those who voted "nay" were:

Messrs. Abbott, Albert, Bailey, Blake, Blanchard, Bodwell, Briggs, Buxton; Campbell, Clarke, Nobleboro; Clark, Prospect; Coburn, Cole, Cook, Davidson, Dilling, Dodge, Nickerson, Norton, Oakes, Auburn; Oakes, Milford; Page, Drew Pl.; Page, Skowhegan; Parrott, Patterson, Peaslee, Pettengill, Pike, Potter, Purinton, Downing, Dudley, Eaton, Calais; Eaton, Wells; Farnsworth, Trem.; Favour Foss, Gannett, Gardner, Greenleaf, Hall, Hawkes, Hill, Buxton; Hill, Winterport; Howe, Hubbard, Jones, Josselyn, Knapp, Knowlton, New Portland; Leavitt, Libby, Mechanic Falls; Libby, Newfield; Libby, Oakland; Littlefield, Manson, McFaul, McGregor, McKusick, Mirriam, Mewer, Mills, Nash, Newcomb, Putnam, Danforth; Putnam, Houlton; Randall, Reynolds, Ruggles, Sargent, Savage, Skackford, Harrington; Smith, Hartland; Smith, Madison; Smith, Presque Isle; Snow, Sturgis,

Tapley, Thomas, Topsham; Thompson, China; Todd, Tripp, Twambly, Watson, Weatherbee, Wentworth, White, Williams.—88.

Those who were absent were Messrs. Allen, Wellington; Bussey, Furbish, Hill, Brownfield; Howes, Kimball, Morrison, Taylor, Thornton.—9.

The following pairs were announced: Allen of Sanford, no, with Weeks, yes.

Boyd, yes, with Perkins, no.

Butler, yes, with Waterhouse, no.

Cordwell, yes, with Mead, no.

Hinckley, yes, with Rice, no.

Low, no, with Nelson, yes.

In the Senate there was a decided majority against the proposition.

## LETTER XXXI.

### NULLIFICATION OF LAW.

AUGUSTA, Feb. 1. (Special Correspondence.)—A critical period in the prohibitory legislation of Maine had now been reached. With the first inception of the Prohibitory Law idea, it was supported by no particular political party. It is true, however, that from the nomination of the first Republican candidate for Governor, Anson P. Morrill, in 1855, the prohibitory principle was espoused by that party. In 1855 Governor Morrill received the largest number of votes of the three candidates who were nominated. The opposition, however, in the Legislature, united upon Samuel Wells, the Democratic nominee, and he was declared elected.

Judge Wells had been selected as the Democratic candidate because he was the ablest man in the State who represented the anti-prohibitory principle. He was a distinguished lawyer, and had served as associate justice of the Supreme Court, from Sept. 28, 1847, to March 31, 1854, when he resigned. The united anti-prohibitory element, as has been shown, joined their forces, and at this time the Prohibitory Law was repealed. Probably no man could have more ably argued the license side of the question than did Governor Wells. It has been seen that the people, however, believed in the prohibitory principles, and a Prohibitory Law was speedily re-enacted.

Democratic leaders, or at least many of them, were always opposed to prohibition. Many of the rank and file of the party have always believed, as they now believe, that laws should pro-

hibit the liquor traffic. And for quite a number of years, no anti-prohibitory resolution could be passed in a Maine State Democratic convention. The organized liquor interest has charged the anti-saloon element with introducing prohibition into politics. It was just as natural that this question should become a part of politics, as it is for day to follow the night. No candid student of the history of prohibitory legislation can come to any other conclusion, than that the liquor interests have always organized, and, whenever possible, have elected, city, county and State officials who were favorable to their view of the question.

This has been the history of everything connected with the liquor interests, not only in this State, but throughout the Country, and throughout the civilized world.

### Nullification.

In 1904 there was great unrest throughout the State among those who were favorable to the enforcement of the prohibitory liquor laws. It was justly claimed that in many sections of the State the prohibitory laws were nullified, and that there was no pretense whatever of enforcing the laws against liquor selling. In some parts of the State it was charged that the sheriffs made the law, and, it is true, that, in some sections, the practice of fining the liquor dealers at stated periods, was in vogue, and jail sentences were the exception, rather than the rule. In some of the more densely populated parts of the State there was practically an illegal license law. This condition of things disturbed the friends of prohibition, and it became evident that a halt must be called, or the cause of prohibition would be not only thrown into disrepute, but that the constitutional amendment would be repealed, and thus the first step taken to a return to a license state.

The Democratic party was now committed to a resubmission of this amendment, and, it was claimed, that a large part of the Republican voters were also disposed to favor this action. No doubt a great many causes had brought about this practical nullification of the prohibitory laws, in some parts of the State. For one thing, ever since 1894 the Republicans had carried the State by immense majorities. To all intents and purposes, on account of the utter demoralization of the Democratic party over the silver question, and other questions

brought forward by the radical element of that party, there was but one party in the State. A nomination in a Republican convention was equivalent to an election. Republican leaders and Republican officials were lax in the demands for the strict enforcement of the prohibitory laws.

The sentiment against nullification reached its critical stage in 1904. In that year there was a great contest in the Republican party for the nomination for governor. Early in the campaign Joseph H. Manley, who had been honored with the chairmanship of the Republican state committee, been a member of the Republican National committee and of the executive committee of the National committee, speaker of the Maine house of representatives, and regarded, perhaps, as the most influential Republican in the State, was a candidate for the nomination, but finally withdrew.

Other strong men, however, were in the field, and among them, William T. Cobb of Rockland, Bert M. Fernald of Poland, and Charles H. Prescott of Biddeford. The contest culminated in the most exciting political convention ever held in the State. It was held in Bangor, and no one who was present will ever forget the scenes which preceded the nomination. William T. Cobb was nominated on the first ballot.

The convention was presided over by the United States Senator Eugene Hale, who, in his speech, took a decided stand in favor of prohibition, and the convention passed an emphatic resolution favoring the prohibitory principle. It read as follows:

"The Republican party demands the faithful and impartial enforcement of the laws of the State, which prohibit the manufacture and illegal sale of intoxicating liquors, and we insist upon the action to this end of every public officer, the duties of whose office require enforcement of these laws."

The Democratic party had now become better organized than it had been for several years. It was thought they would renominate as their candidate for Governor Samuel W. Gould of Skowhegan, who had been their nominee in the State election two years before. Cyrus W. Davis, of Waterville, was nominated, however. There was an element in the convention which opposed any allusion to the resubmission plank in the platform, and the opposition even went so

far as to attempt to refuse recognition to the element. E. S. Fossett of Portland finely gained the floor and declared that the question of resubmission, if adopted by the convention, would cost the Democratic party 10,000 votes in the State. He moved that the resubmission plank be stricken from the platform.

"We lost upon it before, and for God's sake, let it out this time," said Mr. Fossett. The plank adopted was as follows:

"We believe in a government of law and in an honest and impartial enforcement of all laws including the Prohibitory Law, but, believing as we do, that the people of Maine are capable of self government and believing in the principle of the referendum, we ask that at the earliest opportunity the question of retaining the fifth amendment as a part of the State constitution be submitted to the people."

#### Governor Cobb.

Mr. Cobb, in his first speech of the campaign, placed himself fairly and emphatically upon record as favorable to the strict enforcement of the prohibitory liquor law, and made this prominent throughout the campaign. The campaign was an active and exciting one. It was understood that Mr. Cobb stood for prohibition, and that Mr. Davis favored resubmission. It was argued by the Democrats in the country towns that resubmission did not mean license, but in the cities those who were favorable to the sale of intoxicating liquors fully understood that resubmission would be but the first step towards a high license or local option law.

The vote in the election was the largest which had been cast since 1884. Mr. Cobb received 76,962 votes, Mr. Davis 50,146, Nathan F. Woodbury, prohibition, 2,788, Wilbur G. Hapgood, Socialist, 1,590, and there were 27 scattering votes.

The Democratic vote in the previous election had been 38,107, and the Democrats claimed that the large increase showed that the people were favorable to resubmission. The Republicans argued that it meant nothing more than that the Democrats had brought out their reserve vote, as had their own party, as shown by the large increase over the vote of 1902, and that also many Democrats who had left their party temporarily on account of the currency and other vexed issues, had returned to their former political allegiance.

Friends of prohibition were delighted with the result and declared that the question of resubmission had been voted upon, practically, and that those who were opposed to the license system had won a decided victory.

Governor Cobb in his message to the Legislature in 1905 spoke in the following clear-cut fashion, in words which could not be misunderstood.

"But I do not mean to close this address without speaking of a public question that lies very close to the heart and conscience of thousands of the men and women of this State, and one that should, and I believe does, appeal to every law-abiding citizen for a prompt and righteous settlement.

"I refer to the existing Prohibitory Law, so-called, and to the condition of its practical non-enforcement in many of our cities and towns. I cannot hope to bring to its discussion new ideas, nor by the aid of unfamiliar arguments to throw new light upon the cause I believe it my duty to sustain, but I can and do avail myself of this opportunity to ask you to look at the fundamental truths and facts of this question, stripped of the covering that prejudice, partisanship and selfishness have inevitably and continuously laid upon them, and to decide as citizens and legislators where your duties lie in the treatment of the greatest issue that ever confronted the people of this State. This is an appeal not for legislation, but for the exercise of good citizenship; not for party advantage, but for public welfare.

"Here is a law that was placed upon the statute books in obedience to the voters' commands. Its main object and purpose was to improve the condition of society by limiting the opportunities to gratify an appetite whose possession may be one of the frailties of human nature. Its most earnest advocates never believed that it would entirely eradicate the evils against which it was directed, but once a law, they had the right—and they have it still—to expect that its enforcement would be attempted by sworn officials with the same energy, persistency and honesty that generally characterizes the action of such officials in enforcing other laws. Has this always been done? Every intelligent citizen knows that it has not, and that in this statement is contained the reasons for past and present difficulties and the suggestion for a remedy.

"A wholesome respect for law is the

natural heritage of the people of Maine. A very large majority of those who favor the maintenance and enforcement of the Prohibitory Law do so because they believe that in that law is provided the best method of repressing and correcting an undoubted evil. They are not wedded to it as such, alone, but advocate it simply because in their judgment it is the best available means to accomplish a certain and necessary end. They form the element in our body-politic that placed the law on the statute books and kept it there. These people are not fanatics. They are law-abiding, reasonable and sincere, and would be the last to claim infallibility and the first to respond to a sound suggestion for civic progress. But above all they respect law and realize that in its general and ready observance lies the hope and promise of good government. Their position briefly stated is this: They believe first that the Prohibitory Law furnishes a practical method of lessening the sale and consequent use of intoxicating liquors, and second that inasmuch as that law is on our statute books it should be enforced with vigor, determination and uniformity. The moral strength of their position lies in the fact that they are contending not for the adoption of a law, but for the enforcement of one already in existence. As to the first declaration, there is an honest difference of opinion among our people; as to the second, there ought to be absolute unanimity.

"The estimate in which the Prohibitory Law is held in certain parts of the State, and by many of our citizens, is working an inculcable injury to the forces that make for law and order. A disrespect and disregard for all law is being nurtured that if allowed to grow unchecked and unassailed will weaken and destroy the very foundations of good movement.

"In reply to these assertions it may be urged that all these conditions would be improved if the law could be repealed or even resubmitted to the people. But such an answer is based wholly upon conjecture, and there are sound political reasons against such a course. The question has come to be the most important one in the politics of the State, and the dominant party is committed to the maintenance and enforcement of this law. If party professions are entitled to confidence, and if the votes of a very considerable majority of our citizens—registered as I

believe in large part upon this particular proposition—furnish any indication of their wishes, by what code of political ethics can the representatives of that party justify themselves in favoring now any policy other than that of maintaining and enforcing this law?

"If the people of Maine ever abandon or materially change the Prohibitory Law, it will be done only after they have seen it enforced honestly and uniformly, in the same reasonable and persistent manner that other laws are enforced, and after they have become convinced that such enforcement has actually failed to accomplish the desired end. Enforcement may cause the law to be changed, but non-enforcement never.

"This question has reached that stage of discussion and treatment where differences of opinion as to the wisdom of the law itself should be allowed to embarrass the situation no longer. This law must be enforced in order that all law may be vindicated, and to the performance of this duty every man, irrespective of party but united in the interests of good citizenship, may well direct his energy and influence. The task is not an easy one, and the practical difficulties that stand in the way of its accomplishment should be neither ignored nor underestimated; but an aroused and determined public sentiment standing for order and respect of law can force officials to do their duty, or failing in this, can fill their places with those who will."

## LETTER XXXII.

### THE STURGIS LAW. GOVERNOR COBB'S GREAT DEERING CLUB ADDRESS.

AUGUSTA, Feb. 2.—(Special correspondence).—It was felt by the friends of Prohibition that it was necessary, in order to correct existing conditions, that the Governor should be given more power in regard to the enforcement of the Prohibitory Laws. Early in the session of 1905, therefore, Senator H. H. Sturgis of Standish presented a bill entitled "An act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors."

This act has since been popularly known as "The Sturgis Law." It passed the Senate by a vote of 23 to 5, those who voted in the affirmative being Allen, Ayer, Bailey, Bartlett, Brown, Clark, Furbish, Gardiner, Heselton, Irving, Knowlton, Mills, Morse,

Owen, Pierce, Pike, Plummer, Potter, Putnam, Shackford, Simpson, Stetson, Sturgis; negatives, Curtis, Philoon, Shaw, Staples, Tartre.

Senator Sturgis, who introduced this act, and championed it, is an able business man, and one who has the courage of his convictions. He thoroughly believed that the Governor should be given power to stop nullification which had been particularly prominent in his own county, where it was claimed the law had been ignored both by Republican and Democratic sheriffs. William M. Pennell of Brunswick, who had been elected sheriff on the Democratic ticket in Cumberland County in 1902, openly declared that the Prohibitory Law should not be enforced, that the only way to do was to "regulate" the sale of liquors, and this he proceeded to do after a plan of his own.

In the campaign of 1904 Sheriff Pennell defended his plan upon the stump and was re-elected. By some it was asserted that his re-election was due to the fact that he had openly espoused the nullification of liquor laws, while others declared that it was due to the fact that, because of disaffections in their own ranks, those who really opposed nullification could not unite their forces.

The Sturgis act was adopted in the house by a vote of 77 to 50. Those who voted "yea" were, Albert, Baldwin, Barrows, Bean, Berry, Blanchard, Bradford of Livermore, Briggs, Bunker, Cobb, Copp, Cushman, Davis of Benton, Davis of Guilford, Dennison, Fawsette, Fulton, Gannett, Goodwin, Grant, Hastings, Hill, Holmes, Howes, Yngersol, Irving, Johnson of Hallowell, Jordan of Cape Elizabeth, Jordan of Yarmouth, Kimball, Kinsman of Cornville, Knapp, Littlefield, Lougee, Marshall, Martin, Merrill of Dixfield, Merrill of Skowhegan, Miller, Milliken, Nash of Damariscotta, Nash of Kennebunk, Newcomb, Norcross, Oakes of Auburn, Oakes of Milford, Page of Appleton, Peacock, Powers, Purinton, Putnam, Russell, Sargent of Brewer, Sargent of Castine, Sawyer of Millbridge, Sawyer of Smithfield, Scribner of Springfield, Sewall, Shaw, Smart, Smith of Saco, Stearns, Tapley, Theriault, Thomas, Thompson of Roque Bluffs, Tracy, Treworgy, Tupper, Turner, Usher, Vittum, Washburn, Wetherby, Webb, Webster, Whitmore.

Those who voted nay were: Allen, Belleau, Bradford of Friendship, Burkeett, Byron, Cole, Downs, Dudley, Foss, Garcelon, Giddings, Hanson, Hathaway Higgins, Hodgkins, Hussey, Hutchins, Gilson, Johnson of Waterville, Jones, Josselyn, Leighton, Leonard, Libbey, Morey, Morton, Mullen, Newbegin, O'Brien, Page of Hampden, Pendleton, Percy, Philbrook, Poor, Reed, Sanborn, Seavey, Shevenell, Sparrow, Staples, Stevens, Swain, Swett, Thurlough, Trickey, Walker,

White, Wilder, Witherspoon, Witt.

Those who were absent were Clark, Cousins, Gray, Hall, Kinsman of Augusta, LaLiberte, Lannigan, Longfellow, Perry, Price, Scribner of Charles-ton.

The following pairs were announced: Abbott yes, with Bliss, no; Baxter no, with Smith of Madison, yes; Buzzell, no, with Haggerty of Sedgwick, yes; Haggerty of Ellsworth, yes, with Ver-rill, no; Hale, no, with Johnson of Calais, yes; Morrison, yes, with Thompson of Orono, no.

#### **Gives Governor Power.**

The Sturgis act authorized the Governor to appoint a commission consisting of three persons, one of whom should be a lawyer. Two members of the commission to be from the dominant party, and one from the political party casting the next highest vote at the last State election. Each member was paid a salary of \$1,500 a year, and actual expenses. The commissioners were authorized to act in any part of the State, and to execute the common law and statutory powers of sheriffs in enforcement of the law, against the manufacture and sale of intoxicating liquors.

The commission has power to ap-point such number of deputy enforce-ment commissioners as in its judgment may be necessary. These deputies to give bond in sum of \$2,500 each can be sent to any part of the State, and are paid \$3 a day, and ac-tual expenses. All fines collected by prosecutions, undertaken by commis-sioners or deputies, are divided equal-ly between the State and County in which prosecution was had.

This act gave the Governor power to remove for cause the county attorney who was derelict in his duty and ap-point an attorney to perform the du-ties of enforcing the law in his place. (This has since been declared uncon-stitutional.) If in the judgment of the Governor the commission is not neces-sary he can at any time remove all members of said commission, and the commission is suspended until such time as its services may be again re-quired.

The Governor appointed Waldo Pet-tingill of Rumford Falls, Norman L. Bassett of Augusta, and Alfred H. Lang, of Skowhegan, as enforcement commissioners. The commissioners deemed it necessary to appoint special deputies for certain of the counties, and a change in conditions was at once noticeable. Where there had been an open sale of liquors, the busi-ness either ceased or was carried on by stealth, and in dives. In Cumberland County Sheriff Pennell so strictly en-forced the laws against liquor selling that it was unnecessary to send en-forcement deputies into that section of the State.

In the Legislature of 1905 a resolve was introduced for an amendment to the constitution by abrogating and an-nulling Amendment Five, adopted on the eighth day of September, 1884, re-lating to the sale and manufacture of intoxicating liquors. The vote in the Senate was 15 against, and 3 in favor of the resolve. It was lost in the House by vote of 128 against the measure.

This same Legislature passed a bill entitled, "An act providing penalties for non-feasance of duty by sheriffs, deputy sheriffs, and county attorneys."

The sheriffs in all the counties were given a chance to enforce the law, against the liquor traffic. It soon be-came evident that in some counties the local authorities did not intend to stop the open sale of liquor, some of them apparently trying to justify themselves on the plea that it was against the sentiment of the people. The Sturgis deputies were sent into such parts of the State as it was found possessed of-ficers derelict in their duty, and there was at once a change in conditions. The open places were closed, and the traffic driven into dives, and the hands of pocket peddlers.

In some of the counties where the Sturgis deputies had been most active, there rose a great hue and cry against the enforcement act. It was claimed that it was un-Democratic, un-Republican and un-American, and some of the politicians predicted that the law passed by the Republican party would cause its defeat in the next State election. The matter aroused a general discussion in the press, and in the pulpit, and in many other organiza-tions.

#### **Gov. Cobb at Deering Club.**

Upon invitation of the Deering Re-publican Club Governor Cobb delivered an address before that body on Sat-urday, April 7, 1906. The Governor de-voted his speech to a consideration of the Sturgis Enforcement Act. In be-ginning his speech the Governor said that inasmuch as this was a political and Republican organization, it would give him an opportunity to discuss the political situation as it then existed. The Governor said that he proposed to analyze carefully the questions in-volved in the coming election, with a regard to the material and moral wel-fare of Maine. He alluded to the fact that Republicans had met losses in the annual spring elections, and that these reverses were attributed to the enact-ment by a Republican Legislature, of the so-called Sturgis Law. He said that personally while he believed the Sturgis law to be the chief cause of the unrest, that it was not the only cause; that there were other contributory causes. The Governor then proceeded to say:



"In the Summer of 1904 the Republican State Convention met at Bangor and after a spirited contest honored me with the nomination for Governor. For many years the Republican party had professed to be the particular and sole champion of temperance legislation in this State. It assumed credit for having enacted the stringent prohibitory laws placed from time to time upon the statute books, and asked for and confidently expected to receive the moral support and votes of all believers in the theory that the State and the individual would be benefited by making the sale of liquor for tippling purposes illegal.

The Republican party was proud to be called the temperance party, and it grew in strength and numbers. For years in every State convention, and almost without exception in every County convention, it passed resolutions reaffirming and reiterating its allegiance to the cause of both temperance and prohibition, and it prospered. It vigorously repelled all idea of resubmission, and overwhelmingly defeated all attempts in the Legislature to allow the people to register again at the polls their faith or disbelief in the continuance of the Prohibitory Laws.

I am sure I do not exaggerate when I say that for 25 years in the minds of most people, prohibition has been the cardinal principle of the Republican party in its relations to State issues. I will go further and say that men familiar with State politics will agree that had any candidate for State office during that period arisen in a Republican State convention and declared himself to be in favor of resubmission and opposed to prohibition, he would have been denied pretemporarily the denomination he sought.

### Evidences of Unrest.

A few years prior to 1904, however, evidences of unrest appeared, and there were signs that the Republican party might not be altogether sincere in its advocacy of prohibition. In certain localities under Republican control the law was openly and flagrantly nullified. In more than one-third of the counties of the State Democratic sheriffs had been elected, and the reason given was that the voters in those counties had become disgusted with the inefficiency and insincerity of Republican officials and had manifested their dissatisfaction by electing Democratic sheriffs. It is only fair to say, too, that several of the Democratic sheriffs after election enforced the law more vigorously than had been done by their Republican predecessors. Republicans throughout the State were alarmed and the general impression seemed to be that it was absolutely imperative for party success that the people of the State of Maine should understand that the Republican party

was still the firm champion of prohibition and enforcement. This in brief was the condition of affairs in the Summer of 1904.

At the Bangor convention a plank was adopted, most explicit and comprehensive in its language, declaring without any evasion whatever, that the Republican party believed in and stood for the maintenance of the Prohibitory Laws and their rigid, honest and impartial enforcement.

It was upon that platform that I was nominated and I accepted its statements squarely and without reserve. As soon as the campaign opened I took the stump. In every county where I spoke I was urged by the Republican leaders to state that if elected I would do everything in my power to enforce the Prohibitory Laws. Many of those leaders told me that unless the voters could be made to believe that the Republican party was honest and sincere in its professions upon that subject, there was grave danger of losing their respective counties. In every place I spoke I not only said that if elected I would use every legal right and moral influence that belonged to the office of Governor to enforce those laws, but stated further that I asked for no man's vote unless he believed I would honestly try to do what I had said.

It is true that presidential election was pending and I presume National issues had much to do with the result, but so far as I was concerned, I confined myself wholly to State issues and made the fight more upon the prohibitory question than anything else. The result in the State was a Republican victory by a plurality of about 27,000, and it was generally conceded that the principal factor of success was the re-established belief in the minds of the people that the Republican party meant what it said upon this particular question. Surely I betrayed no confidences, nor did I secure the office by any false pretences. If the people believed what I said they knew what to expect. I meant what I said and believed that the party intended to take its platform seriously.

When the Legislature assembled I took it for granted that there would be some legislation giving for the first time to an executive, authority to enforce this particular law, and I supposed that authority would come as a result of the evils of nullification that everyone could see and that every good citizen must deplore. I believed it was outrageous to see a law of such importance violated in so many towns and cities of the State, and felt that such a course was doing incalculable injury to the welfare of Maine.

By what right should a certain class of men be protected and allowed to prosper in an illegal business. Every individual attempting to do any other

kind of business was forced to do it, and in most cases wanted to do it, within the law, but here was a business where certain men seemed superior to the law and this in itself appeared to me to be a grave injustice.

All law was being brought into disrepute and disregard, and there was neither sense nor logic in nullification. As a citizen I never have stood, and as a citizen or executive I never will stand for nullification of law. I had supposed that my election if it meant anything meant a protest against nullification, and it was for this reason I confidently expected legislation to remedy it. I believed that the Republican party would keep faith with the people, and that it would stand on its platform because it was right to do so.

Prior to the passage of the Sturgis law there was no provision whereby the executive could attempt to enforce the prohibitory laws, and this question was presented to me by the Legislature and by public sentiment in a way that it had never been presented to any of my predecessors. I never heard of the Sturgis bill until one day shortly after the opening of the Legislature. Senator Sturgis came to the executive chamber and explained its provisions to me, and I never knew until that day that anyone had been at work, was at work or intended to work in behalf of a measure of similar intent or import. If anyone else is the author of that law I do not know it.

I told Senator Sturgis that in many respects the law was not an ideal one. It seemed to me that the people of Maine might not altogether approve of the idea of giving to the executive authority over county officials, but I was absolutely in favor of some law strong enough to prevent or minimize nullification, and I stated to everyone who talked with me about the Sturgis bill that if no better measure could be found it was acceptable to me and I believed would answer the purpose. I did everything I properly could do to insure the passage of the Sturgis bill, and in so doing believed then and believe now that the Republican party was keeping faith with the people, and that I was doing the same.

It is only fair to say that some of the oldest and most sagacious leaders of the Republican party while believing in Prohibition and enforcement questioned the wisdom of passing the Sturgis bill. They predicted just such difficulties as have followed. They may have been right but I could not agree with them then and do not agree with them now.

It may or may not have been the wisest measure which could have been drafted; each one, of course, has

a right to his own individual opinion on that question. It was, however, the only measure which was offered and one directly in line with the promises of the party.

It has become recently somewhat the fashion to criticise certain people because of their belief in the Sturgis law and their support of the measure. So far as I am concerned I have no apologies or excuses to make, for I welcomed it, believed in it and worked for it.

In this same address the Governor also said:

As a Republican I appreciate the fact that an undoubted crisis is now facing our party, but courage, united effort and consistency will again put our opponents to rout. As an executive, while fully realizing that my official action in connection with the Sturgis law and enforcement has brought condemnation from many, caused regrets from friends whose judgment and friendship I value, and invited the charge that I am responsible to the same extent that the Sturgis law is responsible for present conditions. I can only say that I could not see my way clear to follow any other course. The Republican party made its platform, and as candidate for Governor I promised to support its declaration of principles. A Republican Legislature enacted the Sturgis law and as Governor I had taken an oath to endeavor to enforce all laws.

I am profoundly grateful for all the honor the Republican party has conferred upon me, and I have done my best to be true to my oath of office, to my party and to myself. I had hoped to so conduct the affairs of my administration as to enjoy the confidence of my party and the respect of the people of Maine, but I will willingly forfeit both if they are to won and retained only by forgotten promises and broken oaths. If the party has made a mistake in its platform or candidate the remedy is in own hands, but so long as I am Governor of Maine I shall oppose nullification, shall insist upon law enforcement, and so long as the Sturgis law remains on our statute books and officials fail to do their duty, shall use that law to enforce prohibition with all the power, influence and resources at my command.

## LETTER XXXIII.

### EFFECT OF GOV. COBB'S SPEECH.

AUGUSTA, Feb. 3.—(Special correspondence.)—This speech of Governor Cobb gave the friends of Prohibition, and all those who were opposed to nullification of laws, new courage. It was admitted by fair-minded men of all parties that the address was an

impartial and an able presentation of actual conditions.

There was a great deal of talk throughout the State in relation to re-submission. The Democrats met in Bangor and nominated for the second time Cyrus W. Davis of Waterville. Their platform took a positive stand in favor of resubmission.

The Republican convention met in Portland and was presided over by United States Senator William P. Frye. There was a discussion in the convention in relation to the advisability of declaring in favor of resubmission, but the convention took a decided stand in favor of Prohibition, the plank about this matter, reading:

"We believe in Prohibition and demand the faithful and impartial enforcement of the Prohibitory Law, because the business interests of the State and the material and moral welfare of the people, are thereby promoted. We hold that submission to the law is the highest duty of the citizen, and that good citizenship seeks the enforcement of all laws, at all times—nullification, never."

The campaign of that year was fought out upon the question of re-submission, other State issues also being involved. The Republican speakers defended the Prohibitory theory, and spoke in favor of continuing the policy of strict enforcement of laws against the liquor traffic, while the Democrats took a most positive stand upon the opposite side of the question. Never was the whole matter more exhaustively discussed upon the stump, through the press, and by the people generally.

The total vote was a large one. It was 133,500, of which Governor Cobb received 69,427, Cyrus W. Davis, 61,363; H. Woodward, Prohibitionism, 1,133; Charles L. Fox, Socialist, 1,561, and scattering, 26.

The Republican vote had fallen off 7,535 as compared with the election of 1904, and the Democratic vote had increased 11,207. The vote of the latter party was the largest since 1888, when 61,348 votes were cast for William L. Putnam.

Upon the assembling of the Legislature the question of Prohibition and the Sturgis enforcement law were uppermost in the minds of the Legislators, Governor Cobb, in his address to the Legislature, said:

#### Gov. Cobb to Legislature.

"Two years ago speaking in this place and under similar circumstances, I ventured the assertion that the public condition resulting from the nullification of the Prohibitory Law was the greatest issue confronting the people of Maine. The representatives of the people met that issue, recognized its importance and the Sturgis law was enacted, a measure designed for no purpose other than to correct or lessen

the evils of nullification. Under its provisions the Enforcement Commission was appointed, and for about eighteen months Maine has witnessed the unusual spectacle of men clothed with legal authority but operating directly through Executive option and initiative, performing some of the functions of certain officials elected by popular vote, who either wilfully or lacking both courage and ability have neglected the duties imposed upon them by their oath of office. Probably no single piece of Legislation placed on our Statute Books has ever caused so much general discussion or created such intense and bitter differences of opinion and dissensions as the Sturgis law. I cherish no illusions in regard to it. I know it is condemned by many as false in principle and contrary to the spirit of our institutions, expensive, inefficient, the outgrowth of political necessity and the last desperate attempt of fanaticism to check the swelling movement for a liberal and cosmopolitan treatment of the liquor problem. I know that a hostile sentiment hastens to censure not only the law itself but the men charged with its enforcement and their methods. Their failures are magnified and ridiculed, their successes overlooked or belittled, their sincerity of purpose and honesty of motive openly and often maliciously questioned, and the belief assiduously cultivated and encouraged that they are the known disturbers of the peace, the real enemies of order. But these arguments, criticisms and accusations are neither unanswerable nor unassailable. Many of them are palpably superficial and unfair, and the Sturgis law will stand or fall by a fair presentation of the facts and their rigorous analysis, not by the demands of a self-interested prejudice or the exigencies and hopes of any political party.

"There will be placed before you at an early date by the Enforcement Commission a full and complete report of the operation of this law and a statement of all the expense attending it. Upon its publication it is to be expected that this whole question will be opened for debate by the members of this assembly and this debate will be welcomed by all. At the present time the Deputy Enforcement Commissioners are withdrawn from all the Counties. This course was simply an act of justice to the incoming sheriffs, and the insinuation that it was prompted by any other motive might have been withheld in all fairness until a later date. If it becomes apparent that the local officials intend to permit or resume a policy of non-enforcement and the services of the Deputy Commissioners are not again brought into requisition, there will then be ample opportunity for just and timely criticism.

"The essential features of the Sturgis law are clear and its purposes obvious. I have yet to hear any sound argument in behalf of nullification of law, and but few men have had the temerity to openly advocate it. All will agree to the proposition that the local officials should enforce the Prohibitory Law in the first instance, but if they fail to do this and it is known that they have failed, the fact still stands that the law is nullified and needs vindication by some other means. When this question was before the last Legislature there were three ways by which the nullification of the Prohibitory Law could have been prevented; first, by dutiful action of the local officials; second, by the repeal of the Prohibitory Law itself involving resubmission and the adoption of some method of license to regulate the liquor traffic, and third, by the authorization and exercise of powers similar to those granted the Enforcement Commissioners under the Sturgis law. The local officials could not or would not act, prohibition continued to be the policy of the State and a trial of the Sturgis law was imperative. I am attempting to discuss the measure purely as a means to prevent nullification, and believe that a large majority of the law-abiding citizens of the State irrespective of party substantially agree that the law was necessary and that it has justified its existence. The day of open and easy nullification of the Prohibitory Law has passed in Maine. Public sentiment and all the moral forces of the State have been aroused and arrayed against it and it will never return. With all the clamor against the expense of the Sturgis law, with all the out-cry alleging political trickery, insincerity and cowardice on the part of its sponsors and its officials, I still hold to the opinion that the people of Maine believe that nullification is infinitely worse than any law which seeks to prevent it, and respectfully submit that it is incumbent upon every man who believes in the principle of law-enforcement as indispensable to the cause of good government and good citizenship, to support the Sturgis law or to propose and support some other measure which will advance that cause as well.

"The attempt to secure a better enforcement of the Prohibitory Law by means of the enforcement commission has brought the resubmission question into such prominence that a failure to refer to it in this address would invite grave misunderstanding. The statement will stand unchallenged that speculation on the action this Legislature may take in dealing with resubmission is causing more comment and exciting more interest than any other topic of public moment in Maine. I enter upon a brief discussion of this

question with reluctance, not because of the lack of convictions or an unwillingness to express them, but simply because of the doubt in my mind as to my ability to present some of its phases without violating the proprieties of an occasion upon which references to party politics are neither expected nor desired.

"Every thoughtful and fair minded student of political conditions in Maine must admit that there is a very strong sentiment in favor of the proposition to give the voters an opportunity to express at the polls their opinion of the present Prohibitory Law. While this sentiment may not be that of the majority now, it surely is held by a very large minority of our citizens, and the results of the September elections last year seems to furnish a complete justification of this conclusion. It is true that the temperance legislation on our statute books was placed there during the domination of one political party, and it is also true that nearly every person opposed to the Prohibitory Law and its enforcement favors resubmission. But it may be asserted with equal truth that a belief in the Prohibitory Law is not confined to the adherents of either of the two great parties and that the desire for resubmission is not confined to the enemies of that law. There are many men, earnest and sincere in their advocacy and support of temperance and enforced prohibition who believe those principles will be jeopardized by their resubmission to the people under the only method by which this can be accomplished at this time. To them the cause of prohibition is of far greater importance than the success either of Republicanism or Democracy, and to promote and conserve that cause they organized and maintained the Prohibition party. But they cheerfully sacrificed their own organization in behalf of the greater principle, and allying themselves with another party because of its promise to enforce the Prohibitory Law and its opposition to resubmission, contributed largely to its success. These men feel that resubmission granted by this Legislature would be a distinct and unpardonable betrayal by the dominant party of many who worked for and helped to achieve its victory. They insist that resubmission in its proposed form is a blow to prohibition and an attack on temperance, and refuse to endorse the suggestion that the people are entitled to vote on an amendment to the constitution when a very large number have unquestionably signified a desire to that effect.

"It is extremely unfortunate for what I conceive to be the true cause of temperance that a resolution to resubmit the prohibitory amendment must be in form at least a practical con-

demnation by the Legislature of the present policy of prohibition, and not the authorization of a simple referendum to ascertain the people's views. Were it not for this fact and the probable effect that the mere passage of such a resolution would have upon the friends of the prohibitory movement everywhere, I believe there would be little or no opposition to the reasonable, plain and unencumbered proposition to place the original question before the voters again for their approval or rejection. If that particular and important objection could be removed and the question be referred to the people directly, solely on its merits and unhampered by the prejudice excited by premature and unnecessary legislative condemnation, the citizens of Maine would rally to reaffirm their belief in the Prohibitory Law, and the cause of temperance be infinitely strengthened and advanced. For if we accept the principle of the referendum we must recognize the fact that its fundamental strength lies in the right of an appeal to the people, and no good cause if fairly and properly presented should hesitate to enter that court or should fear its verdict."

## LETTER XXXIV.

### ATTEMPT TO REPEAL STURGIS LAW.

AUGUSTA, Feb. 4.—(Special correspondence).—The Legislature of 1907 took up the question of the repeal of the Sturgis law, of resubmission, and the matter of abolishing or changing the laws governing the liquor agency. In the House the matter of changing the fifth amendment of the Constitution came up, upon motion of Mr. Newbert of Augusta, to adopt the minority report of the committee on temperance, reporting ought to pass on resolve for an amendment to the constitution, by abrogating and annulling the amendment. There was a long discussion, and then Mr. Davies of Yarmouth called for the yeas and nays and the motion was lost by vote of 73 to 68.

Those who voted yea were Messrs. Allan, Dennysville; Allen, Mt. Vernon; Allen, Richmond; Brawn, Brown, Copeland, Cyr, Davidson, Dondero, Donigan, Duncan, Dunton, Edwards, Farnham, Flaherty, Frost, Gallagher, Harriman, Harris, Harthorn, Milford, Hibbard, Higgins, Johnson, Waterville; Jordan, Kelley, Lane, Leader, Leighton, Lowe, Lynch, Martin, Bangor; McClutchy, McKinney, Michaud, Minahane, Montgomery, Moore, Morneau, Mullen, Murphy, Newbert, Noyes, Perry, Randolph; Pike, Pinkham, Pooler Preston, Scates, Skidmore, Skillin, Smith, Lisbon; Snow, Spear, Stevens, Jonesport; Stover, Strickland,

Stuart, Tarbox, Thomas, Harpswell; Tolman, Glenburn; Tolman, Portland; True, Tucker, Waldron, Portland, Walker, Wardwell, Weld, Witham—68.

Those who voted nay were Messrs. Allen, Columbia Falls, Baldwin, Barrows, Brackett, Charles, Chase, Clark, Cobb, Colcord, Crosby, Davies, Davis, Decker, Dow, Dyer, Emery, Farrar, Folsom, Fulton, Giddings, Gleason, Goodwin, Gordon, Hadlock, Hall, Caribou; Hall, Dover; Haskell, Hathorn, Detroit; Havey, Hawkes, Herrick, Hill, Machias; Hill, Monticello Irving, Jacobs, Johnson, Calais, Joy, Kendall, Knowlton, LaBree, Langley, Libby, Lord, Loring, Lovejoy, Martin, Rumford, Mayo, Merriman, Merrill, Merry, Milliken, Newcomb, Oram, Peacock, Perkins, Alfred; Perkins, Kennebunkport; Perry, Ft. Fairfield; Powers, Reynolds, Safford, Smith, Patten; Sprague, Stearns, Stevens, Portage Lake; Stubbs, Theriault, Thomas, Howland; Titcomb, Waldron, Dexter, Whitehouse, Wight, Wood, Young—73.

Those who were absent were: Messrs. Baker, Blanchard, Emerson, Horigan, Newton, Weeks—6.

The following pair was announced:

Mr. Grinnell, yes, with Mr. Danforth, no.

On motion of Mr. Milliken of Island Falls, the majority report was accepted in non-concurrence and sent to the Senate.

In the Senate, the matter of abrogating and annulling the fifth amendment to the constitution came up, and on motion of Mr. Brown of Kennebec, the minority report that the resolve ought to pass, was substituted for the majority report that the resolve ought not to pass.

The yeas and nays were taken. Those who voted in the affirmative were: Ayer, Barrows, Brown, Clarke, Foss, Garcelon, Parkhurst, Philoon, Heselton, Proctor, Simpson, Staples, Stearns, Theriault, Merrill—16.

Those who voted in the negative were: Bailey, Eaton, Houston, Irving, Libby, Mills, Page, Putnam, Rice, Wyman—10.

Mr. Hastings stated that he was paired with Mr. Sewall of Sagadahoc, who would vote "yes" if he were present. He (Mr. Hastings) would vote "no."

Mr. Deasy of Hancock stated that he was paired with Mr. Curtis of Cumberland, who would vote "yes" if he were present. He (Mr. Deasy) would vote "no"

The matter of the changing of laws governing liquor agency, or abolishing the system, caused a great deal of interest and discussion in this legislature. In the closing hours of the session the House without division voted to abolish the entire system; but the Senate refused to concur. This discussion, however, resulted in the

appointment of a special committee to investigate this matter, and to report to Governor Cobb. The committee performed this duty, and so reported.

The question of the repeal of the Sturgis law came also before the House, by way of majority and minority reports of the committee on temperance, reporting "ought not to pass" and "ought to pass" on bill, "An act to repeal Chapter 92 of the laws of 1905, entitled an act to provide for the better enforcement of the laws, against the sale and manufacture of intoxicating liquors." Mr. Newbert of Augusta moved that the minority report be substituted for the majority report.

The question being upon the substitution of the minority for the majority report, the motion prevailed by a vote of 79 to 50.

Those who voted yea were:

Messrs. Allan, Dennysville; Allen, Mt. Vernon; Baldwin, Brawn, Brown, Charles, Copeland, Cyr, Davidson, Davis, Decker, Dondero, Donigan, Duncan, Dunton, Edwards, Emery, Farnham, Folsom, Flaherty, Fulton, Gallagher, Grinnell, Hall, Dover; Harriman, Harthorn, Milford; Hathorn, Detroit; Harvey, Hibbard, Higgins, Horigan, Jacobs, Johnson, Waterville; Jordan, Kelley La Bree, Lane, Leighton, Lowe, Lynch, Martin, Bangor; McClutchy, McKinney, Merriman, Merry, Montgomery, Morneau, Mullen, Murphy, Newbert, Newcomb, Noyes, Perry, Randolph; Pike, Pooler, Preston, Reynolds, Safford, Scates, Skidmore, Skillin, Smith, Lisbon; Snow, Spear, Stevens, Jonesport; Stover, Strickland, Tarbox, Thomas, Harpswell, Tolman, Glenburn; Tolman, Portland; True, Tucker, Waldron, Portland; Walker, Weeks, Weld, Witham, Young—79.

Those who voted nay were Messrs. Allen, Columbia Falls, Allen, Richmond, Barrows, Chase, Clark, Cobb, Colcord, Crosby, Danforth, Davies, Dow, Dyer, Emerson, Gleason, Gordon, Hadlock, Hall, Caribou; Harris, Haskell, Hawkes, Herrick, Hill, Monticello, Irving, Joy, Kendall, Langley, Libby, Lord, Loring, Lovejoy, Martin, Rumford; Mayo, Milliken, Newton, Peacock, Perkins, Alfred; Perkins, Kennebunkport; Perry, Fort Fairfield, Powers, Smith, Patten; Sprague, Stearns, Stevens, Portage Lake, Stubbs, Theriault, Thomas, Howland; Waldron, Dexter; Whitehouse, Wight, Wood—50.

Those who were absent, Messrs. Barker, Blanchard, Brackett, Farrar, Frost, Giddings, Goodwin, Hill, Machias; Jonsnon, Calais; Knowlton, Leader, Merrill, Minahane, Moore, Oram, Pinkham, Stuart, Titcomb, Wardwell—19.

On motion of Mr. Newbert of Augusta, the bill was read three times, under suspension of rules, passed to be engrossed, and sent to the Senate.

The vote in the Senate was: Affirmative, Ayer, Bailey, Barrows, Curtis, Deasy, Foss, Garcelon, Merrill, Page, Provtor, Sewall, Stearns, Tarte, Wyman. Negative, Brown, Clarke, Eaton, Hastings, Heselton, Houston, Irving, Libby, Mills, Putnam, Rice, Simpson, Theriault.

Those absent were: Parkhurst, Philoon, Staples—3.

### Governor's Veto Message.

The bill for repeal having passed both branches of the Legislature, the matter went to the Governor, and he sent the following veto message to the House:

State of Maine.

Executive Department.

To the Honorable House of Representatives:

I have examined House bill entitled "An act to repeal chapter 92 of the Laws of 1905, entitled, 'An act to provide for the better enforcement of the laws against the sale and manufacture of intoxicating liquors,'" and respectfully return the same herewith without my approval.

This bill seeks to repeal that piece of legislation commonly known as the Sturgis Law. I was nominated for and elected to the office of Governor by a political party that in its platform made the following declaration: "Good citizenship seeks the enforcement of all law at all times; nullification never." A repeal of the Sturgis law without substituting any similar or equally effective measure takes from the Executive all power to enforce the Prohibitory Law when necessary and in my judgment protects and encourages the nullification of all law. I cannot assent to this proposition and, therefore, I decline to sign the bill.

(Signed)

WILLIAM T. COBB.

Governor of the State of Maine.

Dated March 28th, 1907.

On motion of Mr. Weeks of Fairfield, the vote was reconsidered where-by the bill was passed to be enacted.

Mr. Weeks moved that the main question be now put and that it be taken as provided by the Constitution, by a yea and nay vote.

The Speaker: Under the Constitution, where a veto is announced by the Governor, it is necessary that a yea and a nay vote be taken, and the question is, shall this bill become a law notwithstanding the objections of the Governor. All those in favor of this bill becoming a law, in other words, of abolishing the Sturgis bill, will say yes when their names are called; those opposed will say no. The clerk will call the roll.

Those who voted yea were:

Messrs. Allan, Dennysville; Allen, Mt. Vernon; Brawn, Brown, Copeland,

Davidson, Davis, Dondero, Duncan, Duncan, Dunton, Edwards, Farnham, Folsom, Frost, Gallagher, Giddings, Grinnell, Harriman, Harris, Harthorn, Milford; Havey, Hibbard, Higgins, Horigan, Johnson, Waterville; Jordan, Kelley, La Bree, Lane, eighton, Lowe, Lynch, McClutchy, Montgomery, Morneau, Mullen, Murphy, Newbert, Noyes, Pike, Pooler, Scates, Skidmore, Skillin, Smith, Lisbon; Snow, Spear, Stevens, Jonesport; Stover, Strickland, Stuart, Tarbox, Thomas, Harpswell; Tolman, Portland; True, Tucker, Waldron, Portland; Walker, Wardwell, Weld, Witham—61.

Those who voted nay were Messrs. Allen, Richmond; Baldwin, Brackett, Chase, Cobb, Colcord, Crosby, Danforth. Davies Decker, Dow, Dyer, Emerson, Emery, Farrar, Fulton, Gleason, Goodwin, Gordon, Hadlock, Hall, Caribou, Hall, Dover, Haskell, Hathorn Detroit; Hawkes, Herrick, Hill, Machias; Hill, Monticello; Irving, Jacobs, Kendall, Knowlton, Langley, Lord, Loring, Lovejoy, Mayo, Merri-man, Milliken, Newcomb, Newton, Oram, Perkins, Alfred; Perkins, Kennebunkport; Perry, Randolph; Powers, Reynolds, Smith, Patten; Sprague, Stearns, Stevens, Portage Lake; Stubbs, Thomas, Howland; Waldron, Dexter; Weeks, Whitehouse, Wight, Wood, Young.—59.

Those who were absent were Messrs. Allen, Columbia Falls; Barker, Barrows, Blanchard, Charles, Clark, Cyr, Donigan, Flaherty, Johnson, Calais. Leader Martin, Bangor; Martin, Rumford; Merrill, Merry, Minahane, Moore, Peacock, Pinkham, Preston, Safford, Theriault, Titcomb, Tolman, Glenburn—24.

Sixty-one having voted yes and 59 no, the veto was sustained.

The following pairs were announced: Joy, no, with Perry of Fort Fairfield, yes.

Libby, no, with McKinney, yes.

The vote in the Senate, on the question of passing over the Governor's veto, was: Yea, Bailey, Barrows, Deasy, Foss, Garcelon, Merrill, Page, Parkhurst, Philoon, Proctor, Sewall, Stearns, Tarte, Wyman—15.

Negative, Brown, Eaton, Hastings, Irving, Libby, Mills, Putnam, Theriault.—8.

Mr. Curtis of Cumberland stated that he was paired with Mr. Simpson of York he (Mr. Curtis) would vote "yes", and Mr. Simpson would vote "no." It was not a vote that the bill should become a law.

Those absent were: Clarke, Heselton, Houston, Rice, Simpson, Staples.

Senator Heselton afterwards stated in the Senate that if he had been present when the vote was taken, he would have voted to sustain the veto.

## LETTER XXXV.

### EARLY RECORDS OF EFFECT OF LICENSE AND PROHIBITION.

AUGUSTA, Feb. 5, (Special Correspondence).—The first Prohibitory Law recorded is found in Genesis 2:16, 17; "And the Lord commanded the man, saying, of every tree of the garden thou mayest freely eat; but of the tree of the knowledge of good and evil, thou shalt not eat of it; for in the day that thou eatest thereof, thou shalt surely die."

Throughout all the Scriptures there are numerous prohibitory laws, nine of the ten commandments being such. Speaking of these Scripture laws, Blackstone says: "They are in obligation superior to any other. No human laws are of any validity if contrary to them."

Dating 550 years before the time of Christ there was a law of Buddha which says, "Not to use intoxicating liquors or drugs." Mahomet prohibited the use of intoxicating liquors also. The ancient German tribe of Suevians over two thousand years ago had a law which prohibited the bringing of wines into their territory. They did this because they declared that "it enervated the mind, and unfitted the body for exercise or labor."

Nearly one hundred years ago the Society of Friends passed a law by which they disowned a member who "persisted in importing or vending ardent spirits," and even prohibited their members from selling grain or other produce if it were to be distilled.

As early as 1802 the Congress of the United States enacted a law which gave the President the authority to use his own judgment in adopting any necessary measures to prohibit the sale of any intoxicating liquors to the Indian tribes. These laws were amended in 1815 and again in 1822.

It is admitted that people have a right to prohibit that which is a nuisance. Blackstone, one of the greatest commentaries upon the law who ever lived, declared that it was a settled principle that a man may himself remove a private nuisance provided he caused no riot by it. And that a public nuisance could be removed by a proper process of law. Blackstone after enumerating such nuisances as society has the right to abate, said: "So clearly does the law of England enforce that excellent rule of gospel morality, of doing to others as we would they should do unto ourselves." In another place Blackstone says: "All disorderly inns, or alehouses, bawdy houses, gaming houses, stage plays unlicensed, booths and stages for rope dances, montebanks, and the like, are public nuisances."

Kent, the great authority upon American law, says: "The Government may, by general regulations, in-

terdict such usages of property as would create nuisances, and become dangerous to the lives, or health, or peace or comfort of the citizens. Unwholesome trades, slaughter houses, operations offensive to the senses, the deposit of powder, the building of combustible materials, and the burial of the dead may be interdicted by law, in the midst of dense masses of population, on the general and rational principle that every person ought to use his property as not to injure his neighbors, and that private interests must be made subservient to the general interests of the community."

When, therefore, the forefathers took the position that the sale of intoxicating liquors was a public nuisance, and that the people had a right to prohibit rather than to restrict and regulate, they did so not without precedent. That a state has the right to prohibit the sale of intoxicating liquors is now a firmly established principle of law. The early advocates of prohibition did not stop to argue that it was wrong to prevent men by law from drinking what they please. They did, however, take the position that the state shall not authorize them to manufacture and sell what they please.

#### Early Records.

Allusion has already been made in these articles to the fact that in the early history of the State the conditions were such that those who were deeply interested in the temperance, morality and true progress of the people believed that measures should be taken to eradicate the liquor traffic, an evil which was leaving its blighting traces everywhere. The only way of ascertaining the truth about conditions which existed in the past is to search the records left by those in those times. From these records the following interesting and most significant facts and statements have been gleaned:

In January, 1831, the annual meeting of the Cumberland County Temperance Society was held, and a report was read and ordered to be printed. It was compiled by the corresponding secretary, Solomon Adams, under the direction of the board authorized by the society. In the opening of this report the following statement is made:

The facts which have come into their (the committee's) possession, from various sources, are equally va-

rious in their character. Many of them will show much to encourage us to future efforts, and others will show that there is still abundant call for continued exertions in a cause so auspiciously commenced. Were your board to consult their private feelings only, there are many facts of an unfavorable and local bearing, which they would gladly suppress; but as your deputed agents they feel they may not keep back the truth; that they may not,

"Set down aught in malice, or aught extenuate."

In this report mention is made of North Yarmouth, the population of that town being at that time 2664. Formerly, 13,612 gallons of liquors were annually consumed by that community. The board comments upon the fact that the annual consumption has been reduced to 2270 gallons annually, and that the licensed retailers have been reduced from 14 to 5. It was considered a subject of great gratification and improvement that in Freeport, some of the ship yards do without ardent spirits. At Woodfords Corner the statement was made that the annual mortality was about 30, and one-third of these were deaths by intemperance.

At Gorham, the consumption of ardent spirits was 5500 gallons annually. At Baldwin, a report was made which read as follows:

"More than 30 farms have been carried on the past year without ardent spirit, and considerable mechanical labor performed without it." In Lewiston and Danville in 1828 there was a population of about 3,000, and 6,072 gallons of intoxicating liquors were annually consumed. In Minot there were four stores and in each one of them ardent spirits were sold.

The board gave the following gloomy report from the town of Cape Elizabeth: "The town exhibits in a moral point of view, an almost unvaried, dreary, desolate waste, and what makes the prospect three-fold more desolate and weary is the dreadful prevalence of intemperance among us. The town contains probably about 1,700 people, and from a residence of more than two years among them, and after having made many inquiries, licensed liquor dealers with not more than three-fourths of the male heads of families through the town are habitually intemperate, and will become intoxicated, whenever a favorable op-



portunity occurs; and to this number must be added many young men and boys, who are following hard after the steps of their fathers; and now and then a drunken wife and mother. Our dram shops, of which we have a full supply, are open on the Sabbath."

In Portland, in 1822, with a population of less than 12,000 there were 133 licensed liquor dealers with not more than 12,000 population, there were 169. It was the custom for master mechanics to furnish ardent spirits to their journeymen and apprentices and the statement is made that one member of the association, annually used three hogsheads of liquors for this purpose.

At East Machias in a population of 1066, 10,000 gallons of ardent spirits were annually used, at an expense of \$10,000, and there were 17 retailers of liquors there. Machiasport with her population of 683 annually consumed 3,780 gallons, and had five retail liquor dealers. Deer Isle in Hancock County with a population of 2,000, had 14 licensed liquor sellers. In Blue Hill, with a population of 1,499, the annual consumption of liquors was 3,480 gallons; a half pint a day was the allowance for each man working in shipyards. Bucksport, with a population of 2,354, yearly consumed 7,550 gallons. Hampden, with a population of 2,015, consumed 4,500 gallons. Brewer, with a population of 1,075, consumed 3,500 gallons. The town of Warren, in Lincoln County, with population of 2,032, consumed 12,779 gallons, and there were 16 dealers in ardent spirits.

A correspondent writing from Oxford County, spoke of one of the persons who made an excessive use of liquor as a "schoolmaster of good talents, but bad habits." This report written in 1831, says, "Three years ago the cost of ardent spirits consumed in Maine was from three to four times the amount of town, county and State taxes. The cost of consumption now is about equal to these taxes. Before the work of the Temperance Association began, it was estimated that there were 10,000 inebriates in Maine, and that 1,000 annually died through intemperance.

In Portland there were 85 inmates of the almshouse, and 71 of the number were there on account of intemperance.

The following extract from a letter written by Charles Jarvis to Editor of the New England Farmer dated at

Bangor, Nov. 16, 1830, is a striking illustration of the general use of ardent spirits at that time.

"I availed myself of the opportunity to inform you that this past season I was concerned in the execution of a contract for the making of 19 miles of the United States military road between Bangor and Houlton; that we had on an average about 40 men employed; the labor was under the hardest and most trying conditions. We worked in mud and water half leg deep, digging drains, and slept on the ground, with only a few boughs under us. Notwithstanding the severity of the service to which we were exposed, only six days of one man's time was lost by sickness, and this is attributed to the fact that not one drop of any ardent spirit was brought into our camp. After this let no advocate of rum say that it is necessary to keep out the cold, or ward off the effects of exposure to dampness and wet."

With conditions like this existing all over the State, in the year 1830 and 1831, it is not to be wondered at that the people who were interested in the reform work of temperance, in spite of the bits of encouragement which they noted in this report should feel that much remained to be done, along the line of temperance reform, and should ardently desire the strong arm of the law to assist them in enforcing a better condition of things. For the next two years these temperance reformers worked hard and unceasingly to better conditions; and in 1832 a State Temperance Association was formed, with the most prominent men of the State as its officers. Their meetings were held at the State capital, and the second annual report, presented in February 1834, will form the basis of another article upon this subject.

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## LETTER XXXVI.

### REPORT OF MAINE TEMPERANCE SOCIETY.

AUGUSTA, Feb. 6.—(Special Correspondence.)—From 1830 to 1834 the cause of temperance gained great foothold in Maine. People most interested realized that much must be done in that direction, if the State was to improve and progress as she ought, and in the year 1832 agitators of reform met and formed the Maine Temperance Society, adopting a constitution and bylaws which provided that annual meetings should be held

at the State capital. Committees were appointed to prosecute the work, and among others, a committee to gather statistics concerning the actual conditions of the State in relation to intemperance.

At the second annual meeting held in Augusta in February, 1834, this committee, through the corresponding secretary, Hon. Samuel M. Pond, made report from which the following statistics are selected, as indicative of the conditions of the State in general. The report as presented was compiled from the reports of two committees.

At the second annual meeting presided over by Hon Prentiss Mellen of Portland, president of the society, Prof. Alpheus Packard of Bowdoin College was principal speaker, and taking for his text the resolve "That This Maine Temperance Society is Eminently Philanthropic," Prof. Packard said in part:

"What a change have these few years, (1830-1834) wrought. Of those who but a few years ago were regarded as lost inebriates, more than 6,000 have been, it is hoped, reclaimed from their bondage. But the change is not confined to them, it affects the whole community. There is a sensitiveness in the public mind in relation to the use of the instruments of intoxication in all forms, which a few years since to have anticipated would have been to expose one to the charge of being an enthusiastic visionary."

The committee which had in charge the gathering of statistics, sent to every town lists of questions to be answered, including such questions as: Number of taverns selling liquor? Expense of paupers in town? What part caused by intemperance? How freely is liquor employed among working people? By employers? and many other similar leading questions. From the returns the corresponding secretary compiled his report, and the following items were included:

York County, Hon. Daniel Goodenow, Alfred, president; John McDonold, Limerick, secretary; Alfred, 1,200 gallons sold in 1832, 2,000 in 1833; \$300 cost of paupers, \$275 due to intemperance. Kennebunk, 5,000 gallons sold in 1832, 1,000 in 1833, (in violation of law); \$500 pauper tax, one-half caused by intemperance. York, 20,000 gallons in 1832, 300 in 1833; \$900 expense of paupers, 90 per cent by intemperance. There were in York County 12 temperance taverns, 31 liquor selling taverns, 68 retailers, 42 of whom abandoned the traffic in 1833.

From York a man writes: In the year 1832, the firm to which I belong sold 5,000 gallons annually, and I estimate that the nine licensed retailers together sold upwards of \$30,000. I should say that this year not more

than 300 gallons were drank in the town.

Cumberland County, William Ladd, Minot, president. In Brunswick 13,000 gallons sold in 1827, 4,000 in 1833. In Portland, expense of paupers \$5,000, \$4,800 due to liquor. In Westbrook, 7,500 gallons in 1827, 4,000 in 1833; 11 dram selling taverns, 31 retailers. In the County there were 10 temperance taverns, 69 of which sold liquor; 214 retailers, 56 abandoning the traffic before 1834.

This County reports: Brunswick reports, as great encouragement, "There is a factory now building where no spirit is allowed the workmen. During the Spring a vessel was built, launched, and has been navigated without ardent spirit.

Danville says: Laws regulating licenses but little regarded, and are in the opinion of secretary a standing monument of the imperfection of human legislation." (At this time Danville included what is now known as the city of Lewiston.)

Dalhousie reports: "One church admits none to its fellowship who drink ardent spirits. There are two members of another church who traffic in ardent spirits, and are doing much injury to the town."

Harpwell: Some vessels are sent to sea from this place without ardent spirits. Militia officers treat their soldiers. Mechanics are furnished with ardent spirits at 10 o'clock and 4, a half pint daily being the usual amount allowed.

Portland: The secretary is of the opinion that the amount of New England rum distilled there costs consumers at least \$160,000. Over 100 retailers; cost of paupers, \$5,000, "of which \$4999.99 is due to intemperance;" "A new whaling ship is being fitted out for a three years' voyage to carry no spirits save in the medicine chest."

Westbrook: In 1833, population less than 3,500, 30 retailers, 11 hotels selling liquor. The secretary remarks, "You must conclude, sir, by the number of retailers, that the ox has been wont to push with his horns, in Westbrook. He has, sir, and many have been killed as "hath been testified by his owner."

Lincoln county: Thomaston, 22,000 gallons sold in 1833. Topsham, 1,210; Bowdoin, 2,700; Alna, 1,000, Wiscasset, 18,729 in 1827, 5,000 in 1833. There are six temperance taverns, 34 dram-selling taverns, retailers who have abandoned selling, in 1830-34, 148. Many towns report discontinuing use of ardent spirits at raisings, launchings, military meetings, and in some cases, the half-pint daily is not furnished workmen. From Alna it is reported "At an election of militia officers in 1833, those elected accepted if they should not be compelled to treat."

Bowdoinham reports, "Among us fashionable tipping is becoming unfashionable." Georgetown says "Social visits are now made without either spirits or wine, and usually closed with prayer."

Lewiston: "Light Infantry Company, commanded by Capt. Stephen Cutler, voted to dispense with ardent spirits at company trainings." A man in this town in good circumstances, succeeded in getting a barn framed and raised without spirits. The town reports, however, "laws regulating licenses, not observed, but set at defiance."

Thomaston says, "I think we may say that three fourths of the schooners and sloops have discontinued the use of ardent spirits."

Topsham reports generally improved conditions but opposition from professing christians, in some cases. In Bowdoinham a deacon told his minister he should have felt less sorry to see him completely drunk, than to have him join a temperance society."

Waldo county reports In Belfast, 26,950 gallons sold in 1833, Camden 3,000 Searsmont, 4,000 in 1827, 1,000 in 1833: 1 temperance tavern, 19 sellings liquors 72 retailers; Belfast writer says: "Some respectable inhabitants report conditions much improved here; what must they have formerly been if they are improved with 16 retail shops, four taverns, which in 1833 have sold nearly 27,000 gallons and a distillery here which manufactures 9,000 gallons annually?"

Kennebec County: In Augusta, from 100,000 to 150,000 gallons sold in 1833; Farmington, 5,650 in 1830; Waterville, 44,000 in 1827, retailers refuse to inform committee, in 1833; 17 temperance taverns in county; 61 dram selling taverns 118 retailers of which 15 are in Augusta, 14 in Gardiner, 16 in Hallowell, 14 in Waterville. "The temperance reform has improved conditions, and increased happiness."

Augusta correspondent says "There has been a dead calm among us, save when we met and voted to circulate your report among the school districts. Last year we voted not to authorize our selectmen to grant licenses to retail ardent spirit to be drank in shops. And though the traffic went on, it was in secrecy; this year our streets are filled and out witnesses to the triumphs of intemperance. Even Sunday is not regarded as a day of rest from this unholy traffic; for two or three at least of the shops are open on that day."

Augusta also reports, "We have had one change of sentiment grateful to our feelings. During the last session of the C. C. pleas for this county, an action was tried for defamation of character. The words spoken were "You are a drunkard, and as such unfit for your occupation," which was that of a mariner. Defense set up truth as

a defense. Verdict for plaintiff, one cent, and ¼ cent costs.

Farmington: "Several traders seemed unwilling to inform the secretary how much ardent spirit they had sold in 1833, estimated 2,900 gallons. Gardiner writer remarks "to speak plainly, the cause of temperance is here a very indifferent matter." Selectmen is the cause of the illegality of selling, they give silent permission. And a footnote says, "Two of them are quite too fond of an extra glass." We have fourteen retailing shops, and not a retailer has a license to sell.

Penobscot county, too, felt the evil effects of liquors. In Bangor, in 1827 was sold 23,000 gallons of liquors; in 1832 a less quantity, but no figures to be obtained. Brewer, 2,500 in 1827, none in 1833. Orono, 10,000 gallons, in 1831; Hampden, 1,500 gallons; in Penobscot county, in 1833, there were 15 temperance taverns, 38 dram-selling; 80 retailers, 30 of whom were in Bangor; drams to soldiers, ship workers and laborers, generally abandoned, in 1832.

Bangor's special report was; 36 stores selling liquor, of a total of 130 stores and shops in town. The agent pathetically remarks "Some men will talk well on this subject, but when the question is asked how much will you pay to support this holy cause of temperance I have found too many who have no idea of helping this way. They say they favor the cause; they will set it a good example; but as to money, it does not seem necessary to have much, and there are others who can better give it This spirit is too common!"

Kirkland sends in a unique report: "We have in this town about 60 voters, one-fifth of whom may be called hard drinkers. The only person who sells liquor here is a preacher of Universalism, and there is only a Baptist church here; one of its deacons and three of its members still use ardent spirits as a drink."

Oxford county reports: Six temperance taverns, 32 dram-selling; 52 retailers of which Fryeburg had 7; militia officers treat their soldiers in every town reporting save Fryeburg; mechanics are not furnished their half pint in nine towns; the old custom of ardent spirits at raisings, employed only at Oxford. Selectmen authorized to license dram sellers in Andover, Brownfield, Buckfield, Fryeburg, Sweden, Waterford. In Andover, 2,000 gallons ardent spirits sold in 1832; Fryeburg, \$100 expense of poor, all caused by liquor; Paris, 4,963 gallons sold in 1833; Waterford, 2,600.

The general reports from that county were embodied in that from Andover, which says: "There is a salutary and visible reform in this place as respects the use and abuse of liquors."

In this annual report of the Maine Temperance Society in 1834 the statement was made that it was satisfac-

torily proved that 1,300,000 gallons of ardent spirits were consumed in this State in 1827; 618,000 gallons in 1832, and 464,000 gallons in 1833. The cost to the consumers in 1833, at 75 cents per gallon was \$348,000. In 141 towns, containing a population of 204,329, the taxes for support of the poor for 1833 amounted to \$44,535—\$25,076 of which was directly caused by intemperance. In 56 towns only the State had the militia officers abandoned the custom of treating their soldiers on days of parade. Harpswell, Canaan and Dutton only, of all the towns, reported, still continued the old custom of furnishing mechanics with ardent spirits, at 11 a. m., and 4 p. m., the usual allowance being one-half pint per day. In a few towns the use of ardent spirits and wine prevailed at social parties. The report says: "There are some professors of religion in every town reported, who either omit or refuse to join a temperance society, or are explicitly opposed to others joining. From about one-half the towns in the State 1,463 families containing 6,830 persons, were reported "as being poor and more or less miserable in consequence of intemperance."

## LETTER XXXVII.

### THE RESULTS UNDER LICENSE IN MAINE.

AUGUSTA, Feb. 8. (Special Correspondence.)—The question is often asked, are there any convincing proofs of the good results of the Prohibitory Law? After the repeal of the Maine law in 1856 the State Central Temperance Committee of Maine collected reliable data from different sections of the State as to the actual operations of the Maine Law upon the cause of temperance, and also upon the condition of the traffic in intoxicating drinks under the Maine law as well as during the periods immediately preceding its enactment and subsequent to its repeal.

The queries sent out were: 1: Were there any open shops in your town or county before the enactment of the Maine Law, June, 1851? If so, please mention the probable extension of the traffic?

2: What was the effect upon the traffic of the enactment of the Maine Law, so far as you observed and learned from reliable sources?

3: What has been the effect of the repeal of the Maine Law upon the rum traffic and intemperance, within your knowledge as derived from your own observation and from reliable information?

Answering these questions, these are some of the replies:

In Sanford, York County, the investigation was made by Theodore Stevens, Jr., M. B. Greenhalgh, John Merrill, Henry Stetson, William L. Currey, Satter Emery, I. K. Kimball, Steven Dorman, C. H. Bennett, W. T. Sargent. 1: Before enactment of the Maine Law there were from 5 to 7 places in town where intoxicating drinks were freely sold; intemperance, wretchedness and crime, were the consequent results. 2: The effect of the Maine Law of 1851 was to shut up all the above mentioned places where drinks were openly sold, and though some obtained them and drank to intoxication yet we believe intemperance, wretchedness and crime decreased under the operation of the Maine Law, in three years from 1851, in a tenfold proportion. 3: The effect of the repeal of the Maine Law upon the liquor traffic and intemperance in this town and vicinity is to open again, wider than before, the floodgates of intemperance upon the community. The traffic has increased beyond what it was previous to the law of 1851, and the traffickers appear determined to make up for lost time, and overwhelm and crush all the fond hopes of the friends of temperance.

From Bangor, the report was made by Rev. Dr. Pond, professor in the Theological Seminary. 1: Yes, a great many; it used to be said there were 100 places in Bangor where intoxicating drinks were openly bought and sold. 2: The effect was to stop the open sale of intoxicating liquors. Some were sold, undoubtedly, but it was done in secret, in the lowest places, and probably at some of the hotels. 3: I should think the rum traffic is greatly increased in Bangor within the last year. I judge so from the increased number of intoxicated persons whom I see about the streets. Also from the number convicted of being drunkard., and the largely increased numbers whom I am told are confined from time to time in the watchhouse. My own opinion is that prohibition, not license, is the prepor method of dealing with the rum traffic.

#### Standish.

From Standish, in Cumberland County, the report was made by William Paine, county commissioner. He said 1: We do not know of many open rum shops in Standish, from 1846 to the Maine Law of 1851, but a good deal of

liquor was sold and drank in that time, mostly in a clandestine way 2: The effect of the Maine Law upon the traffic is good; it nearly closed up the entire sale. 3: Since the repeal of the Maine Law the traffic is very much increased, and intemperance is gaining rapidly among us.

Belfast was reported by T. H. Marshall. 1: There was in this city a considerable number, and I have no doubt there were more or less in every town in the county. 2: The effect was good; many if not the greater number, abandoned the traffic at once, not wishing to undergo the difficulties of carrying on a secret business and fearing the penalties of the law if detected. In fine, the open rum traffic was annihilated. 3: The effect has been in this city to increase the number of liquor dealers, increase the sales, and as a consequence, increase intemperance, particularly among the poorer classes, who were to a very great extent, cut off under the operation of the Maine Law. From our packet freight lists and the admission of heavy liquor dealers in Boston, there can be no doubt that the amount of liquore brought here this year has at least doubled that of four years previous, in fact, I should think it probable the quantity has quadrupled. To answer in general terms I believe judging from past experience and reliable statistics, we have a right to assert that the increase of sales of intoxicating liquors produces increased intemperance and intemperance in its turn produces effect pernicious to good morals, pure religion, and the general alleviation of mankind.

John W. Woodbury of York said for his towns, 1: There were three or four in the town of York, and more or less throughout the county of York. 2: The sale was greatly restricted and diminished, although not totally annihilated. Some liquor was sold secretly and prosecutions were instituted. 3: Intemperance has considerably increased, and liquor is now sold without opposition in five or six places.

#### Westbrook.

The report from Westbrook was made by Rev. C. Bradley, and others. 1: Previous to the enactment of the Maine law, all had been done that could be done by moral suasion to put down the rum traffic, and much had been done, but there was a class who had no regard for God, man, nor the Devil, and did sell, and would sell, to all classes, drunk or sober, bidding de-

fiance to all law, human or divine. 2: The good effect of the enactment of the Maine Law was indescribable, the traffic had almost entirely ceased, and a very rare thing to see a man the worse for liquor. 3: Since the repeal of the Maine Law, every one sells who chooses, law or no law. It makes no difference. No one in this place is licensed to sell, but I am told there is enough to be had, either in the city or out. Drunkenness has increased astonishingly since the repeal of the Maine Law. This statement of Mr. Bradley's was substantiated by Rev. J. B. Wheelright, the selectmen, William Cox, Joseph Moulton and John Haskell, by George Libby, county commissioner, and J. G. Walker.

From Augusta, the following report was sent. Under the Prohibitory Law we were progressing well, when we had any municipal authorities who would execute that law. If we had not, it was not the blame of the law. With regard to the traffic at present, we live under a free rum government both State and municipal. Our authorities use no measures to suppress the traffic. They were not elected for that purpose. Drunkenness is as common in our streets as it ever was prior to any law. The young men are schooled in drunkenness; suffering wives and children are daily reaping the bitter fruits of the traffic.

The report from Auburn was written by Rev. David T. Stevens. 1: There were three or four places where liquor was sold; if not openly, yet so freely and commonly as to be notorious. 2: The Maine law closed up all those places so that during its operation the evils of the traffic came mainly through abuses of the agency, or certain itinerant dealers. I should judge that tipping was abated more than seven-eighths. Could the Maine Law have been sustained I see not why it might not have finally closed up the business. 3: Greatly to increase the traffic, and the consequent evils of intemperance. I speak now not simply in regard to our town, but with reference to the counties of Androscoggin, Oxford, Franklin and part of Cumberland through which I have travelled within six months. Observation and credible information convinced me that the whole of this vicinity. I found in above remark is applicable to the whole of this vicinity. I found in Franklin county a man who had been a zealous supporter of Democracy up

to the last election, who has recently seen so much of the evils of the Weils Law, that he is earnest to have something else

The report from Presque Isle, Aroostook County, was made by George F. Whidden and Moses Rose. They say, 1: This is a plantation, where from its earliest settlement to 1851 when the Maine law came in force, there was a tavern where rum was sold. This place had become famous for drunkenness, especially in the Spring, when hundreds of men passed through, driving lumber down the Aroostook. 2: The enactment of the Maine law brought the traffic and all its consequences to a stand in this place, and throughout the County of Aroostook in 1851. At first rum was sold, but not openly. Many places were entirely closed. The sale of intoxicating drinks gradually diminished until 1855, when scarcely any signs of it were known. Many habitual drinkers became temperance men, and the principle of prohibition was rapidly gaining ground among our citizens. 3: As soon as the Maine law was repealed a bar for liquor selling was opened in this place, and all around in other places through the county. Rum is now sold openly in many places here, and drunkenness is common.

The report from Bowdoinham was made by Charles C. Cone, presiding elder of the district. In response to your call for information I will say that since the enactment of the Maine Law I have resided two years in Saco, two years in Hallowell, and the remainder of the time in this place. For nearly two years I have had charge of what is called Gardiner District, comprising more than 60 towns and cities. Over this territory I travel once in three months. With regard to the operation of the Maine Law, there is, I think, but one sentiment; and one feeling among all intelligent and moral people, and that is, that the law was most salutary in its effects, doing more to restrain the traffic and consequently to remove drunkenness and promote morals and the peace and welfare of society than all other instrumentalities combined. In nearly all the places to which I have alluded, I think the open traffic had been suppressed and the drinking had in a great measure subsided. The effects of its repeal have been most disastrous. It is painful beyond description to contemplate the defection

and demoralization of many of our young men and even little boys since the repeal of the Maine law.

#### Brunswick.

From Brunswick the report was written by Alpheus S. Packard of Bowdoin College: 1: There were several and in all parts of the town; I cannot ascertain with sufficient accuracy the extent of the traffic. It has been as high as 20,000 a year. 2: It was at once restrained and restricted within narrow limits. The retail by the glass was done away with; intoxicating drinks were sold only by stealth. 3: It has thrown the traffic open and intoxicating drink is now to be had at many places. It is estimated that within a year 15,000 gallons have been sold within this town, although not exclusively for use within our own town limits. Men are seen intoxicated every day. The mischief is that the repeal of the law was regarded by those who are willing to take an ell for an inch as sanctioning the habitual use of intoxicating drinks, and now our young men in great numbers, it is feared, are rapidly forming habits of intemperance. One great difficulty, it is said, is that the law does not make it the special duty of any to prosecute. Such I find to be the judgment of judicious observers who feel that great interests of morality were imperilled by the repeal of the law of 1851. Many who favored the repeal, I understand, are persuaded that the measure was an unwise and perilous one. My answers are given after careful inquiry.

The report from Saco was signed by Ivory Dame, Rev. Charles Hill, Daniel Dyer, Hon. John F. Scammon, Obidiah Durgin, Rev. J. T. G. Nichols. They said: First: in the years 1849-50-51, there were in Saco about 25 places where intoxicating drinks were sold openly; two of these being wholesale stores, at which large quantities of liquors were sold to supply retail shops in different parts of the country. 2: The effect of the Maine Law was to suppress entirely the open traffic and to reduce by about three-fourths the actual sale of intoxicating drinks as a beverage. 3: The effect of the repeal of the Maine Law has been to re-open the traffic and to increase visible intemperance, ten fold. Under the Maine Law there was no open sale, and the places were few in which intoxicating drinks were known to be kept for secret sale.

"We have now about 25 unlicensed places, at which either openly or secretly liquors may be procured, and two licensed shops.

"In 1855, under the Maine Law the number of persons convicted for drunkenness was 12; the number convicted for assault and battery during the same period was 5. During the last month (Jan. 1857) the number of convictions without any extra efforts for that purpose, was for drunkenness 8, for assault and battery 5; that is in one month since the repeal of the law as many convictions for assault as in the whole year under the law, and two-thirds as many convictions for drunkenness.

"The effect of the Maine law in checking the sale of these intoxicating drinks exceeded our most sanguine expectations. Our principal rumshops were closed and most of the venders either removed from town, or partook themselves to a more respectable and better business. Drunkenness was seldom seen in the streets; and many houses before desolate and wretched, were made happy by the return of the inebriate to the paths of sobriety.

"Upon the repeal of the Maine law new drinking shops were opened and again the bloated face, and unsteady walk of the drunkard appeared among us. Within the past few months the change for the worse has been increasingly manifest. The call comes up loudly from the highways and byways not only of our town but of our county and our state for a renewal of the united efforts before it shall be too late, of all the friends of virtue and humanity for the protection of the weak.

"As regards attendance at church and school as affected by the Maine law: we have only to say that without any special means of ascertaining we judge from several instances that have happened to come under our personal observation, the law exerted a decided and highly salutary influence in these particulars."

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## LETTER XXXVIII.

### PORTLAND UNDER MAINE LAW AND AFTER ITS REPEAL.

AUGUSTA, Feb. 9. (Special correspondence.)—At a large meeting of the citizens of Portland held at the State Street Church, Jan. 5, 1857, William W. Thomas and Hiram Brooks, who were aldermen in 1851-2 and again in

1855-6, Henry A. Jones, who was an alderman in 1855-6, and Samuel Chase, alderman in 1851-2, and Charles Baker, were appointed a committee to prepare an answer to the circular of the State Central Temperance Committee, asking for information in relation to the operation and effect of the Maine law in Portland, as compared with the periods immediately preceding its enactment, and following its repeal.

The first query by the committee is, Were there any rum shops in your town or county before the enactment of the Maine Law, June, 1851? If so, please mention the probable extent of the traffic.

Answer: In 1846, the license system was abolished by law, and intoxicating liquors were forbidden to be sold in the State except for medicinal and mechanical purposes only. But the penalties of the law were so small and the modes of delay so numerous that liquors continued to be sold without restraint by unprincipled men; though the effect of the law of 1846 was to cause all persons to abandon the traffic who had any self respect or regard for law as such. In this County strong liquors were sold freely in every town, the law of 1856 not operating as any restraint upon bad men who wished to continue in the traffic. In Portland, but a short time before the enactment of the Maine Law, the Washingtonian Temperance Society appointed a large committee for the purpose of ascertaining the number of grog shops in the City. The members of the committee were selected from every ward, and several from each ward, so as to insure a correct report. The committee found in the City more than 300 grog shops, besides several wholesale liquor establishments.

It was concluded that at the lowest estimates, the amount of sales for each shop was \$3 per day, but many persons who professed to have good opportunities for judging thought the sales would average more than \$6 per day for each shop. But \$3 per day for 313 days in the year, for 300 grog shops will amount to the sum of \$281,700. As large as this sum is, we are nevertheless of the opinion that it is far within the amount of the actual expenditures.

Such was believed to be the state of the liquor traffic in Portland, at the time of the enactment of the Maine Law, and this brings us to the second query of the committee, which is:

"What was the effect upon the traffic of the enactment of the Maine Law so far as you observed and learned from reliable sources?" The committee answered:

#### Effect of Law.

"In this City the traffic was brought to a sudden and effectual check. The wholesale liquor business ceased in-

stantly, and the stocks of wholesale dealers were sent away to other states for sale. The singular spectacle was observed in our streets of teams and drays laden with stocks of wholesale liquor dealers passing along to the wharves, the liquors to be shipped to other ports for sale. Throughout the entire State, we believe, the wholesale trade in liquor was abolished. It is known to us personally that in this City the retail liquor trade was not carried on at all, openly, but only with great secrecy and caution, and, consequently, was confined within very narrow limits. It is within the knowledge of the committee that many shops, where liquor was freely sold before the Maine Law, were converted to other purposes, and capital which had been invested in the liquor traffic, was diverted to other branches of business. That the rum traffic was very greatly diminished was very obvious to every person familiar with our streets and public places, since there could be seen nowhere in our City any appearance of a rumshop, and instances of intemperance were so rare as to excite the wonder and admiration of many of our people who were able to contrast that period with the state of intemperance among us before the Maine Law. The returns at that period from the almshouse, watch house, house of correction and jails all concurred to show that some powerful cause was at work in the community for good, diminishing to a very great extent the poverty, pauperism, suffering and crime which had before existed among us.

"Such was the effect of the law that evil-minded persons, who persisted in the effort to sell these liquors, resorted to ingenious stratagems to introduce them into the City. Small kegs of them were concealed in meal, or corn, or salt, or sugar, and all contained in flour barrels. Sometimes they were detected, disguised as oil, or pork, and sometimes in sailors' chests. If any attempt was made to transport these liquors through the streets it was always in small quantities and in disguise, and persons engaged in transporting them employed the utmost vigilance to avoid the police, and, when detected, would abandon the liquors in the streets and make their escape, or would sometimes break the vessels containing them before they could be seized by the officers.

"The secret rumshops were sometimes furnished with drop shelves, on which the bottles were put so that, on the entrance of the police, by the touch of a spring, the whole would drop into the cellar upon stones placed to receive them. Into such places the police would go many times in a day, so that the loss of glass and other

stock in trade by breakage was so heavy that this plan of escape was abandoned.

"By statements from managers of steamers and other packets, and of the railways leading into the City, our own opinion formed on all we saw, and from all we heard from most reliable sources, is corroborated and confirmed that the effect of the Maine law in curtailing the liquor traffic was greater than the most sanguine of its friends could have anticipated. Some of the members of the committee were members of the City Government in 1851, and again in 1855-6, and, consequently, have had good opportunities of observing much of the practical working of the law, in relation to which we cannot be mistaken.

"The effect of the law was to put temptation to indulgence in strong drink out of the way of inebriates, so that large numbers of them were reclaimed of their former habits, and became sober men and industrious and useful members of society. So obvious was this great change in the habits of the people that the most casual observer noticed it, and remarked that those localities in the City, which were formerly notorious for brawls and fighting were as peaceful and orderly as any other neighborhoods among us.

The third and last query is: "What has been the effect of the repeal of the Maine law upon the rum traffic and intemperance within your knowledge as derived from your own observation and from reliable information?"

#### Effect of Repeal.

The committee said: "The repeal of the Maine Law was immediately followed by the establishment of great numbers of open grog shops in almost former times. Indeed, immediately after the election in September, 1855, when it was ascertained that Mr. Wells was chosen Governor, the worst part of the people threw off all restraint and fear of the law, because the popular verdict, in the election of Mr. Wells, had been in favor of free rum, as these persons thought.

"Steamers and packets arriving at our port are now laden, as formerly, with great quantities of liquors, which are discharged upon our wharves, and transported openly through our streets, and lie upon our sidewalks encumbering the public ways as they did in former times. Many shops are filled with great quantities of these liquors, which are exposed in hogheads, pipes and barrels, to the observation of every passer-by, and the spectacle is once more presented of open bars with their array of bottles and glasses, tempting every wayfarer to drink of the waters of death. The



unlicensed grog shops are as bold and shameless in these displays as are those which have the authority of the broad seal of the State and the sign manual of our City fathers. The business of converting good citizens into bad ones; of impoverishing, degrading and brutalizing thousands of our people by the grog shops, is carried on as freely and openly and fearlessly by the unlicensed, as by those who are expressly authorized and empowered to do it by law.

"The committee is aware that it is said by the ignorant, the thoughtless or unscrupulous, that there is not so much liquor sold now as there was under the Maine Law, and that there was more sold under the Maine Law than there ever was before. This remark is so absurd that we are fully warranted in ascribing it only to the thoughtless, the ignorant or unscrupulous. It is to the effect that legal obstacles in the form of forfeitures, of fines and imprisonment, thrown in the legal facilities for carrying it on, tend only to increase and extend it; while legal facilities for carry it on tend to diminish it. According to this logic, our fisheries, instead of being discouraged by bounties amounting to many thousands of dollars paid to fishermen from the public treasury, should be encouraged, by fines and imprisonments imposed upon the men, and seizure and confiscation of vessels and cargoes awarded to the owners by way of stimulating both men and owners to multiply vessels and catch more fish. And gambling houses, and lotteries, and burglaries, and murders, should be more effectually suppressed by liberal salaries, bounties, or annuities paid to all who should be convicted of violation of law in these matters instead of heavy penalties of fine and imprisonment.

"One of our City officials recently made the remark referred to in the presence of a Portland gentleman who had an excellent opportunity of knowing the facts, for he owns a large manufactory in the immediate neighborhood of many open rumshops. Said this gentleman in reply, 'You need not make that remark to me. I know its falsity. In my business I want empty rum barrels and a great many of them. They are better for my purpose than for any other. Under the Maine Law it was very difficult to obtain any at all, and only a very few could be had at any price, but now I can get them in any quantity, any day.' Under the Maine Law the steamers plying between this port and Boston or New York brought small quantities of liquor occasionally for illegal sale, but always disguised by the shippers. But now it is brought in large quantities on every trip, and landed as openly as other articles of merchandise.

"The committee have it from a common carrier that he has for years been in that business, and has constantly carried money for persons engaged in the liquor traffic. He spoke of one person who is notorious in the City for his persistency in selling liquors secretly, even under the Maine Law. Our informant said the amount of money carried for this man to Boston to pay for liquor was not more than \$40 of \$50 weekly. But since the repeal of the Maine Law, he says, the sum sent by the same man will amount to \$1,000 a week and he says the amount of liquors brought into Portland since the repeal of the Maine Law is at least 50 gallons for every one that was brought here before that time. As a fair indication—not by any means exaggerated—of the increased consumption of intoxicating liquors in Maine since the repeal of the Maine Law, we state that the weekly steamers plying between this port and New York in the six months under the Maine law ending Jan. 1, 1856, brought the following quantity of liquors, exclusive of Canada freight: 10 pipes, 23 barrels, 11 cases and two barrels of ale. And nearly all this was for lawful sale, by town and city agencies.

"During the six months after the repeal of the Maine law ending Jan. 1, 1857, the quantity brought was 58 pipes, 1040 barrels, 308 cases, and 373 barrels of ale, being within a fraction an increase of 30 gallons for 1, within a year after the repeal of the Maine law. The quantity of liquors brought by the line of steamers running between this City and Boston for the six months ending Jan. 1, 1857, was as follows, namely: of beer, 1622 barrels, of spirits 2107 barrels, and 607 kegs.

"The quantity brought for the six months ending Oct. 1, 1855, was as follows, namely: of beer, 137 barrels; of spirits 196 barrels and 33 kegs—including the quantity for apothecaries and the City agent—Mr. Dow was inaugurated as Mayor about the middle of April of that year, and the quantity brought in that month was 60 barrels of beer, 14 kegs, and 77 barrels of spirits. The State election that year was early in September, and the quantity brought in that month was 69 barrels of beer, and 47 barrels and 7 kegs of spirits, leaving only 8 barrels of beer and 71 barrels and 12 kegs of spirits for the remaining four months, including the quantity for apothecaries and the City agent. The amount stated as brought from Boston during the six months ending Jan. 1, 1867, is very much less than the quantity received from Boston, as large supplies are now brought by coasting vessels, which was scarcely done at all under the Maine law.

"The committee finds that a very small proportion of those liquors is for

our native citizens, almost the entire quantity being for our foreign population.

"All the members of your committee are personally acquainted with Fore street, through its whole length, and have been so for years. Before the Maine law that street in many parts was regarded as the worst in town, by reason of the numerous vile grog shops by which it was infested and of the crowds of noisy and intoxicated persons and drunken rows by which it was disgraced. But under the Maine Law there was not an open grog shop upon any part of that street, and it was as quiet and orderly by day and night as any other street in the City. Now, however, it is found, by actual count, that there are more than 200 open grog shops of the vilest description upon that street.

"Your committee does not hesitate to say that, unless some effectual measures are speedily taken for the suppression of the tipping shops and drinking houses by which our City and State are infested since the repeal of the Maine law, the great benefits of the temperance reformation, which have been experienced by all classes of our people, must soon be lost, and society will relapse into a condition as bad as before that reform was commenced."

Overseer's office, Dec. 8, 1855.

To Hon. Neal Dow, Mayor of Portland:

Dear Sir—In answer to your question, what proportion of the inmates of the almshouse and house of correction are brought there by intoxicating drink, we answer that we have not the least doubt that 90 out of 100 are brought there directly or indirectly by strong drink.

Yours respectfully,

GEORGE PEARSON,  
ELISHA TROWBRIDGE,  
BENJAMIN LARRABEE,  
ALVAH LIBBY,  
GEORGE WORCESTER,  
NAHUM LIBBY,  
S. C. CHASE,  
SAMUEL ELDER,  
JOHN W. RAND,

Overseers of Poor.

LEVI WEYMOUTH.

Keeper of the House.

## LETTER XXXIX.

### PRESENT CONDITION OF PROHIBITION.

AUGUSTA, Feb. 10. (Special Correspondence.)—History shows that the people of Maine very early in the existence of the State, took a great interest in temperance, and in the cause of prohibition. In 1837, by General James Appleton, the matter of prohibition was introduced into the Maine

Legislature. In 1846 a mild Prohibitory Law was passed, and in 1851, what was known as the Maine Law was enacted and since that time, with the exception of two years, Maine has had a prohibition of the liquor traffic, which in 1884 was engrafted into the constitution.

The movement has had the support of such men as Appleton, Kent, Hubbard, Hamlin, the Morrills, Perham, Dingley, Chamberlain, Connor, Davis, Robie, Burleigh, Cleaves, Powers, Hill, Cobb, and our present Governor Fernald, of Blaine, and Frye, and of countless others who might be mentioned, who have been prominent and powerful in the building up of the State, and in the using of their efforts for the uplift of the people. Each person can compare for himself, the conditions of today, with conditions previous to 1840. In 1833 there were manufactured in the City of Portland 500,000 gallons of New England rum. This took \$300,000 from the laboring classes, as the wealthier people drank wines, brandy and the higher grades of liquors. A committee which investigated conditions at that time, asked the question if in consideration of the fact that so much money was paid by the laboring classes for rum, it was any wonder that so many farms in Cumberland County were mortgaged?

In 1836 Edward Kent, afterwards Governor of the State and member of the Supreme Court, was elected mayor of Bangor. He was re-elected in 1837.

In his inaugural address in 1837 Mayor Kent said, in speaking of the matter of pauperism in the community:

"The subject of pauperism leads to the consideration of its prolific source—intemperance. As a municipal corporation we are interested in this subject, for our burdens and taxes are swelled by the crime and misery attendant upon this destroyer of human life; and human happiness. As the constitutive guardian of the public weal, it is our duty to do what we can to restrain its ravages. I trust that the resolution adopted by the board last June will be adhered to, and that no legalized and licensed drinking will be found within our limits. In my view, the sanction or influence of legal authority should never be given to a traffic which fills our jails with criminals, and almshouses with paupers, and our whole land with want and misery."

Through the efforts of such men as he, Maine became the pioneer state in the prohibition policy. Since that time the movement has spread over the Country, and there are now more than 25,000,000 people in the South alone, living under prohibition. This movement has commanded the interest of the entire Country, and is gaining every day. At the present time there are

300 prohibitory cities in the United States, having a population of over 5000 each, with a total population of nearly 4,000,000. There are 90 prohibition cities of over 10,000 each, Tennessee, a few days ago, against the veto of its governor, adopted this policy of prohibition.

So strong has become the prohibitory movement, that a National Liquor League of the United States has been organized, to stay the progress of prohibition, and to counteract its effect. The organization of that powerful association is a sufficient commentary upon the statement that those who are interested in the liquor traffic use every known means to advance their interests.

At present Alabama has state prohibition; Arizona has two prohibition districts, and Phoenix, the capital, has given a majority in favor of prohibition. In Arkansas there are 57 prohibition counties, and it is very likely that State prohibition will be enacted this year. California has 250 prohibition towns, and a large part of the Southern portion of the state is free of saloons. Colorado has 100 prohibition towns, and state local option prevails. In Connecticut half the state is prohibition; two-thirds of Delaware is under the same rule, and the issue is being fought out there with great energy. There is a prohibition campaign on in the District of Columbia; Florida has 37 prohibition counties; Georgia has had state prohibition since Jan. 1, 1908, and in that state crime has been reduced one-half, and drunkenness reduced two-thirds. In Idaho many towns have "no license;" Illinois has 36 prohibition counties, and 2500 prohibition towns, there being only two counties which are wholly license; in Indiana county option law was passed in 1908, and two-thirds of the state is now prohibition territory. In Iowa, there are 25 license counties, and a strict enforcement prohibitory state campaign is now being carried on. Kansas has state prohibition, Kentucky has 92 prohibition counties,

Louisiana has 37 prohibition parishes, and state prohibition was narrowly defeated in the Legislature. Maine is prohibition; Maryland has 15 prohibition counties, Massachusetts has 360 prohibition towns and cities, and in the state election of 1908 the majority against license was 18,000; Worcester in this state is the largest prohibition city in the world. Michigan has 11 prohibition counties, and 700 prohibition towns, while Minnesota has 6,111 prohibition towns to her credit. Mississippi has state prohibition which went into effect Dec. 31, 1908, Missouri has 77 prohibition counties, and a strict Sunday closing law. In Montana there is one prohibition county; in Nebraska, there are 22 prohibition counties and 600 prohibition towns. In New Hampshire there are 183 towns where prohibition is enforced, and there is a campaign on for resubmission of prohibition. North Carolina has state prohibition which was carried last May by a majority of 40,000; North Dakota has state prohibition; Ohio has 47 prohibition counties and 1,621 "no license" towns; Oklahoma has state prohibition, and Oregon has a state county option law, and 21 out of 34 counties are prohibitory. In Pennsylvania there is a state-wide movement for county prohibition, while Rhode Island has a new state enforcement law, several of the towns being already prohibitory. South Carolina has 18 prohibitory counties, South Dakota has 13 prohibition counties, Tennessee has just declared prohibition, Utah has a county prohibition campaign now on which is sweeping the state; in Vermont there are 216 prohibition towns and a state campaign is now on. Virginia has 66 prohibition counties and Washington has county option to be installed during the present year. In Wisconsin there are 780 prohibition towns, and a state campaign is being conducted for county prohibition.

Such is the condition of the prohibition movement at the present time throughout the Country.





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