THE MAINE LAW.

HOUSE OF ASSEMBLY, WEDNESDAY, April 19.

(*Debate continued.*)

The following is the Resolution submitted last evening by the Hon. the Attorney General:

RESOLVED, That it is expedient to prohibit by LAW—to take effect from the First day of January, One thousand eight hundred and fifty-five—the manufacture, importation and sale of Spirituous and all other Intoxicating Liquors, except for medicinal, chemical and mechanical purposes, and the sacred Ordinance of Religion; and also to prohibit the keeping of such Liquors for sale, except for the purposes aforesaid.

Mr. DOUSE thought a reasonable time ought to be allowed to parties to prepare for the contemplated change. The petitions before the House contained the signatures of a large number of the inhabitants, whilst none were received of an opposite tendency He concurred with some honorable members who had spoken, so far, at least, as respected an extension of time, and there was one impression which he would wish to make on the minds of honorable gentlemen, namely, that a serious effort should now be made for the suppression of drunkenness, and especially the use of what was commonly designated "White Eye," a liquid which was doing incalculable injury, and which, he could not designate in any other way than as a rank and deadly poison.

The hon. Mr. MACEACHEN wished to be distinctly understood. The only reason by which he was actuated in voting against the proposed Resolution was, because the people were not prepared for it. The people in general had not petitioned in its favour; and he laid it down as a Rule to be guided in a great measure by the wishes of his constituents. The petitioners in favour of this measure, formed but a very small minority of the inhabitants, and if the prayer of their petition were acceded to, a large amount of Revenue would be lost, and importation would still continue. Such were the facilities afforded by the peculiar position of this Island, that even if the Traffic were prohibited, many parties would still continue to import as heretofore.

Mr. CLARK was surprised to hear the remarks that had just fallen from the hon. member for King's County (Mr. M'Eachen), more especially as the Return of Duties collected upon ardent spirits in the District which he represents, was very small indeed. He (Mr. Clark) believed, that if the Act were passed and in operation, no greater quantity of spirits would be smuggled than at present. He was of opinion, that if the Act were not to come into operation until the year 1856, the business would by that time be completely wound up, and the capital hitherto employed in that way turned into other channels. But even should the law take effect sooner, no great loss would be the result, such would be the saving to the country in time, &c. At all events, this was no solid argument against a measure of this nature. He was satisfied that there was no man carrying on any branch of industry in the country but would soon experience great advantages from the operation of the proposed Law, in the saving of time and the greater productiveness and skill of the men in his employment. As a necessary result of this improvement, a large increase in our imports and exports of really valuable commodities would take place, accompanied, after a very few years, by a great and permanent increase incur Revenue.

Mr. YEO was not apprehensive of any loss of Revenue, arising from the suppression of the liquor traffic. Many families were suffering severely, and many, within the sphere of his own personal knowledge, had parted with excellent Freehold Farms, to gratify their insatiable love of liquor. Nothing was more injurious to this country, in his estimation, than the numerous small stills which were everywhere springing into existence. Sons were frequently known to rob their parents, and servants and apprentices their masters, for the purpose of procuring liquor at these establishments. He (Mr. Yeo) had fully tested the matter in both ways. He had for years abstained entirely from its use, and he had at other times indulged in its habitual and daily use; he had travelled extensively, both by sea and by land, in England and in America, and he was convinced, that he was never better able to transact his business than when he never tasted intoxicating liquors of any kind. At such times he felt that he could go through his business and return to his home much better satisfied than when he had pursued an opposite course. He thought, hon. members need not be afraid of offending their constituents by depriving them of rum.

Mr. GORE said, that if the passing of a prohibitory Law would prevent drunkenness, the sooner they passed it the better. For his part, he felt proud in recording his vote in favour of the Resolution before the Committee; and he felt satisfied that if carried out, it would confer greater good upon the country, than any other measure that had been broached within the walls of that House. He thought, the House ought to anticipate the wants of the country; and he, for one, was not afraid to go back to his constituents after supporting a proposition of this nature.

Mr. MACLEOD, last Summer, gave his Constituents to understand that he was in favour of this measure, and what was the result? He was returned at the head of the Poll. (Hear.)

Mr. BEER was glad to perceive that a Reporter was in the desk. He need not ask why the Reporter was not in his place last evening. Had the Maine Law been in operation here, his wife would not now, in all probability, be found at home almost heart-broken, whilst he was making a beast of himself. As regarded the Liquor Traffic, or otherwise—suppose there were but from five to ten merchants to be found throughout the Island, to purchase the farmers' surplus pork, butter, oats, barley, potatoes, &c., for exportation. Such a state of things would be a great disadvantage to the farmer. There being but little competition amongst the buyers, the Farmer would obtain but very low prices, for what he had to part with. The greater the number of persons engaged in the purchasing of agricultural produce the better would it be for the farmer. Were there but from five to ten merchants in the Island, having such an assortment of goods for sale as the farmer required, the latter would have to pay a much higher price therefor than he now does. The greater the number of merchants, the better for the farmer. The same doctrine would hold good with reference to tradesmen, such as shoemakers, blacksmiths, wheelwrights, saddlers, &c. The more there were the better. And if the Liquor Traffic be a useful Traffic, the same doctrine would hold good here also. If it be for the general good that there should be ten distilleries on the Island, would it not be better still to increase the number to one hundred! and if it be for the general good that there should be a hundred licensed Taverns throughout the Island, would it not be much better if there were a thousand such places! Surely, if these establishments were good at all, the more we have of them the better. But where was the man to be found who would advocate such a state of things! He believed such a man could not be found; consequently, the whole traffic must be a bad one, and the sooner it was got rid of the better. He thought the House would be fully supported by the country in coming to the Resolution before them, and that an extension of the time was quite uncalled for.

Mr. DAVIES said he was happy to perceive that there was so fair a prospect of the prayer of the Petitioners, then lying on the table, being carried; and he hoped the majority would now bring forward a Bill for that purpose. If they did so, they should have his support.

Hon. Mr. WHELAN said, if he maintained his taciturnity much longer, his conduct might be misrepresented out of doors. He had, for the last hour, been debating with himself whether he should or should not adhere to a resolution previously formed of letting the matter pass without remark from him. But there appeared to be a degree of fascination connected with this matter which rendered this course next to impossible. It was like the weather, upon which every person could speak and write, or repeat the observations of others. He trusted, however, that he should not fall into the latter error, and that in the observations he might see fit too offer, no hon. gentleman would find just ground to charge him with plagiarism. He had taken pretty extensive notes during the debate, but at that late hour, would not avail himself of the whole of them. He had listened with considerable patience and pleasure to the remarks of hon. gentlemen who had preceded him; but he must confess that he had not yet been convinced of the necessity of passing a law to prohibit the traffic in intoxicating liquors. He had no predilection for keeping society in its present state; but he was convinced that the time had not arrived for passing such a law as that. He begged to be distinctly understood as casting no disparagement upon that noble band of reformers, the Sons of Temperance; but he must say that, in his estimation, the course which they were now taking, in advocating the immediate enactment of a prohibitory Liquor Law, was not calculated to promote the cause of Temperance. He looked upon their proceedings as likely rather to retard than to forward that cause; and he must candidly say, whilst expressing his high opinion and respect for the body generally, that there was evidently a great amount of fanaticism connected with their movements in this matter, and perhaps an overweening desire for political influence. When he recollected that the consideration of this measure had been staved off from day to day by its professed friends and advocates in that House, they forcibly reminded him of the timidity of a bride, when first approaching the nuptial couch; and he could not but express his surprise at the evident reluctance with which they approached this subject, notwithstanding the promises, both publicly and privately given, they had made with reference thereto. Some honorable gentlemen would make it appear that they had no fear of any counter expression of public opinion, and had dwelt upon the large number of Petitions presented to the House as a most convincing argument in favor of the law prayed for. For his part, even had every elector in the Island attached his name to those Petitions, unless he were convinced that the measure was right and politic, he would oppose it with all his might, and he would, without the slightest hesitation, state the grounds of his objection to the measure. The various arguments advanced by those hon. members who had preceded him, might be classed under the following heads:—

1. Evils to individuals.
2. Loss to the Revenue.
3. The example of other countries.
4. The numerous Petitions before the House.

He would reverse the order and take up the last first. It had been stated that there were over 5,000 signatures appended to the Petitions then lying on the Table of the House, comprising those of men, women and children. These numbers bore, he thought, no proportion to the mass of the population. "But," said one hon. member, "although it is true, that these numbers bear no proportion to the mass of the population, yet, when it was found that the remaining portion of the inhabitants had not sent in a single adverse Petition, the House was fully justified in viewing those who had not petitioned as being favorable to the measure." He was surprised to hear such an argument advanced, especially by the hon. and learned member for Georgetown (Mr. H. Haviland)—a gentleman whose zeal for the rights and privileges of the inhabitants, was, doubtless, highly appreciated. Because a large proportion of the inhabitants had not petitioned the Legislature against the Maine Law, was it therefore to be inferred that they were in favor of the Law? Such an idea ought not to be entertained for a single moment. He must confess, however, that when he heard hon. gentlemen advancing arguments of this flimsy nature, in support of the measure, he could not divest himself of the idea, that there must be other and ulterior objects in view, separate and apart from those which were more obvious and apparent. He thought, too, that there might possibly be, on the part of some hon. gentlemen, rather too much deference paid to popular clamour in and about Charlottetown, although, in expressing this opinion, it was quite possible that he might differ widely in opinion from hon. gentlemen on both sides of him. Hon. gentlemen were well aware that although the Bill might pass that House—as it doubtless would—it would not pass in the other end of the Building. But what was the tenor of the Resolution before the Committee? "That it is expedient to prohibit by Law," &c., (See Resolution.) This was, he thought, entirely, a matter of opinion—a matter of belief, possibly, with the boys and girls, men and women who had signed the Petitions; but before legislating on a measure of this importance, the House ought to be in possession of something more solid and substantial than the mere belief of these parties. Before attempting to force a law of this nature upon 75,000 inhabitants, they ought to be in possession of something more weighty than the mere belief of Mr. So-and-so, or of such-and-such persons. * * * * * The example of other countries had also been referred to. It was not, however, quite correct, as had been stated more than once in the course of debate, that a law similar to that proposed to be introduced here had been passed by the Legislature of Nova Scotia. Such a Bill had, it was true, been introduced into the House of Assembly by Mr. Johnston, but it had gone no farther, for it had been lost there, on a division, by a majority of one. With regard to the State of Maine, so frequently alluded to by hon. gentlemen when advocating this measure, having himself travelled through a great part of that state, some time since, on his way to Boston, he could speak with perfect confidence when he affirmed that the provisions of the law had not been carried out, even there, and that it was far from being true that intemperance had been driven out of the country. He, however found there a vice quite as detestable as that of drunkenness—the vice of lying, trickery and deception, in every shape, and much as he deprecated the loathsome vice of drunkenness, these were and ought to be much more severely condemned and deprecated. And as to Massachusetts, there was not a State in the American Union where the total disregard of the Law had been so openly and unblushingly manifested as in that state, and he ventured to affirm that if hon. gentlemen would take a trip to the States, a short walk through the streets would convince them that abundant proof of the most shameful disregard of the law could everywhere be obtained without the slightest difficulty. When, recently, he had occasion again to pass through the State of Maine, he observed that liquor was as freely drunk there as on any former occasion. New York, too, had been cited. But there, again, the act was not in operation, for, after passing both the House of Representatives and the Senate, the Governor had vetoed the Bill, and, in doing so, had given sundry very cogent and valid reasons therefor. He (Mr. Whelan) thought many of the statements in the Rev. Mr. Narraway's Lecture at the Temperance Hall tolerably correct, but his conclusions were, decidedly, not well drawn. (Here the Hon. gentleman read a lenghty extract from a New York paper, embracing Governor Seymour's Reasons for vetoeing the Liquor Bill, and the editor's comments thereon.) He (Mr. W.) might, did time permit, quote many other extracts to the same purport as the foregoing, but, at that late hour, he would not detain the Committee by doing so. It was a subject, doubtless, in which a great deal might be said on both sides. In a matter of this importance the House ought not to be governed solely by the opinions or sentiments of great authors or great speekers; and much as he admired the many examples of wisdom and philanthropy afforded by the United States, he, for one, did not wish to go to them for a Maine Liquor Law; he would much rather see them introduce another measure, namely, vote by ballot, and surely, if we were bound to follow them in one case we were equally bound to follow them in the other. But he (Mr. W.) would rather look for precedents to that country which, as Englishmen, Irishmen or Scotchmen, we are all proud to follow; and he would ask, on looking over the annals of that country, whether the advocates of this measure could point to a single great statesman who had given his name or his sanction to such a measure as this? Not one of her great statesmen had ever advocated such a measure. But, forsooth, because a fanatical man like Neal Dow or some other equally fanatical man in New York had done so, we must, of course, follow their example and tread in their footsteps! * * * * The loss of Revenue had also been adverted to. He (Mr. W.) frankly acknowledged that he did not oppose the measure on the ground of the loss that would accrue to the revenue from a measure of this nature. He opposed it solely on its own merits. He opposed the measure because he believed it was wrong *per se*; but he was prepared also to shew that it would lead to bad results. It had been argued that the capital now employed in this business would be directed into other channels: but it was easy to perceive that that could not be done immediately. Still he did not consider the anticipated loss to the revenue an insuperable objection. He thought, however, that it was incumbent upon the mover in this matter to provide some means of meeting that deficiency. * * * * The last topic he should notice was, the evils resulting to individuals and to society from the Liquor Traffic. It was far from his intention to plead any excuse for the drunkard. He regarded drunkenness as an offence both against the law of God and society—as one of the most disreputable offences a man could be guilty of—a vice which the Legislature should undoubtedly use all proper and legitimate means to repress and punish—yet he could not believe that the measure before the Committee presented the best mode of doing so. He could not, for a moment, admit the propriety of passing a law to suppress the whole traffic in intoxicating liquors, simply because there were a few black sheep amongst us. As to these drinks being poisonous, if that were true, they must, he thought, be very slow poisons indeed! And he was as far from believing that society had attained so thoroughly demoralized a state as to require the passage of sumptuary laws, as that it was necessary to pass a law to prevent a man from kissing his wife on a Sunday! All such Laws, if passed, would very speedily have to be erased from the Statute Book. The present state of society is, it would be admitted, vastly different from what it was but a century back. Temperance was spreading far and wide—the drinking habits and customs of the present day, it must be admitted, contrasted most favorably with the drouthy habits of our progenitors, only a quarter of a century ago, when no man was considered respectable, unless he was a three-bottle man, and was generally carried home from a carouse on a shutter. He (Mr. W.) thought we ought to be satisfied with this progressive improvement, and the exertion of those glorious influences which had already wrought such wonderful changes, without attempting to give them a sort of go-cart, in the shape of an Act of Parliament.

Mr. H. HAVILAND said there had not been a Session of the Legislature, for many years, during some part of which hon. members had not attempted, in a certain sense, to make men virtuous by Acts of Parliament; the parties who raised this objection could not surely mean what they said. One hon. gentleman opposed this measure because he deemed it an unconstitutional Act. Surely it could not be deemed unconstitutional to take up any subject and pass any Act calculated to improve the morals of the community. Another objection was based upon the circumstance, that the Law, in those places where it had been tried, had not been carried out in its integrity. But he (Mr. Haviland) did not care if its provisions were openly violated in every State. It would be their duty, if the principle were adopted here, to render the Law so explicit and so to frame its enactments that it should not be evaded. He gave the hon member (Mr. Whelan) credit for sincerity when he said that even if all the constituencies of the Island were in favor of this measure, he would vote against it. [Mr. Whelan here explained more clearly his meaning on this point.] Mr. Haviland said he was glad to hear the explanation just given, for the Newspaper which that hon. gentleman conducted appeared to hold very different opinions, when speaking of the hon. members for the first district of King's County (Messrs. McEachen and Macgowan.) [Hon. Mr. Whelan: 'But I did not say, that if I differed from my constituents, I would not feel it my duty to resign.'] With respect to the authorities quoted by the hon. gentleman, he would only say, just then, that he (Mr. H.) was fully prepared to dovetail them with others, of at least equal weight, of quite an opposite tendency, but time would not admit of his doing so; and with respect to the hon. gentleman's observation, to the effect that even if passed in that House, it would not obtain the sanction of "the other end of the Building," he would but just remark, that if that hon. member could stand up and authoritatively declare that such was the fact, the sooner the second Branch of the Legislature was swept away and an elective Council, as in the United States, chosen in its stead, the better would it be for the people of this Island. They would then cease to be the miserable obstructives they are at present.

Hon. the ATTORNEY GENERAL replied generally to the remarks of the Hon. Mr. Whelan. The hon. member for King's County had animadverted pretty severely upon some hon. members, because they were not then of the same opinion they were last night. This, it would be admitted, was no very grave objection, after all. The hon. gentleman had quoted largely from a New York editor as well as from the Governor of the State, who had recently vetoed the Law passed there. But before this veto was exercised, of course the measure had been assented to both by the Senate and House of Representatives of the enlightened State of New York. Here then was the embodied opinion of these two respectable bodies arrayed on one side, and on the opposite, the opinion, simply, of the Governor of the State! The honorable gentleman had also searched the History of England, but could find no great statesmen patronising such a measure there. There was nothing at all surprising in this, and he would give it as his opinion, founded on certain very cogent reasons, that it would, most probably, be a long time before such a measure would be carried there. The hon. Attorney General here quoted an extract from the evidence of Mr. Buckingham and others before a select Committee of the House of Commons, appointed to inquire into and report on the causes of intemperance and its remedy, and after some further observations he resumed his seat.

Mr. CLARK said the hon. member (Mr. Whelan) appeared to think it quite right that the Sons of Temperance should use all the moral suasion in their power for the suppression of drunkenness, and he quite agreed with him. But he would like to ask that hon. gentleman what was to be done with those dens where drunkards were made!

Hon. Mr. WHELAN admitted that he had made a remark with reference to the hon. body sitting in the other end of the building, to the effect that even if the proposed Bill were to pass the House of Assembly, it would be rejected in the Council; but he wished it to be understood that he had not made that statement authoritatively—it was merely his opinion that such would be the case. The arguments advanced by the hon. and learned Attorney General, to shew why it was probable that a measure of this nature would not find favor in Britain, at least for some time to come, would apply with equal force to the State of New York. He (Mr. W.) admitted that the low taverns were a nuisance, but he thought they might be reached without passing so sweeping a measure as that contemplated by the Resolution of the Hon Attorney General. They might just as well pass an Act declaring it to be unlawful to eat beef, ham, &c., because some persons happened to be gluttons!

Mr. WEIGHTMAN thought that after a discussion, which had now lasted four hours, it was time to bring the business to a close. He had expressed his views on this question, on the previous evening, and he would only further say, that he had since then heard no reasons advanced in favor of this measure of sufficient force to induce him to alter or modify the opinion he had formerly expressed thereon; and in coming to this decision he wished it to be distinctly understood that he had not been influenced in the slightest degree by the unusual number of Petitions then lying on the Table—the said Petitions having, it appeared, been signed by men, boys and girls, indiscriminately.

FRIDAY, May 5.

TELEGRAPH COMPANY.

The engrossed Bill from the Council, granting certain Privileges to the New York, Newfoundland, and London Telegraph Company, was read the first and second time, and committed to a committee of the whole House. After some time spent therein, the House resumed, progress was reported, and leave obtained to sit again.

WEDNESDAY, 10th May.

CLOSE OF THE SESSION.

Some further routine business having been dispatched,—

At 4 p. m., the House were summoned by the Usher of the Black Rod, Henry Palmer, Esquire, to attend his Excellency in the Council Chamber. The House accordingly went up, and on their return to their own Chamber, Mr. Speaker reported that his Excellency had been pleased, in Her Majesty's name, to give his assent to the following Bills, viz:

An Act for the Incorporation of certain Bodies connected with the Wesleyan Methodist Church in Prince Edward Island.

An Act to amend an Act to make Provision for the Service of Non-bailable Process, in certain cases.

An Act to exempt certain Bills of Exchange, Promissory Notes, Contracts and Agreements, from the operation of the Laws relating to Usury.

An Act to amend the Royal Agricultural Society Incorporation Act.

An Act to Incorporate the Charlottetown Masonic Hall Company.

An Act to enable the Minister, Church Wardens and Vestry of the Episcopal Church at Saint Eleanor's to exchange Lands held by them for other Lands.

An Act relating to Prisoners under Sentence of Imprisonment with Hard Labour in Prince and King's Counties.

An Act relating to the Polling Divisions of the Second Electoal District of Queen's County.

An Act to Incorporate sundry Persons by the name of "The President, Directors and Company of the Bank of Prince Edward Island."

An Act to encourage Steam Communication between Charlottetown and certain parts of the Hillsborough and Elliot Rivers.

An Act to continue and amend the Princetown Royalty Church Incorporation Act.

An Act to amend the Law relating to Weights and Measures.

An Act to amend the Law relating to Statute Labour, and the Expenditure of Public Moneys on the Highways.

An Act granting certain Privileges to the New York, Newfoundland and London Telegraph Company.

An Act in further amendment of and in addition to the Free Education Act.

An Act for appropriating certain Moneys therein mentioned, for the Service of the year of our Lord One thousand Eight hundred and Fifty-four.

[The following Bills had been assented to previously by his Excellency, viz:

An Act relating to certain Lease and Monetary Obligations.

An Act for raising a Revenue.]

REJECTED BILLS.

The following Bills passed the House of Assembly, but were lost in the Legislative Council, viz:

An Act to amend the Law relating to the Performance of Statute Labour, and to authorize the establishment of certain additional Road Districts, and the appointment of Commissioners therefor.

An Act in further amendment of the Law relating to Distress for Rent.

An Act for better securing the Independence of the Legislative Council and Assembly, and to repeal certain Acts therein mentioned.

An Act for restricting the use of Intoxicating Liquors.

An Act for establishing a Police Force in Charlottetown, and to prevent Desertions from Her Majesty's Troops stationed at the said Town.

The following Bill (from the Council) was lost in the House of Assembly:

An Act to establish a Savings Bank in Prince Edward Island.

ORDER BOOK.

Mr. WHELAN gives Notice, that on the first day of the next Session, he will move for leave to introduce a Bill to provide for the payment of the Members of the Legislative Council, according to the rate of pay now allowed to Members of this House.

Mr. MACAULAY gives notice, that he will, on an early day next Session, move for an Address to Her Gracious Majesty the Queen, to empower the people of Prince Edward Island, to elec the Legislative Council of Prince Edward Island.

J. B. COOPER, Reporter.

There are few things which afford us greater pleasure than sitting down to write a notice of the celebrated Hoofland German Bitters, because we are fully conscious we are conferring a public benefit, and our heart tells us that by our notices many have been induced to take these Bitters, and been rescued from death by Dyspepsia, Liver Complaint, &c., for the cure of which it is certain. It is prepared and sold only, by Dr. M. Jackson, at the German Medicine Store, No. 120 Arch street, Philadelphia.