

THE NEW BRUNSWICK PROHIBITORY LAW OF 1855.

The opponents of prohibition are in the habit of citing the New Brunswick Prohibitory Law of 1855, as a specimen of legislation that proved a total failure and was therefore speedily repealed. The Royal Commission made careful inquiry into the history of the enactment, operation and repeal of the New Brunswick Prohibitory Law. A great deal of information regarding these matters was given them by His Honor, Sir Leonard Tilley, Lieutenant Governor of New Brunswick, and several other witnesses who took part in parliamentary and popular action at the time. From this evidence the following facts are compiled.

The agitation for a prohibitory law was prosecuted vigorously for three years before the Bill was passed. A great number of petitions for prohibition were presented to the Legislature. In 1855 the late Sir Leonard Tilley who was then Provincial Secretary and Clerk of the Crown, introduced into the Lower House, a prohibition measure prepared by friends of the temperance cause. He introduced it as a private member and not on behalf of the Government. After lengthy debates, the Bill was passed by a vote of three-fifths of the members in both branches of the Legislature.

This Act provided that there should be no intoxicating beverages imported, manufactured or sold in New Brunswick after January 1st, 1856, except for medicinal, mechanical or sacramental purposes. When the prohibition thus provided, came into active operation it was met by a vigorous opposition from the liquor party, who had paid little attention to the agitation that preceded the enactment of the measure.

The law was enforced with a great deal of vigor. A number of persons charged with violating it were brought before Justices of the Peace and convictions recorded against them. The most of these cases were tried in the city and county of St. John. Appeals were made to the Supreme Court against the decisions of the Magistrates on the ground of irregularities and improper proceedings. In a number of cases the appeals were sustained because of informalities on the part of the magistrates who were not legal men. The decisions were set aside and the magistrates mulcted in costs of \$300 or \$400 each.

It is easy to understand how this interfered to prevent effective law enforcement. At the same time the liquor party created disturbances amounting practically to riots in the city of St. John during the trial of some liquor cases. Enforcement was vigorous for about six weeks, then the heavy cost to the magistrates and the disturbances of the liquor party caused some revulsion of feeling. Even strong friends of the new law feared that it could not be made effective and that its enforcement was going to be a matter of much difficulty. Taking advantage of the situation, the liquor men threw open their doors and began to sell freely.

The Governor of the Province, Mr. Manners-Sutton, was known to be a strong opponent of the law which he looked upon as tyrannical. He claimed that there ought to be held immediately a general election to ascertain whether or not the people would approve of the measure. The last election had been held in 1854 and the question had been freely discussed at the polls. A number of the Members of the Legislature had been elected mainly on the prohibition issue. Disregarding this fact, the Governor addressed a communication to the Cabinet, stating that he thought the House should be dissolved and the country appealed to. He referred to the fact that some offenders against the law were punished while others escaped and said "When justice ceases to be even handed, it ceases to be justice."

Several Members of the Government had been opposed to the prohibitory law, but when this memorandum was received there was no difference of opinion in the Council. The ground was definitely taken that the law had been in force only three or four months; legal questions regarding it were pending; it ought to have a twelve months' trial; and no action towards dissolution should be taken until the next meeting of the Legislature in 1857. The Governor would not agree with his Council, and sent an order to Sir Leonard Tilley to prepare a proclamation dissolving the

House and calling an election. The Provincial Secretary declined to act upon this request, and the Government sent in their resignation to the Governor stating that they differed with him as to the course to be pursued and declined to continue to be his advisers. The resignation was accepted, the Governor called in a new Council of men who advised him to dissolve the House and an election was ordered.

The action of the Governor was resented by a large section of the people. Another section took the ground that the Governor was within his rights, and the question of the constitutionality or unconstitutionality of his action became to a certain extent a factor in the campaign. Voters were called upon to stand by the Crown. The liquor party gained by this outcry. They carried on great campaign, making the most of the open sale, the difficulties of enforcement and the disturbances that were caused. As a result the prohibitionists were badly beaten. Only a few of the candidates who supported prohibition were elected. The new Legislature was summoned to meet in July, 1856, and at once repealed the prohibitory law.

It will be noticed that the law was in force for a very short time. The legal difficulties mentioned interfered with its operation, and from the time that the Governor accepted the resignation of his Council and an appeal to the people was ordered, no attempt at enforcement existed. The period of prohibition really only lasted from the first of January to the first of May, and the repealing Act was passed in the month of July.

It is a curious fact worth noting, that the new Legislature although opposed to prohibition, was otherwise much divided. Twenty-one members supported the new Government and twenty were in opposition. When a Speaker was elected the House tied on party questions. The Government found out that one of their supporters was weakening. The defection of this supporter would have put them in a minority. They forestalled his action and again dissolved the House. The Government that had been previously defeated came back from the new elections with a large majority behind them. They wore back in power in about twelve months from the time that the Governor had accepted their resignation. No proposal however, was made for a re-enactment of the prohibitory law.

Many strong prohibitionists claimed, and still claim, that if fairly treated the prohibition law would have vindicated itself and proved a great benefit to New Brunswick. They believe that a fair period of trial and the removal of the temporary defects would have resulted in such a measure of effective enforcement, as would have made prohibition as permanent in New Brunswick as it has been in the adjoining state of Maine.

SLIDING DOWN TOWARD DEEP HOLE.

"Buzz-z-z-z!" went the old saw mill, and Grandpa Jameson ran it. As the sharp saw buzzed away, the heap of sawdust below grew steadily. There was another heap that grew, though at intervals, as the first heap was transferred to it, and this was behind the mill. It was an immense heap, sloping down to the river below, and not far from the base of the heap was "Deep Hole." Grandpa Jameson was careful to cut down this big heap and cart off a section every month, but sometimes, when he was very busy, the removal might be delayed a few days.

The miller knew that this might bring to somebody a danger, for if a person should venture out upon the unstable pile, it would let him down further and further, and what about Deep Hole below waiting to receive him?

"I had a tech of trouble myself," he would say, "for one day I got out there and began to slide down, and might have got into Deep Hole, if a customer had not seen me, run a pole down to me, which I grappled, and then he drew me up."

And the morning of this story, whom did he see playing about the summit of that heap?

His grandson, Henry Jameson.

"Good mornin', Henry!"

"Good mornin', grandpa!"

"Come in, won't you?"

"Yes, sir."

"Well, Henry," asked grandpa, when the boy was in the mill, "what's the news?"

"Nothing, unless you mean my invitation to Mr. William Rogers' dinner party to the boys and their friends tomorrow afternoon."

"Then you're goin'?" Wall, look out for Mr. Rogers' punch bowl. They say he has it out every chance he can get. Does he offer it to the boys?"

"Oh, only sips."

"Sips! Don't you tech it. You get a-goin' and you may not be able to stop."

"But, grandpa, a sip, what harm will that do?"

"But a sip starts. You get a-goin', and will you stop so easy? Every sot once was jest a sipper."

"Oh, grandpa, you—you're to particular."

"Buzz-z-z-z!" went the old saw just then, and it cut through the words of the talkers, and the conversation came to a sudden end.

In a few minutes work was interrupted again, and in the hush of the sawmill, Grandpa Jameson heard a shriek:

"Help—p—p!"

"My!" exclaimed Grandpa Jameson. "It is that boy, I know, in the heap back of the mill!"

He seized a rope lying on the floor, rushed to the rear of the mill, and, looking down the slope of the big heap, he saw a boy with scared, staring eyes, clawing at the heap with his hands and trying to plant his feet firmly, but all in vain! Below was Deep Hole, black and threatening!

"Here, Henry," shouted the miller, "grip this fast!"

Oh, how good looked the rope that came sliding down the slope of the heap and touched Henry's outstretched hands eagerly clawing away. How he gripped that rope!

"Hold on tight, and I'll haul ye up!" Grandpa Jameson assured him. "I've got some help."

It was Mr. Rogers who, passing by, heard the shout, and came just in time to pull on the rope.

Up—up slowly came the frightened boy, and he finally stood in safety in the mill.

"Look out, Henry!" said Mr. Rogers. "Look out another time."

"There, Henry, I am going to cart off that stuff to-day," said grandpa, when alone with Henry. "And you, when you go to Mr. Rogers' dinner party, don't sip any punch. When one starts, they may go sliding down towards Deep Hole—the drunkard's deep hole."

The morrow came. The dinner party assembled. The host was in excellent spirits.

"I welcome the boys and their friends," said he, "and I want you all to take with me a little—a little of this punch."

A number of the boys thoughtlessly lifted and sipped the proffered glass.

Henry shook his head.

"Henry," called out Mr. Rogers.

"No, I thank you, sir."

"Why—why not?"

"You saw me back of the mill, sliding down, yesterday. What, if I begin now, and should slide down, and—"

"Nonsense!" said Mr. Rogers, pettishly.

He looked mortified though, and did not further press the matter, which should not have been pressed at all.

Henry Jameson told his mother the whole story when he went home.

He was busy telling it to her, when the outside door opened and somebody came into the little entry leading to the sitting-room where Henry and his mother were seated.

"That was the reason, mother, why I did not take that punch—"

"I am glad you did not, Henry."

"Why, I seemed to see Deep Hole right before me, and I had begun to slide toward it, I thought. I stepped back, quick, I tell you; I suppose I offended Mr. Rogers. I am sorry for that."

"Oh, don't be sorry!" said the person in the entry, now coming forward. It was Mr. Rogers himself.

"Excuse me! Nobody came to the door when I knocked, and I thought, Mrs. Jameson, you would excuse an old neighbor for entering, as I wanted much to see Henry's mother, and tell her about Henry's excellent stand yesterday. I have thought it over, and I, too, am going to stop this business, give up my punch and everything else in that line, for what if I should get into Deep Hole?"—*Presbyterian*.

A WITTY SPEECH.

In an address on the "management" of public houses, at the recent Scottish Temperance Convention, Mr. Jas. Guthrie, J. P., of Brechin, made as many points as there are prickles on a porcupine, as well as enlisted "apt alliterations' artful aid." Here is an interesting specimen or two:

"If you want the life that is long, if you wish to be healthy and strong, and happy as you go along, then don't drink. This dealing in alcohol from the babe to the bar, and on to the gallows, begins with destruction, tends to destruction, and ends in destruction. It ruins both customer and seller, and while it may be a legalized trade, is not a legitimate one. This is not trade; it is swindle. Pharaoh's daughter took a little prophet out of the water, the publican takes a big prophet out of the beer. Alcohol is certainly good for cleaning silver, especially out of a working-man's pocket. As to the public management of a public-house for the public benefit, it is false. The only way to reform the traffic is to manage to do without it. We want management to extinguish; they want management to perpetuate. There is nothing easier than to believe a lie, unless to tell one, and half the truth is sometimes worse than a whole lie. A liar may be reformed, but not a lie, unless you reform it off the face of the earth. I have no personal objection to the publican. We are told to love our enemies; but we are never told to like them. So, though I love the publican as a man, I hate him as a publican. Yet he claims compensation. Zaccheus also believed in compensation. Now, Zaccheus was a publican. But it was the other way round. He called it restitution. That shows a mighty difference between Zaccheus and our modern publican. That is not the only difference, for, as you know, Zaccheus was really a factor; he collected the taxes. Our publican is a malefactor; he creates the taxes. The one lived off the taxation of the people; the other makes his living off the intoxication of the people. Further, we read about Zaccheus that he was a little man and climbed a tree, and then made haste to come down. But none of these things are true of our publican friends of to-day. They are big men, do not climb trees, and if ever up a tree they don't come down in a hurry. One distinction, more important, I have forgot. Zaccheus, you remember, could not get forward for the press; that is more and more unlike the publican of our time, for we see by every newspaper, that instead of not getting forward for the press, why, it is the press nowadays, that puts the publican forward."—*National Advocate*.

CAUSE AND CURE.

The drunkard who votes for prohibition is a freer man than the total abstainer who carries water on both shoulders and then votes for liquor, or to put it in the harness of high license. Just as the saloon-keeper must answer for every glass he sells, so we must answer for voting for liquor. It is simply a question of whether or not we are in favor of the saloon. It isn't a question of high license. The quibble that prohibition does not prohibit has nothing to do with it. The law against stealing does not prevent stealing. The same power that puts the amendment on our constitution will attend to the enforcement of the law. It is our duty to make it as difficult to get liquor as it is to get poison.—*Hon. J. Wannaker, U.S. Postmaster-General*.

WHISKEY DUTY FREE.

In answer to a question by Sir Wilfrid Lawson in the British House of Commons recently, the Secretary of the Treasury stated that it was a general custom for owners of distilleries to issue to their workmen a certain daily allowance of spirits, and that they were not required to pay duty upon the quantity so used.

EARLY CLOSING.

The report of the English Government Licensing Commission has not yet been issued, but sundry announcements have been made regarding the recommendation that it is expected to contain. Among these is one for earlier closing of public houses, the licensing authorities to be given some option in the matter.