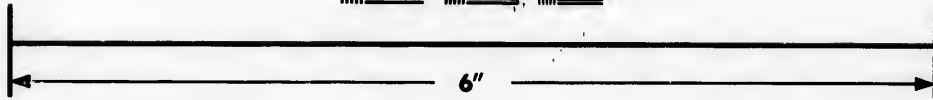
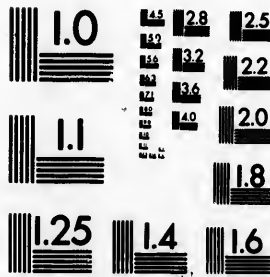


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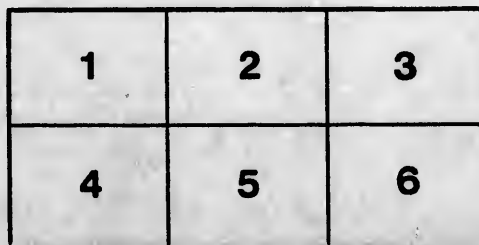
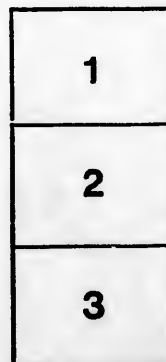
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HOW TO PROMOTE  
TEMPERANCE.

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A PAPER

BY

GEORGE PATTERSON, M.A.

BARRISTER, HAMILTON.

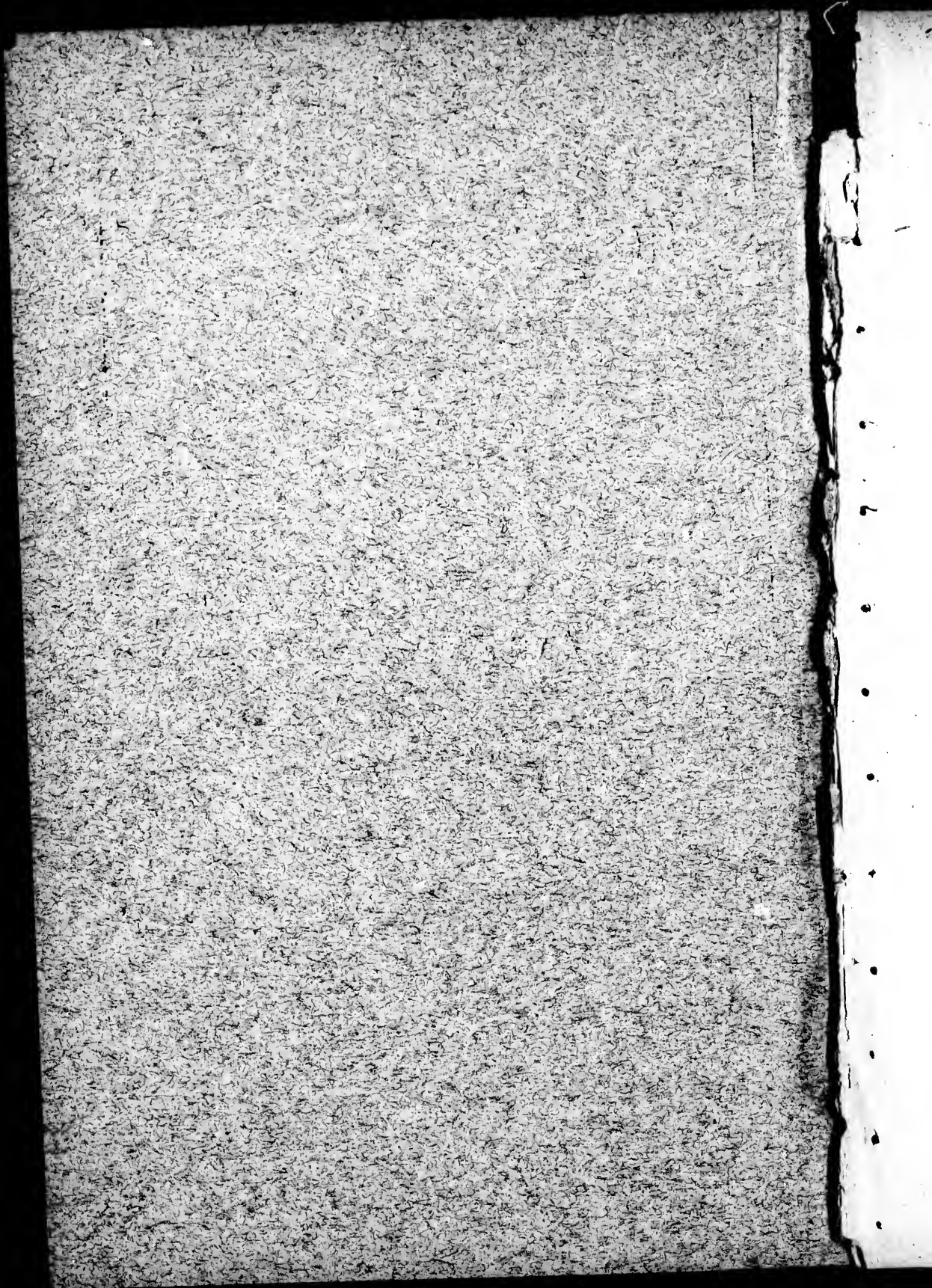
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TORONTO:

HART & RAWLINSON, 5 KING STREET WEST.

1881.

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*This Paper was read by the Author at a Public Meeting of the Total Abstinence  
Society of the Church of the Ascension, at Hamilton, on February 14th,  
1881, and is now published at the suggestion of Friends.*



# SUGGESTIONS

FOR

## TEMPERANCE LEGISLATION.

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How to diminish the evils caused by intemperance is a problem which has taxed the brains of the true lovers of their race for many generations, and many solutions of it have been attempted in different countries and at different periods of the world's history. It is not my ambition in this paper to lay down dogmatically what laws would best promote that object, or to formulate a perfect code which would drive intemperance from the land, as small-pox or yellow fever might be driven. My intention is rather to point out, with I hope becoming diffidence, some regulations which in my humble judgment would be likely to accomplish lasting good in our community, and would not only have a fair chance of being passed into law, if pressed on our legislatures, but would also be easily enforced from having an enlightened public opinion strongly on their side.

At the outset let me premise that I cannot agree with those ardent temperance men—intemperate abstainers, as a legal friend of mine has called them—still good men, who insist that in itself it is a sin, an offence against the law of God, to partake, at any time or under any circumstances, of any alcoholic beverage. Such men have their counterpart in the earnest clergyman of whom the following anecdote is related: He was dining at his bishop's one evening, in company with some brother clergymen, when His Lordship offered him some wine, "I can't take it, bishop," said our hero, "Wine is a mocker:" "Well," said his Lordship,

“brandy is not wine, take a glass of brandy.” “Excuse me, bishop,” said he, “Woe unto them that are mighty to drink wine and men of strength to mingle strong drink.” “Well, well,” said the Right Reverend Father at last, somewhat testily, “at least you will pass the decanter to your neighbour there.” “Can’t do it, bishop,” said his tormentor, “Woe unto him that putteth the bottle to his neighbour’s lips.” Most of us can surely sympathize with this good zealous man, yet there are few who attempt to maintain that the Bible does not in some passages give countenance to the moderate, occasional and proper use of wine.

It is necessary then for the advocates of strictly prohibitory laws to justify them on the ground of expediency; and I am ready to grant at once that expediency if clearly established is a sufficient ground for the enactment of such laws, notwithstanding they may encroach upon a man’s so-called liberty of action.

Many actions perfectly innocent in themselves have been constituted crimes by our statute laws solely on the ground of expediency. Such are the laws passed for the protection of the revenue in its various forms of customs, excise and stamp duties, laws to secure the purity of the coinage, to prevent the carrying of concealed weapons, or shooting off firearms in cities and towns. And we have already certain very salutary laws on our Statute Books, passed to promote this very cause of temperance. We prohibit the sale of intoxicating liquor to the Indians, and to the very young of both sexes. We prohibit its sale on Sunday and on Saturday night after seven o’clock, and on all polling days. We restrict its sale in the vicinity of public works, where large bodies of men are congregated, and in many other ways we abridge the liberties—so called—of the people, for the people’s good. The expediency and necessity of such laws are generally recognized, and the laws themselves are therefore reasonably well observed.

But suppose that the customs duties were arbitrarily raised very much higher than they are, the laws against smuggling would still remain, but they would be far less generally obeyed, and there would grow up very soon amongst great numbers of the people a feeling that the laws were unjust, and that it would be no real crime, if not rather praiseworthy, to disregard them, and we might then possibly challenge the wisdom of passing such a law.

Therefore when you are asked to press for the passage of any law on the ground of expediency, there being no abstract principle of right to found it, you are bound to listen to all fair arguments that can be urged against such expediency, and to balance one consideration against another, and if on the whole the preponderance of convenience or expediency is not greatly in favor of the restrictive measure, it will generally be found better not to interfere.

I am not now speaking with special reference to what is known as the Canada Temperance or the Scott Act, which is not a strictly prohibitory enactment at all; I am only speaking generally on the question of laws founded on expediency or supposed necessity.

There are few things upon which all are better agreed than as to the dreadful evils of intemperance, that it is a crime in itself, that it is the most frightful producer of all other crimes, that it impoverishes, brutalizes and drags down with its merciless hands to untimely graves multitudes of human beings, the innocent with the guilty, who might otherwise live contented, happy, and prosperous lives. It mows a wide swath of misery, ruin, suffering and desolation.

All this, however, is not the consequence of *drinking* intoxicating liquor, but of drinking it *to excess*. If that could be altogether stopped in our fair land, what a happy land it would be! and how prosperous and contented even the poorest and humblest classes! But, until the millennium

arrives, it is Utopian to expect that we can wholly put an end to intemperance, any more than we can wholly stamp out any other crime. While human nature remains as it is, crime and criminals of all kinds will remain with us.

But, if we can diminish intemperance by any means, and to any extent, in the same proportion will crimes be diminished, poverty relieved, and suffering alleviated, and it is the object of the present paper to offer some suggestions, which the writer considers would help forward that great and glorious work.

In the first place, then, I would make it a criminal offence to *be* intoxicated, anyhow or anywhere. It is a crime against God's law, and why should it not be a crime against man's? It is not so now, notwithstanding the popular opinion. Unless a person is drunk and disorderly, or vagrant, or otherwise renders himself obnoxious to the public or the police, he is not amenable to the law. If he can *stagger home*, he is safe, provided he goes quietly. And no matter how drunk he may be, anywhere off the public street, in his own home, among his children, in a public conveyance, a steamer or a railway train, or perhaps undertaking to drive his family home behind a spirited team, no power can say him nay or interfere with him, if he is *only* drunk. Now I would change all this. I would have a man punished, by fine, for being drunk at all. A man has no right to outrage public decency, and frighten women and children, by staggering along the public streets; he has no right to inflict upon his wife and children the horrors of intoxication. I would have a man punished more severely on a second conviction for drunkenness, and more severely still on a third. Public opinion would not disapprove of this, and the law would therefore stand a good chance of being well enforced.

But we should not stop here. We require some further legislation to restrict the liquor sellers. It should be an offence against the law to sell intoxicating liquor at all to a person already under its influence or to a drunkard; and a drunkard might be defined to be a person who had been convicted of drunkenness more than once or twice in any year. A list of all such might be kept in the Office of the Police Magistrate in cities and towns, and in some other proper office for townships and villages; and it should be a punishable offence to give or sell intoxicating liquor, directly or indirectly, to any person whose name had been on that list for, say, seven days. The dealer could then go and inspect the list once or twice a week, or sell at his peril. It would then be *some* disgrace to be a drunkard—*a statutory drunkard*,—and when you have succeeded in making anything disgraceful, you have gone far towards extinguishing the evil. Such a provision would give the benefit of total abstinence to many a poor wretch just entering the downward path, and he would have time and opportunity to reflect, and a chance to reform. If no fresh convictions were recorded against a man for a certain length of time, I would have his name removed from the list, so that he could hold up his head again among his fellow-citizens, and prove, if he could, his ability to stand without braces to prop him up.

Then, I think, we need some legislation as to the treatment of the "habitual drunkard," the poor inebriate. When a man has become so besotted that he can do nothing to support his family or relatives, and can be of no more use to any one in the community, except to be held up as a *frightful example*; when he can no longer take care of his own property, if he has any left, and has become a common nuisance, and a pest to the society in which he moves, he is unfit to be at large; and the authorities should have power

to remove him, with or without his consent, to some inebriate asylum, and keep him there until a competent board of physicians declare him thoroughly cured.

But we neither have any such asylum nor any power to take a man there. We want both. It would be perfectly useless to have an inebriate asylum without efficient regulations for the working of it, and legal power to control the personal liberty of the inebriate. It is well known that that noble pile which crowns the mountain brow to the southwest of our City, now full to overflowing with lunatics, was first intended for such an asylum. But there were no laws under which it could be made of much use in that way, and the plans of the Government had to be changed. The Attorney-General is reported to have used language in reply to a temperance deputation not long ago, which to my mind, very transparently veiled his regret that the Temperance people of this country had pursued other aims and objects so zealously, as to lose sight of the great good that might be effected by legislation of such a character that an inebriate asylum would be an exceedingly useful institution; and he seemed to hint that the Temperance people should direct their energies to securing such legislation.\*

Then, again, I feel sure there would not be much difference of opinion about the propriety of a law which would forbid the giving of liquor to any person under, say, twenty years of age. It is true, the law at present forbids this in the case of "a child of tender years;" but, under that phrase, lads of fifteen and sixteen may have liquor sold to them; so that mere boys may every day be seen going by

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\* I have not overlooked the Act, ch. 33, Ontario Statutes of 1873, respecting a "Hospital for Habitual Drunkards" but that Act has been omitted from the Revised Statutes of Ontario, because it was considered "to have relation to a matter not within the legislative authority of the Legislature of Ontario, or in respect to which the power of legislation is doubtful or has been doubted." See R. S. O. Appendix C, pp. 2454 and 2462.

troops into saloons, where many of them enlist as recruits, and are drilled and quickly drafted into the ignoble army of drunkards.

I say that this ought not to be permitted. These poor boys have not years enough yet, nor experience enough of life, to fit them to decide intelligently, whether or not to enter into such a service. The law most carefully protects the minor and his property from all possibility of loss through any contract or debt, but it does nothing to protect his body and soul from destruction, through drink.

Oh, how sad to think that the young lad who left his distant home to fight his own way in some great city, has nothing but the good advice of his father, or the prayers and tears of his mother, to shield him in the hour of temptation! He ought to have the strong arm of the law thrown around him to keep him from that danger, at least until he is deemed old enough to make a bargain for himself, or a sale of any of his property. If such a law were enforced, it would work beneficially in another way, because boys would avoid entering a place where they would be liable to be laughed at and sneered at as infants and milk-sops.

And, if a licensed dealer violated this law or any other of the laws laid down for his particular guidance, I would have his license promptly taken from him. He would then be a great deal more careful to observe the law than many are now, when the fines are so small and so uncertain, that a dealer can afford to pay them, and go right on doing the same thing day after day.

As for the unlicensed dealers it ought to be easy to stamp them out. Heavy fines followed by imprisonment and confiscation of liquors and plant would be too much for these gentry.

And if no part of the fines went to the prosecutors it would be better. A prosecution for an infraction of the law

might then be a labor of love. Supported by an enlightened public opinion a man might even be a "whiskey informer" without being regarded as everything that is low and mean and despicable.

Another provision which I would suggest is that all the bars should be strictly closed on holidays as well as on Sundays and polling days.

Can anything be more lamentable and discouraging to the social reformer than to see the way in which so many spend their holidays? Thousands, for whom Our Saviour was born, spend their Christmas in drunken revelry and worse than heathen debauchery. Thousands, for whom Christ died, pass Good Friday in the saloons and drinking dens where his name is never mentioned but in blasphemy; and thousands, who have experienced the most signal mercies at God's hands, celebrate their Thanksgiving Day in displaying the blackest ingratitude to their Creator and benefactor. Do we not see, on the eve of every such holiday, attractive advertisements in the newspapers, to the effect, that "Jim" and "Jerry" will give their friends free lunches or something good the next day? and do you imagine this would be done if it did not pay to do so? Alas! that the net should be spread in the very sight of the birds, and that it should not be spread in vain. Let the Police records of the following days, as compared with those of any Monday, tell the tale! I would repeat then that the bars should be closed on all such days, and from seven o'clock of the evening before, so that all wives and all children, all fathers, all mothers, all sisters and all brothers, aye, and all mothers-in-law too, might be able to look forward to a holiday without feelings of terror and despair.

Another reform would be to reduce the number of mere drinking shops very greatly indeed. I would like to make the "Licensed Victuallers" realize their own estimate of



themselves, so that none should be licensed who would not really provide victuals as well as drink. The great majority of the licensed dealers should, I think, have the facilities for providing accommodation for man and beast, or at least for man, in cities.

[Since writing the foregoing, I have observed with pleasure, that at a Temperance Conference in Toronto, a few weeks ago, some very similar views were formulated in a memorial to be presented to the Government, and that afterwards, the deputation which presented it to the Attorney General, received from him every encouragement, and very strong assurances of his sympathy.]

Having thus very imperfectly, I fear, sketched a few outlines of legislation well calculated, as I believe, to promote the spread of temperance in our land. I would like to say a few words as to the good that may be accomplished, altogether apart from legal restriction, by the temperance societies, and by individuals working on the lines of moral suasion and direct personal effort. You are all aware that a large section of our temperance people are laboring to have the Canada Temperance, or the Scott Act, brought into force in our City and County. If they succeed in that, and the Act is found to work well, no one will rejoice more than myself; and yet I shall even then believe, that among a people so disposed to temperance that that Act shall work well there, the temperance people might by their own efforts, aided by such legislation as I have proposed, do as much in the good cause or even more. And then, if the Act should *not* work well, if the perversity of human nature should be too much for the officers of the law, or if the latter should be remiss in the performance of their duties, the work of the temperance societies would have to be begun again; those barriers to the flood, which had been so laboriously constructed, would be thrown down, the whole country would be overflowed, and the patient workers would have to begin again to build their dykes on the old-fashioned plan.

I have said that I believe that amongst a people well disposed towards temperance reform, great results might be accomplished by personal and organized efforts on the line of moral suasion, assisted by proper restrictive legislation of the kind I have recommended. If twenty-five of the most prominent Churches in this City had all temperance societies like ours, with the ministers at their head and small bands of hard workers in each, who shall say what victories they might not achieve. If each such society had an average of over four hundred members pledged to total abstinence, as our society has, you would have ten thousand members; they would, by their influence, bring in others; half the population would soon be on our side, and who can estimate the blessings that would follow? Why, we would hardly know our own city; two-thirds of the saloons and half the hotels would be closed, and some of the breweries would be needed no longer. But then our merchants would have to enlarge their stores, and our manufacturers their workshops. Spending so much less money for liquor, the people would have more to spend for the necessities and the comforts of life, and they would see that themselves, their wives and their children, were better fed, better clothed, better housed. The bread winner could afford to buy a new hat to replace the battered one he now has to wear, his little ones could have new boots instead of those now so sadly out of repair, and his wife could buy a decent gown to go to church or market in.

And why should the Churches not all have their Temperance Societies and run them in real earnest? I suppose some of the wise-heads of managers are afraid of offending the grocers, or the brewers, or the great distillers. Don't be afraid of any such thing, gentlemen. Gather a little band together and organize your society, and go bravely to work. The men who are interested in liquor and its profits may

frown at first, but they dare not, for very shame sake, make any serious opposition. Could they afford to have it said that they left their Church because their minister was trying to do some good through a Temperance Society? Not at all. And it would pay the Churches too, as a financial measure, I can tell you: bringing in more adherents, and, by that very change in their habits, enabling them to contribute more freely to church funds. That is a low ground to take, I will admit, but it is well to be prepared with reasons to meet every possible objection from the faint-hearted and weak-kneed.

But altogether outside the class of men who can be reached by any Temperance Society, however zealous its members may be, which only says to a man, "For Christ's sake, abstain; give up your whiskey or beer, and keep out of the gilded saloon," there is another class of men who would readily accept a substitute for these things; who, if they could get refreshments, wholesome and cheering, and pleasant company, at a place having all the real comforts of the bar-room, but nothing intoxicating, would not care to enter the saloons at all. Here, then, is a most promising field of labour already ripe for the harvest. All that need be done is to establish a number of coffee rooms or coffee taverns on the plan which has of late years been so successfully adopted in many parts of England. We are assured that these coffee taverns are doing an immense amount of good, and that they are not mere charities, but pay to their shareholders, in many cases, ten per cent. dividends. A man must drink, and a man must eat, and, although he may have no particular desire for alcoholic beverages, yet if a hotel or a saloon is the only place, or the only convenient and comfortable place, where he can get either meat or drink, it requires a great deal of self-denial not to go there. But, if he has the alternative of going to a comfort-

able coffee room, where he can get the best of everything, and a "cup that cheers but not inebriates," at reasonable prices, and where he will be made to feel equally at home, the chances are he will prefer to go there, and give the saloon and its liquor the go-by.

I hope to see something of this kind attempted in this City. There are men and women in this Society who will make it a success if they attempt it. It will not do to carry on our coffee rooms as if they were soup kitchens, but we will have to run them as a regular business enterprise; and, if they are to be thoroughly successful, it will be absolutely necessary to get the ladies to undertake a large part of the work. All experience shows that there should be no suspicion of charity, or patronizing about the institution. No tramps or beggars should be entertained there; no person under the influence of liquor should be admitted; and every man should pay a fair price for what he gets. I think there should be an attractive reading room and a comfortable smoking room, open to all who would pay a small monthly fee for their use; and means of innocent recreation should be provided. If five or six such establishments were opened in Hamilton, and carried on energetically, it is safe to say that, besides paying a handsome return to the shareholders, as many hundreds of people whom none of our present agencies can reach at all, might be won over to the side of temperance. It would be carrying the war into Africa. It would be fighting the enemy with some of his own weapons and on his own ground.

My paper has already exceeded the limits I had intended, and you are waiting to hear others who will interest and amuse you. I will, therefore, not attempt to describe the other modes of promoting the cause we have so much at heart, which might be adopted in connection with the

proposed coffee rooms, such as the formation of Mutual Benefit Societies, Anti-treating Associations, and other organizations.

Let us all unite in the determination that, by some means, the ravages of drink shall be diminished, and some of the tentacles of that devil-fish, Alcohol, lopped off. We shall then see a very different and much happier people. Let us pray one and all for that glad day to arrive, and, to hasten its coming, let us put our shoulders to the wheel.



