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REPORT

OF

COMMISSIONERS TO ENQUIRE INTO THE WORKING

OF THE

PROHIBITORY LIQUOR LAW.



OTTAWA:
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1875.

REPORT

OF

COMMISSIONERS TO ENQUIRE INTO THE WORKING

OF THE

PROHIBITORY LIQUOR LAW.

To the Honorable the Secretary of State for Canada:

During the last Session of the Parliament of Canada, the Select Committee of the Senate respecting a Prohibitory Liquor Law, presented their report to the Honorable the Senate, of which the following is an extract :

“ Your Committee therefore recommend that steps shall be taken, without delay, to ascertain how far the attempts, to remove the evils of intemperance, by legislative prohibition of the traffic in intoxicating liquors, in other countries or states, have resulted either in success or failure, in order that Parliament, at its next session, may be in possession of all the information necessary for its guidance, in determining whether the legislation prayed for should be granted or withheld, and as this cannot at this Session be done by Your Committee, they recommend that an humble address be presented to His Excellency the Governor General, respectfully requesting him to lay before Parliament, at its next Session, such information as His Excellency may be able to obtain thereon.”

The Select Committee of the House of Commons also presented their Third Report, embodying the Second Report of their sub-Committee, from which the following is an extract :

“ Whereas the attempt of previous Committees to obtain full and reliable information from documentary evidence, with regard to the operation of prohibitory liquor laws, have not been entirely satisfactory; the Committee is of opinion that it would be expedient to take steps as would put the House in possession of full and reliable information as to the operation and result of such laws in those States of the American Union, where they are now, or have been, in force, with the view of showing the probable working, and effect of the working, of such laws in Canada.”

On the first of August, 1874, the Honorable the Secretary of State addressed the undersigned as follows :

“ GENTLEMEN,—I have the honor to inform you that His Excellency the Governor
 “ General, has been pleased to appoint you as Commissioners to visit the States of the
 “ neighboring Union, in which prohibitory laws are, or have been, in force, to make
 “ enquiry into the success which has attended the working of such laws, and to report
 “ thereon, as well as on other essential facts connected with the same.

“ To F. Davis, Esquire, and

“ Rev. J. W. Manning.

Having accepted the said appointment, Your Commissioners entered upon the discharge of their duties, with an earnest desire to give to His Excellency a full and impartial report, founded on personal observation, as well as upon information received from official and other reliable sources. They commenced their labours on the 25th day of August last, and have now the honor to present to His Excellency the following report:—

In the prosecution of the enquiry, Your Commissioners visited the following States:—Maine, Massachusetts, Rhode Island, Vermont, Michigan and Ohio, in all of which they were informed a prohibitory law was then in force, and in order to arrive at a correct conclusion, they visited, in the States of Maine and Massachusetts, a considerable portion of the rural districts.

Your Commissioners also sought and obtained interviews with governors, ex-governors, secretaries of state, clergymen, officers of the army, senators, members of congress, judges of the supreme, superior, and police courts, district attorneys, mayors, ex-mayors, aldermen, overseers of the poor, selectmen, jailers, trial justices, city marshals, editors, chiefs of police, employers of labour and influential citizens. They also endeavored to obtain extracts from public documents and records, and brought with them for further reference, about one hundred and forty state and municipal documents, varying in size from twenty to over one thousand pages. Under the guidance and protection of policemen, they visited the lowest quarters of various cities in the States mentioned. They embraced every chance of going where large crowds were likely to be gathered, and in short, lost no opportunity that they thought would enable them to advance the accomplishment of their object.

Your Commissioners endeavored to gather as many statistics bearing on the enquiry as possible, but experienced great difficulty in that branch of the enquiry, inasmuch as many of the cities, more particularly Portland, Bangor, Augusta and Boston, had suffered from fires that had, to a very great extent, destroyed their public records. Your Commissioners also found that the frequent changes of the office-holders under the American system of government, is not favorable to the preservation of statistical information. These causes largely contributed to increase the labours of Your Commissioners, by compelling a search for records in the hands of private individuals; and with a few exceptions, prevented their going back, as they would have desired, to a period anterior to the passage of the prohibitory law.

Your Commissioners met with instances where gentlemen were reluctant to express their opinions, because, as they alleged, they had been previously misrepresented by parties who had sought interviews with them, and received information from them upon the same subject. To remove this difficulty, notes of conversations were taken at the time, and in most instances read over before leaving; and Your Commissioners are of opinion, that at the risk of lengthening the report, it will be better and more satisfactory to record what was said or written by each individual, than by giving a synopsis, run the risk of being liable to the charge of misunderstanding on the one hand, or the charge of suppression on the other.

Your Commissioners divided the subject of their enquiry into the following questions:

First.—What are the provisions of the law in force in each State?

Second.—Is the law enforced, and if not, why not?

Third.—What has been the result in any State of a change from prohibition to license or *vice versa*?

Fourth.—What have been the effects of prohibition upon the social and moral condition of the people?

Your Commissioners have endeavored to obtain replies, both verbal, and documentary, to each of these queries, and now present to His Excellency the answers to each query under each State:—

FIRST QUESTION.—*What are the provisions of the law in force?*

MAINE.

The law referring to this matter commences with Sec. 22 of Chap. 27 of the Revised Statutes.

Sec. 22—Prohibits sale of intoxicating liquors by any person, his clerk, servant, or agent, directly or indirectly, except as provided.

Also defines as intoxicating liquors, ale, porter, beer, lager-beer, and all other malt liquors, wine and cider, as well as all distilled spirits.

Sec. 23—Prohibits manufacture for unlawful sale, and regulates the manufacture for lawful sale, provides against adulteration, and for the giving of bonds by the manufacturer.

Sec. 24—Provides the penalty for breach of Sec. 23.

Sec. 25—Exempts from operation of statute manufacture and sale by the manufacturer, of cider; also agents appointed under the statute for the sale of pure wine for sacramental and medicinal use.

Sec. 26—Authorizes selectmen of towns, and mayors and aldermen of cities, to purchase liquors and appoint agents for the sale of such liquors, for medicinal, mechanical, and manufacturing purposes. Forbids such agents from having any interest in the liquor, or profit from sale thereof.

Sec. 27—Provides for such agent giving bonds and the form of the bond, on the due execution of which he shall have a certificate to act as such agent.

Sec. 28—Names the penalties for violation of the said statute, as follows:—

First Offence.—A fine of thirty dollars and costs, or thirty days imprisonment in County jail.

Second Offence.—A fine of twenty dollars and costs, and sixty days imprisonment in County jail.

Third and every subsequent offence—A fine of twenty dollars and costs, and three months imprisonment.

Makes the provisions equally applicable to clerks, servants, agents or other employés.

Sec. 29—Prohibits any person from being a common seller of intoxicating liquors. Prescribes the penalty for violation of this section as follows:—

First offence—A fine of one hundred dollars and costs, and in default sixty days imprisonment, or he may be imprisoned three months without fine.

Second Offence—A fine of two hundred dollars and costs and four months imprisonment; and another four months imprisonment in default of payment of fine and costs; imposes the same penalty for every subsequent conviction.

Sec. 30—Declares persons selling by authority exempt from operation of section 29.

Sec. 31—Prohibits persons from keeping drinking houses and tippling shops, defines drinking houses and tippling shops to be any building, vessel, or boat in which liquors are sold and consumed; provides also the penalties for violation of this section, as follows:—

First Offence—A fine of one hundred dollars and costs, in default of payment, three months imprisonment, or in lieu of such fine three months imprisonment.

Second and every subsequent conviction—A fine of one hundred dollars and costs and six months imprisonment.

Sec. 32—Gives to every wife, child, parent, husband, or other person injured in person, property, means of support, or otherwise, by any intoxicated person, or by reason of the intoxication of any person, a right of action in his or her own name, against any person contributing in any way to the intoxication of such person, and also a right to recover actual and exemplary damages. Makes the owner or lessee, or persons renting or leasing any building or premises, having knowledge that intoxicating liquors are sold therein in violation of law, jointly or severally liable with the persons selling or giving the liquor.

Amounts recovered by wife or child, to be the sole and separate property of each.

Sec. 33—Prohibits the having in possession any liquor with intent to sell, or to aid and assist any person in such sale.

Sec. 34—Makes all liquors kept in contravention of this statute contraband, and authorizes the seizure of the same without a warrant and their being kept in some safe place until such warrant can be obtained.

Sec. 35—Magistrate to issue warrant for search and seizure, upon oath being made before him by any competent witness of his belief, that intoxicating liquors are kept in any place by any person or persons for unlawful purposes. Defines the duties of the officers charged with the execution of the warrant. Persons found guilty of violation of this section, to pay a fine of fifty dollars and costs, and in default of payment, thirty days imprisonment; or may be imprisoned in the County jail for three months.

Sec. 36 and 37—Provide for citation of parties in whose charge liquors are found contrary to law, and for the return of said liquor when satisfactory proof is given to the magistrate that they were not kept for unlawful purposes.

Sec. 38—Provides that no warrant shall issue to search a dwelling house occupied as such, unless it, or some part of it, is used as an inn or shop, or for purposes of traffic, or unless the magistrate is satisfied from the evidence produced, and so states in the warrant issued, that the said liquor is intended for sale in violation of law.

Sec. 39—Provides for the destruction of all liquor (by pouring the same on the ground) seized and condemned by virtue of Section 35. The vessels containing the same to be sold, and proceeds paid into the treasury of the town or city.

Sec. 40—Provides for punishment of persons falsely claiming liquor, by a fine, for first offence of fifty dollars and costs, or stand committed until paid, or in lieu thereof, three months' imprisonment; and for every subsequent conviction, three months' imprisonment, in addition to fine and costs.

Sec. 41—Provides proceedings, in the event of any officer being interfered with in the execution of a warrant, by the destruction of the liquor by any person or persons, and for the trial of the persons so charged with such interference.

Sec. 42—Provides for custody of liquor in the event of the death of the Sheriff, or person who had seized the same.

Sec. 43—No liquor to be replevined or removed from the custody of the officer by any process. Final judgment to be a bar to all suits for damages for seizure.

Sec. 44—Provides that all prosecutions in the Supreme Court shall be by indictment; that all prosecutions under Sections 23, 29 and 31 shall be by indictment; in all other prosecutions under this statute gives Judges of Municipal and Police Courts, and Trial Justices jurisdiction. Magistrates may take bail in cases not within their jurisdiction. Provides for appeals from magistrates' decision.

Sec. 45—Trial justices, recorders, judges of municipal or police courts and county attorneys having knowledge of previous conviction shall enter same in

preparing complaints, warrants or indictments. Indictments once entered in court, no county attorney can withdraw same, except by special order of said court.

Sec. 46—County attorney must move sentence upon parties found guilty of violating this chapter in same term; but for reasons satisfactory to court may go over to next term, but no longer.

Sec. 47—Provides for appeal and mode of same, together with amount of security to be given.

Sec. 48—Custom house certificates of importation and proofs, and marks on casks and packages corresponding thereto, shall not be considered evidence that liquors in said casks and packages were so imported.

Sec. 49—Persons drunk and disorderly may be taken into custody, either at his own house or in any other place; shall be tried, and if found guilty, may be imprisoned for a term not exceeding thirty days. All punishment, or any portion, may be remitted by the judge or justice engaged in the case.

Sec. 50—No action to be maintained upon any claims, demand, promissory note, or other security given or contracted for liquor sold in violation of the provisions of this chapter; nor for any liquors purchased out of the State with intention to sell the same, or any part thereof, in the State, in violation of this chapter. This provision not to extend to negotiable paper in hands of holder for a valuable consideration, and without notice of the illegality of the contract.

Sec. 51—No liquors kept for sale by authorized agents shall be exempt from seizure, unless all the casks and vessels in which they are contained shall be plainly marked with name of city or town, and of the agent. Vessels or casks fraudulently marked with name of town, city or agent, shall be taken as evidence that the liquor contained in them was for unlawful sale, and render them liable to forfeiture. Liquors adulterated or fictitious, with the knowledge of the agent, not to be exempt from seizure.

Sec. 52—Prohibits persons legally authorized to sell liquors from selling to any minor without written consent of his parent, master or guardian; to any Indian, soldiers in the army, drunkard, intoxicated person, or to any intemperate person, of whose intemperate habits he has been notified by any person authorized to give notice. Proof of notice given by the authorities to be conclusive evidence of the fact of the intemperate habits of such person in all proceedings under this chapter; notice by the relatives to be presumptive evidence of such habits.

Sec. 53—Aldermen, selectmen and assessors being notified by the relatives that a certain person is of intemperate habits, shall first satisfy themselves of the truth of such charge, and shall then notify all persons within their jurisdiction licensed to sell, and in places adjoining, if they deem it expedient.

Sec. 54—Provides penalty for violation of Section 22 as follows:—A fine of twenty dollars, and also be liable to suit upon his bond; it is also the duty of the

aldermen, selectmen, or assessors, to sue upon said bond, and upon conviction obtained, or judgment recovered, the authority of such person to sell shall be absolutely vacated. Provides, also, that aldermen, selectmen, or assessors, shall revoke such authority if the same has been violated.

Sec. 55—In cases of charge of unlawful sale, delivery of the liquor to be sufficient evidence of sale.

A partner to be liable for all breaches of this law in any place used by the co-partnery, either by his partner or by any other person, if done with his knowledge.

Principal, agent, clerk and servant, may all be included in the same process.

Makes it the duty of mayors, aldermen, selectmen, assessors and constables, to prosecute all violations of this law and promptly to enforce the law against drinking houses.

Municipal officers notified by any two persons competent to be witnesses in civil suits, of any infraction or believed infraction of the law and not proceeding in the case, to be liable to a fine of not less than twenty nor more than fifty dollars, recoverable by indictment.

Not necessary for such officer in bringing complaint, to give the names of parties notifying him;

Officers neglecting any execution or final process under this chapter, may be sued by any voter in the county, for such neglect, and judgment shall be for the full amount of such judgment and interest on such execution. If it be a process requiring him to take and commit an offender to prison, damages may be recovered not less than fifty nor more than five hundred dollars;

Sec. 56—Disqualifies all persons engaged in the unlawful traffic in intoxicating liquors as jurymen in any case arising under this chapter. On information received the court may question any jurymen, and his answer shall not be used against him in the event of an affirmative answer or his declining to answer, he shall be discharged by the court from all further attendance as a jurymen. A false answer, if proved against him, shall disqualify him from serving as a jurymen in this State.

Sec. 57—Prescribes the fees legally receivable under this chapter.

In 1872, an Act, of which the following is a summary, was passed:—

Sec. 1—Made it the duty of the sheriff to obey all orders relating to enforcements of laws that he should receive from the Governor.

Sec. 2—Made it the duty of said sheriffs to enquire into all violations of law within their several counties, to institute legal proceedings in all cases of supposed violation of law, especially the laws against the illegal sale of intoxicating liquors, and the keeping of drinking houses, tippling shops, gambling

houses, and houses of ill-fame. They may either themselves enter complaint before the proper authority, or give the case to the county attorney, furnishing him with names of alleged offenders and witnesses; fees and expenses to be the same as in other criminal cases.

Sec. 3—County attorneys to summon promptly all witnesses whose names shall have been furnished them, as in Section 2, and shall faithfully conduct before the grand jury all enquiries by that body into violations of law; shall prosecute persons indicted, and secure prompt sentence of such as shall be convicted.

Sec. 4—Provides that if the governor is satisfied, after investigation, that any sheriff has wilfully neglected or refused to discharge his duty under this Act, he shall bring such fact to the notice of the Legislature at the earliest possible day.

MASSACHUSETTS.

Sec. 1—The governor in council to appoint annually a state agent to purchase and supply liquors to town and city agents. Such agent to be called a commissioner and to hold office for one year, and until appointment and qualification of a successor.

Sec. 2—The commissioner, within ten days of appointment, to give bonds to the extent of twenty thousand dollars, for faithful performance of his duties.

Sec. 3—Appoints Boston as his place of business, confines his sales only to agents, forbids sale of adulterated or mixed liquors. All liquor sold by him to be analyzed by a State assayer, and all sales by him to be certified as being part of the liquor analyzed. Sales to be for cash and at not exceeding an advance of five per cent.

Sec. 4—Provides for the keeping by him of a record of all purchases and sales made by him, the names of persons dealt with, and the prices paid, records to be open to inspection of mayor and aldermen of cities, and selectmen of towns, and all officers of the Commonwealth.

All packages of liquor sold by him, to bear his seal, and may be transported from place to place.

Sec. 5—Any violation of preceding sections involves the forfeiture of his bond, and imprisonment in State prison for not less than six months, nor over five years. Any person employed by him violating said sections, to be liable to same imprisonment.

Sec. 6—Makes Commissioner, or any person in his employ, liable to the penalties of being a common seller, for selling in any other way adulterated, spirituous, or intoxicating liquor.

Sec. 7—Makes his only remuneration the advance in price of liquor sold by him, and forbids his incurring any liability on behalf of the State.

Sec. 8—Report of all sales to city and town agents to be made annually, cost, commissions, expenses, and profits thereon. Report of towns to which no sales have been made. Report to be printed by secretary of commonwealth, and included in public documents to be laid before the Legislature.

Sec. 9—Shall appoint agents not exceeding five in city of Boston, subject to same regulations as other agents, and whose authority to sell expires with the authority of the commissioner appointing them.

Sec. 10—His successor to purchase his stock of certified and analyzed liquor to an amount not exceeding twenty-five per cent. of his last year's sales.

Sec. 11—The outgoing and incoming commissioner not being able to agree, to each appoint an arbitrator who shall appoint a third, and their decision to be final.

Sec. 12—County commissioners, and mayor and aldermen of city of Boston on first Monday in May, annually, may authorize persons applying in writing to manufacture liquors, and to sell in quantities of not less than thirty gallons for exportation; or to be used in the arts, or for mechanical and chemical purposes in the State; license to be in force one year, unless annulled.

Sec. 13—Manufacturer to give bond in six thousand dollars, and to receive a certificate authorizing him to manufacture, and specifically designating place of location of the manufactory.

Sec. 14—Manufacturer committing a breach of any condition of his bond, shall forfeit his right to manufacture. A violated bond may be put in suit either with or without complaint, notice or hearing.

Sec. 15—Provides form of registry in a book, of all sales made by the said manufacturer, together with name and residence of purchaser, kind and quantity of liquor, and if exported, place to which exported.

Sec. 16—Clerks of commissioners and city clerk of city of Boston to keep a record of persons authorized to manufacture and sell as in sec. 12, and names of all city and town agents furnished them, record to be open at reasonable hours to public inspection, and lists to be furnished to all manufacturers and agents.

Sec. 17—Mayor and aldermen of every city, and selectmen of every town to appoint, for one year, agents to purchase and sell in said city or town, spirituous or intoxicating liquors, to be used in the arts, and for mechanical, medicinal and chemical purposes alone. Authorities neglecting to appoint such agent for three months after first Monday of May, are liable to a penalty of one hundred dollars, recoverable by any person suing for the same. Agent to be paid by salary and bound by rules in preceding section.

Sec. 18—Agents to receive certificates authorizing purchase and sale by them after giving bond to extent of six hundred dollars. Clerks of cities and towns to keep a list of appointments, and supply same to county commissioners.

Sec. 19—Makes section 14 applicable to agents substituting necessary alterations.

Sec. 20—Agent to keep a full and complete record in form provided of all purchases and sales, and of all forfeited liquor received by him. Record to be open at all times to inspection of mayor, aldermen, selectmen, overseers of the poor, sheriffs, constables and justices of the peace of such city or town.

Sec. 21—Forbids agent from purchasing of other than the Commissioner. Agent purchasing from any other, or selling liquor purchased from any other than the Commissioner, to be liable to the penalty of a common seller.

Sec. 22—Agents violating the law may be restrained or enjoined by any justice of the Supreme Court at any time, and the Supreme Judicial Court to have jurisdiction in equity on complaint of any interested person.

Sec. 23—Instructs agent to make out annually, before the 15th day of October, and send to secretary of commonwealth a full and complete return of all liquors purchased by him, with date of purchase, name of person purchased from, and price paid. Penalty for failure to make return one hundred dollars.

Sec. 24—Purchasers making false statements respecting intended use of liquor purchased, shall incur a penalty of not less than five, nor more than twenty dollars.

Sec. 25—Permits importers, under United States laws, to own, possess, keep or sell the same in the original casks or packages in which it was imported, and not having been adulterated or mixed whilst in his possession.

Sec. 26—Permits druggists to sell, for medicinal purposes only, pure alcohol, to druggists, apothecaries and physicians known to be such; but insists upon record of sale, with full particulars, giving name and residence of purchaser, or name of consignee, if exported. Book to be open at all times to inspection of mayor, aldermen, or selectmen. A druggist, his agent or clerk, convicted of an illegal sale, to pay one thousand dollars.

Sec. 27—Chemists, artists or manufacturers, may keep at their places of business spirituous liquors necessary in their calling, but not for sale. Any person may manufacture cider, but not as a beverage, and unadulterated wine for sacramental purposes.

Sec. 28—Prohibits the manufacture for sale, or sale by himself or agent, clerk, or servant, in any way, of any intoxicating liquor, unless authorized, as in preceding sections. Defines intoxicating liquors to be ale, porter, strong beer, lager beer, cider, wines, and all distilled spirits.

Sec. 29—Possession of such liquor, with intent to sell, prohibited, whether by owner or any person for him.

Sec. 30—Provides that selling by any person on any pretence or by any device; or giving in consideration of the purchase of any other property, any liquor, spirituous or intoxicating, shall, for the first offence, pay ten dollars, and be imprisoned in House of Correction not more than thirty nor less than twenty days. Second offence twenty dollars, with imprisonment, not less than thirty nor more than sixty days; and

for any subsequent violation, fifty dollars and imprisonment, not less than three nor more than six months, with thirty days extension of imprisonment in any case where fine and costs are not paid.

Any employee violating statute, to be held equally guilty with principal, and suffer the same penalty.

Sec. 31—Manufacturing, or being a common seller in violation of the provisions of this chapter, shall, for first offence, pay fifty dollars, and not less than three nor more than six months imprisonment. Second violation, two hundred dollars and six months imprisonment; for any subsequent violation, two hundred dollars and twelve months imprisonment in House of Correction in the county where the offence was committed. Agent equally guilty with principal. Three several sales to one or more persons to be proof of violation, but other proof also admissible.

Sec 32—Allows the names of all parties charged with offending against two preceding sections to be included in one indictment; one or more offences may be included and tried at the same time. Offender may be punished for as many offences as he may be convicted of at same term of court, but the imprisonment for all shall not exceed one year.

Sec. 33—All delivery of liquor from any building or place other than a private dwelling house or its dependencies, or in such dwelling house or dependencies if part of the same is a tavern, public eating house, grocery, or other place of public resort, shall be deemed *prima facie* evidence of, and punishable as a sale; and a delivery in or from a private dwelling, with payment or promise, expressed or implied, before, on or after such delivery, shall also be deemed *prima facie* evidence of, and punishable as a sale.

Sec. 34—Subjects persons owning, keeping, or possessing liquor with intent to sell, to a fine of ten dollars and twenty days imprisonment, and a further imprisonment of twenty days in the event of the fine not having been paid. No seizure of liquor necessary to make a valid complaint or ensure conviction.

Sec. 35—Persons transporting liquor illegally sold liable to a fine of twenty dollars.

Sec. 36—Freight agents on railroads knowingly receiving liquor for conveyance in violation of this chapter, liable to a fine of twenty dollars. The railroad also made liable to a fine of fifty dollars, recoverable by indictment or complaint.

Sec. 37—Persons bringing liquor into the State either to sell themselves, or for sale by another, shall be punished as in sec. 30.

Sec. 38—Empowers any husband, wife, parent, child, guardian, or employer of any person addicted to intemperate habits, to give notice in writing to any person not to deliver liquors to such person. If after receipt of such notice any persons deliver liquor to the prescribed person they shall subject themselves to an action for damages to be assessed by a jury at any sum not less than twenty-one nor over five hundred dollars. Married woman to have right of action in her own name, and to receive damages for her own separate use.

Sec. 39—Persons receiving injury to themselves or property by the act of an intoxicated person may sue any person who contributed to such intoxication, if done in violation of this chapter, and may include the intoxicated person in the same action.

Sec. 40—Persons found intoxicated in a public place, or intoxicated and disorderly in any place, shall be arrested by any public officer and taken before a justice of the peace and be charged with the crime of drunkenness.

Sec. 41—Such person so charged, to be discharged, and used as a witness, if he or she discloses the name of the person from whom the liquor was obtained, together with time, place, and manner of delivery; and if it appears that an offence against this Act has been committed, then the officer shall proceed against the person so named.

Sec. 42—Warrant of search and seizure to issue on oath of two competent witnesses that they have reason to believe, and do believe, that liquors are kept, by the person named, in any place.

Sec. 43—Dwelling houses exempt from search when used strictly as such, unless one of the complainants makes oath that he has reason to believe, and does believe, that liquor has been sold therein contrary to law, within one month from date of complaint.

Sec. 44—Complaint to specify all particulars, including the precise description of building to be searched, the name of person by whom the liquors are said to be owned, kept or possessed, and shall allege the intent of such person to sell said liquor contrary to law.

Sec. 45—Officer charged with warrant to execute same and to remove all liquors seized to a place of security.

Sec. 46—Provides for summary action when value of liquor seized is under twenty dollars.

Sec. 47—Provides for giving notice of said seizure and how published.

Sec. 48—Trial may be postponed if notice has not been duly served or for other reasonable cause.

Sec. 49—Case may be heard and disposed of in the absence of the party complained of, after due notice has been given; liquor and vessels may be forfeited to the commonwealth.

Sec. 50—Liquor so forfeited, suitable for mechanical, medicinal or chemical purposes, to be handed over to some legally appointed agent and proceeds paid to treasurer of commonwealth. Liquor not so applicable to be destroyed.

Sec. 51—The liquor or any part of it not proved to be kept in violation of law to be returned to place whence it was taken, or to the person claiming same.

Sec. 52—When no person appears, or appearing makes good his claim, the costs to be paid as in other criminal cases. Costs, except for search and custody, to be paid by the persons claiming when the liquor is condemned.

Sec. 53—Gives right of appeal upon giving security for two hundred dollars; on hearing such appeal, juries to decide all questions of fact; on refusal to sustain appeal, the provisions of previous sections to at once apply.

Sec. 54—Provides that in cases where liquor seized is over fifty dollars in value, proceedings to be held in the superior court; and provisions, or as near as may be of sections 48, 49, 50, 51, and 52 to be applicable. Jury to try any issue of fact.

Sec. 55—Empowers mayors, aldermen, selectmen, sheriff, deputy sheriff, chief of police, deputy chief of police, city marshal, deputy city marshal, police officer, constable or watchman in city or town, to arrest without warrant any person or persons violating the provisions of this chapter, and keep in custody until warrants can be obtained. If any officer, whose duty it is, neglects to prosecute under this chapter for two weeks after written notice has been given, then any person may so prosecute and receive all fines imposed and collected.

Sec. 56—Empowers above named officers to seize any liquor found and arrest without warrant any person selling liquor in any erection of any kind in or near any cattle show, agricultural exhibition, military muster, or public gathering of any kind, and take the said person before some court of competent jurisdiction, as soon as may be.

Sec. 57—Persons convicted under this chapter, shall, in addition to fine and imprisonment, enter into recognizances to the commonwealth in any sum between one and two thousand dollars, not to violate this or any other law relating to the sale of intoxicating liquors, for one year from date of conviction, and to stand committed until he enters into said recognizances.

Sec. 58—Proceedings under this chapter to take precedence in the courts of all other cases, except where parties are actually imprisoned awaiting trial.

Sec. 59—District attorneys to commence suit on forfeited recognizances within sixty days; no suit to be discontinued without concurrence of court; but suits may be commenced after expiration of said sixty days.

Sec. 60—Declares all liquors kept for sale, and vessels in which they are kept, common nuisances.

Sec. 61—All payments for liquor sold in violation of law, whether in money, labor, or personal property, shall be held to have been without consideration, and against law, equity and good conscience. No action of any kind to be maintained in any court for liquors sold in any other state for the purpose of being brought into this commonwealth in violation of law. All bills of exchange, promissory notes, and other securities for and evidence of

debt whatsoever, given in part for liquor sold in violation of law, to be void against all persons holding same with knowledge of such illegal consideration, either direct or implied by law.

Sec. 62—Exempts all officers from being sued for executing any order or warrant issued under this chapter; also from any suit for seizing, detaining or destroying any liquor, unless when legally in possession of the owner thereof.

Any officer neglecting or refusing to serve any warrant, process or precept issued under this chapter, shall be liable to a fine of not less than three hundred nor more than one thousand dollars. Any such officer sustaining loss or damage by reason of obedience to any precept, warrant or process, shall be indemnified by the commonwealth, as by law provided, and in no other way.

In 1871, the legislature passed a further act as follows:

Sec. 1—Repealed certain portions of a former act of 1869.

Sec. 2—Exempted from prohibition the manufacture and sale of ale, beer, strong beer, and lager-beer, but prohibited their sale on the Lord's Day.

Sec. 3—Provided for inhabitants of any city or town, voting annually if they saw fit, on the adoption of section 2.

Sec. 4—Provides that authorities in cities and towns may annually give certificates to any dispensing druggist or apothecary having a place of business in said cities or towns, to purchase, keep, and sell liquors for medicinal, mechanical, or chemical purposes, such druggist shall sell for above named purpose only. Not to sell to a minor, or on the Lord's Day, unless on the prescription of a physician; no liquor sold to be drunk on the premises. When a druggist or apothecary is certified, no agent need be appointed by the city or town.

Sec. 5—Empowers commissioners or manufacturers to sell to druggists or apothecaries certified under this Act.

Sec. 6—Makes any druggist or apothecary, or his clerk, servant, or agent, or any person on the premises liable to a fine of twenty-five dollars, and costs of prosecution, the druggist or apothecary on whose premises the unlawful sale took place, shall forfeit his right to sell under a certificate for a period of three years.

Sec. 7—Gives municipal courts in cities, trial justices in counties, police courts and district courts in their respective jurisdictions, concurrent jurisdiction with the superior court in all proceedings under this act.

Sec. 8—This act not to apply to any prosecution pending at the time of its passage, nor does it in any way change form of procedure.

The legislature of 1873 have since repealed so much of it as exempted cider and beer from its provisions.

RHODE ISLAND.

In 1872 the General Assembly passed an Act in amendment of Chapter 670 of the revised Statutes, by which it was enacted :—

Section 1—No licenses for the sale of intoxicating liquor shall be granted by any town council, if at any regular meeting, said town vote not to grant any such licenses.

Sec. 2—Repeals all acts and parts of acts inconsistent with this Act.

In 1874, the General Assembly passed an Act by which it was enacted :—

Sec. 1—That all provisions relating to license in previous chapters are hereby repealed, and the words "licensed" and "unlicensed" are struck out of the chapter.

Sec. 2—This Act not to be construed to prohibit the sale of alcoholic liquors for medicinal, artistic, or mechanical purposes.

Sec. 3—This Act shall take effect from and after its passage.

The above Act came into operation on July 1st, 1874.

VERMONT.

SYNOPSIS OF THE VERMONT LIQUOR LAW.

Section 1—If any person in this State, except a town agent, shall, by himself or clerk, sell, furnish or give away intoxicating liquors, he is subject to a fine of ten dollars and costs, for each offence, on a first conviction; twenty dollars for each offence, on a second; and on a third conviction, twenty dollars for each offence, and imprisonment, not less than three months in the county jail. Provided that this law does not forbid "giving away" in a private house, unless the house be a place of public resort, or the gift be to a habitual drunkard, or at a public gathering for amusement, or at "raisings," &c.; nor does it forbid furnishing the fruit of the vine for commemorating the Lord's Supper.—General Statutes, chapter 94, sections 1, 9.

Sec. 2—The same penalties are imposed for keeping intoxicating liquors for the purpose of thus unlawfully disposing of them.—Sec. 13.

Sec. 3—If any expressman, conductor, teamster, or any other individual, shall knowingly transport within this State for any other persons (except to town agents for purposes recognized as lawful by our State laws,) or shall in any way aid or abet any other person in procuring or transporting such liquor to be unlawfully disposed of, the penalty is twenty dollars, on the first conviction; and on the second, fifty dollars, and from three to ten months imprisonment.—Sec. 44.

Sec. 4—Any person except an authorized agent who shall be a manufacturer or common seller of intoxicating liquor, in this State, is subject to a penalty of one hundred dollars, on a first conviction; and on a second, two hundred dollars; on a third, two hundred dollars, and imprisonment from four to twelve months. A common seller is one who is convicted of more than five and not over ten offences in one trial. It is provided, however, that any person can make and sell cider, and make for his own use any fermented liquors; but no person shall sell or furnish cider or

fermented liquor, in any victualling house, grocery, tavern, or other place of public resort, or to a habitual drunkard in any place. For each violation of this proviso the penalty is ten dollars.—Sec. 18, 19

Sec. 5—If any three voters in any town or city in this State come before a justice of the peace of their county, and make oath or affirm that they believe intoxicating liquor is kept in any place in their town or city, intended for sale, gift or distribution, contrary to our law, the justice must issue a search warrant to a constable, sheriff or deputy, who shall search the premises so described, and on finding such liquor evidently intended for such purpose, he shall take it in safe-keeping, and notify the owner or keeper to appear before the justice of the peace forthwith, and if it appears by evidence that such liquor was kept for sale or distribution contrary to this law, it is delivered to the town agent. If he finds it, on examination, fit for sale by him for lawful purposes, he is to sell it, and the proceeds to go into the town treasury. If he decides it unfit for such use, it is to be destroyed.—Sec. 22.

Sec. 6—Any person seen intoxicated may be prosecuted within thirty days afterwards, and fined five dollars and costs. It is the duty of any grand juror, selectman, justice of the peace, sheriff, deputy, or constable, who shall see any person in the town where they reside so far intoxicated as to disturb the public or domestic tranquility to arrest such person without warrant, and hold him in custody at the expense of the State till he is capable of testifying properly. He shall then bring him before some justice of the peace, when he shall be compelled to disclose where, and of whom, he obtained the liquor which made him intoxicated; and the person who furnished it to him unlawfully shall be summoned before the justice by warrant, and be discharged or fined, according to the evidence on trial.—Sec. 33.

Sec. 7—Any officer, who, on application, refuses or neglects to perform faithfully his duties under any section of this law, is subject to a penalty of not less than twenty dollars, nor more than one hundred.—Sec. 42.

Sec. 8—If any state's attorney shall offer to settle any case which he may have in charge under this law, with any offender, or release him during his trial, he is liable to a penalty of not less than three hundred dollars.—Sec. 43.

Sec. 9—In any case of an appeal from a justices' court, the witness who has testified may be put under the same bonds as the defendant for appearance as a witness at the county court.—Sec. 27.

Sec. 10—No person other than the respondent shall be excused from testifying, for the reason that his testimony may tend to criminate himself.—Laws of 1873.

Sec. 11—In all prosecutions under sections nine and thirteen, it is the duty of the prosecuting officer to allege in complaint, all known prior convictions under said sections to the number of two, and upon trial to prove the same, and in case of a wilful failure is liable to the penalty proscribed by section forty-two,—(Law of 1872.)

Sec. 12—Each town or city agent is governed by rules prescribed by the county commissioner, not inconsistent with this law; and whenever he violates such rules, or the law itself, it is the duty of the commissioner to remove him on application of three voters of the town, and the amount of the bond given by the agent is to be forfeited.—Section 49.

The agent is not allowed to purchase the liquors to be sold by him, but they must be furnished by the selectmen or aldermen, who are to fix prices on them.—(Law of 1863.) If an agent shall sell for other than medicinal, chemical or mechanical purposes (sec. 7), or without having a definite sum of money agreed on and allowed by the selectmen as his salary, he is liable to the same penalties as a common seller.—(Law of 1864.) If the selectmen or city aldermen, or mayor, shall make any arrangement with the agent by which his compensation shall be received in any other way than by a specific salary to be paid by the town or city, or allow him all or any portion of the profits, or make any arrangement by which he would be induced to increase his sales, each selectman, mayor, or alderman so offending, is liable to a penalty of five hundred dollars for such offence.—(Sec. 6.) If any person obtains liquor of any agent by false pretence as to purpose, he is liable to a fine of ten dollars and cost for each offence.—Sec. 11.

Sec. 13—In all violations of sections nine and thirteen, justices have the same jurisdiction as county courts; and a complaint signed by a town grand juror, is as good as a bill found by a county grand jury. Any town grand juror, or states' attorney, on receiving proper evidence, must proceed to prosecute: and it is the duty of the county grand jury to inquire into, and prosecute all violations not otherwise prosecuted. Any defects in the forms of complaints may be amended at the time of trial before a justice, and also when brought by appeal or otherwise to a county court.—Sec. 15, 35, 30.

Sec. 14—Any railroad conductor, express man, freight agent, teamster, or common carrier of any kind, who shall knowingly bring into or deliver within this state for any person, any barrel, cask, jug, box, or other vessel, capable of holding intoxicating liquor, unless such package is legibly marked with the name of the person to whom it is sent, or to be delivered, shall be subject to a fine of twenty-five dollars and costs.—(Law of 1868.)

Sec. 15—When any private citizen makes complaint, either in his own name before a justice, or gives proof to any prosecuting officer of the violation of the liquor law of this state, he is entitled to one-fourth of the fines recovered. In such case he must inform the regular prosecuting officer, or the court, that he claims such portion of the fine, otherwise it goes to such officer.—(Law 1869.)

Sec. 16—All vessels containing liquor are also confiscated; and any person claiming liquor seized must give bonds for costs of investigation.—(1869.) Any person who appeals to the county court from judgment of forfeiture, must give two hundred dollars bonds.—(Section 24, and law of 1869.)

Sec. 17—The Act of 1869 makes rumsellers liable for damages consequent on the use of liquors unlawfully furnished. And in case of death or disability of any person, all damage or loss sustained in consequence may be recovered, and coverture and infancy are no bar to proceedings.

Sec. 18—All cases arising under this law are to take precedence of all other trials in the court in which they are pending, except those of criminal cases where the respondents are under arrest; and neither the court nor prosecuting officer shall have authority to enter a *nolle prosequi*, or to grant a continuance in any case arising under this law, either before or after the verdict, except where, in their opinion, the purposes of justice require it.—(Law of 1872.)

MICHIGAN.

Sec. 1—Prohibits the manufacture and sale by any person, his clerks, servants or agents directly or indirectly of all kinds of intoxicating liquors.

Sec. 2—Money paid for liquor sold in violation of law may be recovered, all contracts, as well as all notes and other securities for which liquor formed part of the consideration to be null and void, unless innocently held.

Sec. 3—Makes the penalty for selling; First offence, a fine of ten dollars and costs, and stand committed to jail until paid; second offence, twenty dollars and costs and a like commitment; and for the third and every subsequent offence, one hundred dollars and costs, and imprisonment from three to six months at option of judge.

Sec. 4—Makes common sellers liable to double the penalties in the last preceding section, and on third or subsequent conviction six months imprisonment.

Sec. 5—Property of persons convicted under this law is liable for fine and costs after expiration of imprisonment, and until paid.

Sec. 6—Liquors kept in violation of this law deemed a public nuisance, and any person keeping same may be proceeded against as against any other nuisance; and shall be liable to a fine of twenty-five dollars in addition to any penalty or punishment as a nuisance, imprisonment for failure to pay, same as in previous sections.

Sec. 7—Upon proof under oath of a sale contrary to law within thirty days, magistrate may issue warrant to search dwelling house, all other places may be searched under authority of a warrant, such warrant to be issued upon complaint made that the complainant believes, and has good ground for believing that liquors are sold therein for purposes contrary to law. Liquors seized and condemned to be sold by the court and the receipts paid over to same purposes as the fine and forfeiture.

Sec. 8—Confers upon justices of the peace for counties, and of any municipal or police court in any city or village jurisdiction under this Act, except in suits brought to recover recognizances forfeited as in section 12. Suit may be brought by any resident of the County in the name of the people of the State. Municipal authorities to move in matter as soon as notice of violation by any person is given them.

Sec. 9—Witnesses to be subpoenaed, and any person whose name is given to the magistrate as being conversant with any of the facts of the case may be made a witness except the defendant.

Sec. 10—Suits under this Act may be commenced by summons or warrant before any justice of the peace or of any municipal or police court. Attachment to issue against any person who does not appear when summoned. Suits may also be brought in the circuit court.

Sec. 11—Forfeitures under this Act recoverable by indictment as for a misdemeanor, court to commit and imprison upon conviction, same as in action for debt.

Sec. 12—Appeals or writs of error may be taken or issue under this Act by either plaintiff or defendant, the same as in any other civil action, defendant when appealing shall give his personal recognizance in the sum of two hundred dollars and two securities to the satisfaction of the court, that pending the appeal he will not violate any of the provisions of this Act. County prosecuting attorney to have charge of all cases brought into circuit court, and to bring suit for any breach of recognizances. Court's permission to be first obtained before entering a *nolle prosequi* or discontinuing any case.

Sec. 13—Powers, rules of practice, proceedings and costs, under this Act to be the same as in other civil actions.

Sec. 14—No druggist or apothecary to sell any kind of intoxicating liquors, if carrying on any other business than the sale of drugs in the same place; druggists confining themselves to the sale of drugs and medicines may be licensed to sell intoxicating liquors for medicinal, mechanical, or chemical purposes, or for sacramental purposes; such persons to give bonds of five hundred dollars in townships, and one thousand dollars in cities or incorporated villages. Any sale in violation of law shall subject the bond to forfeiture—suit to be brought by the county attorney.

Sec. 15.—Giving away liquor with intent to evade the law, made equal to a sale, makes the giving of liquors to, or placing them in the way of, an habitual drunkard, an offence, also subject to the same penalty and forfeiture as in section 4.

Sec. 16—Persons found drunk, or complained of as being drunk, shall be brought before or summoned to appear before a qualified tribunal, and shall be interrogated as to the way and from whom he procured the liquor. Persons refusing to testify, guilty of contempt of court; persons so testifying to be exempt from penalty, and to be used as witnesses against the seller.

Sec. 17—All moneys received under this Act, in excess of expenses of prosecutions, to be paid over to overseers for the relief of the poor.

Sec. 18—Any person authorized to discharge any duty under this Act, wilfully neglecting the same, shall be proceeded against as for misdemeanor.

Sec. 19—Manufacture of pure alcohol to be sold out of the State, or in the State,

to druggists, who have given bonds, not prohibited, nor cider or wines from native fruit. Cider not to be sold in less quantity than ten gallons, or wine in less quantity than one gallon, not to be used on the premises where bought, and all to be taken away at one time.

Sec. 20—Exempts from seizure liquors imported under the laws of the United States and contained in the original packages.

Sec. 21—Repeals all previous laws inconsistent with this and also the Act entitled “An Act prohibiting the manufacture of intoxicating beverages and the traffic therein” and approved February 12th, 1853.

OHIO.

The law in force in this State is a law by which persons are prohibited from selling liquor, *to be drunk on the premises*, and makes the prohibitory features of the laws of other States applicable in all cases of violation of the above restriction. In fact the law is a license law by which the sale of liquor is permitted, but not to be consumed on the premises.

Your Commissioners would direct attention to the fact that the liquor law of neither state prohibits the manufacture or importation for private use of intoxicating liquors, but only the manufacture and importation for sale and the common sale, in violation of law, of such liquors; and also, that in Maine and Michigan cider and native wines are exempt from the operations of the liquor law of the State, and these conditions must be borne in mind in order to understand the statements herewith submitted in reply to the

SECOND QUESTION.—*Is the liquor law enforced, and if not what is the hindrance to its working?*

MAINE.

Governor Dingley said:—

“What is popularly known as the ‘Maine Law,’ but which bears on the Statute Book of this State the title ‘An Act to prohibit Drinking Houses and Tippling Shops,’ was enacted in 1851 and with the exception of two years, (1856 and 1857) has remained with slight modifications the law of the State to the present time.

For about two hundred years prior to the enactment of this prohibitory law, first, in the parent commonwealth of Massachusetts, of which this State was formerly a district, and then in the State of Maine, the system of licensing the sale of intoxicating liquors had been tried and had been proved to be practically powerless in restraining the evils of intemperance.

The temperance movement which commenced in this State soon after 1830, and which received a new impetus from the Washingtonian movement of 1840, soon after led to a discussion of the influence which more stringent legislation against the liquor traffic would have in supplementing moral suasion,

This discussion as early as 1846 carried the question of substituting the policy of prohibiting dram-shops by law instead of licensing them into municipal and State elections; and resulted in 1850 in the election of a legislature favourable to prohibition.

The 'Maine Law,' it should be observed, absolutely prohibits the sale of distilled and fermented liquors as a beverage, but authorizes the municipal officers of the several towns and cities to appoint an agent to sell the same for medicinal and mechanical purposes. It also allows the sale of cider and wine made from fruit grown in this State, although another enactment, popularly known as the 'Nuisance Act,' imposes severe penalties on the sale of any kind of intoxicating liquors, even though they be called cider or native wine for tipping purposes.

The manufacture of rum or alcohol to be sold in quantities of not less than thirty gallons, to town agents, is allowed on certain conditions; but at the present time I am not aware that there is any distillery in this State.

Although public sentiment was reasonably prepared for the 'Maine Law' when first enacted in 1851, yet an Act which suddenly prohibited a traffic that had always been authorized very naturally excited bitter opposition at the outset. In spite of violent opposition in every town, in spite of the failure of many prosecuting officers, and even jurors to discharge their duties faithfully, in spite of an organized political opposition at the polls in 1852, 1853 and 1854, to secure the election of a Legislature favorable to a repeal, the law was well sustained and even grew in favor, and was having a perceptible influence in breaking up the liquor traffic and restraining the evils of intemperance. Unfortunately in the early part of 1855, in dispersing a mob which had gathered in the city of Portland on the occasion of some procedure under the 'Maine Law,' one man was killed. The enemies of the law seized upon this to influence the public mind against the prohibitory system, and at the State election in September, 1855, succeeded in choosing a Legislature which in the winter of 1856 repealed the 'Maine Law,' and substituted the most stringent license law ever placed upon the Statute Book. This license law, however, proved a failure; and at the State elections in 1856 and 1857 legislators were chosen by a large majority, which in 1858 re-enacted the prohibitory law. Before it went into effect, however, the question of prohibition or license was submitted to the people, and the vote stood for prohibition, 28,864; for license, 5,912. The vote was very light.

The beneficial influence of the re-enactment of the 'Maine Law' was at once apparent, especially throughout the rural parts of the State. The opposition to it obviously grew weaker from year to year, and although there were frequent attempts to secure a legislature favorable to its repeal, yet they always failed. The temperance sentiment of the State became so preponderant in nearly all the counties as to secure a large part of the municipal and prosecuting officers; and jurors came to regard violations of the liquor law in the same light as violations of other statutes. The influence of the law as a temperance educator, even when only partially enforced, was

marked. Notwithstanding this measure of success, yet there were serious difficulties encountered in securing a faithful enforcement of the law; growing largely out of the fact that the victims of the dram-seller almost invariably endeavour to protect the men who tempt them to drink, while in the other crimes the victims are the first to complain of the violation of the law.

The rebellion which broke out in 1861, and which was not crushed till 1865, led to such a general concentration of public sentiment on war measures, that the "Maine law" was, during that period, very loosely enforced, and much that had been previously gained, was, for the time being, lost. The inevitable demoralization of war was seriously felt in this direction after the close of the rebellion, and it was not till 1867 that the ground thus lost was fully regained. In this year, through the temperance efforts which had been resumed with old time energy the previous year, such a public sentiment was developed as secured the enactment of the penalty of imprisonment on the first conviction of violating the "Maine Law;" and also the establishment of a state police, for the special purpose of enforcing the law. These two measures—the former being assailed as unnecessarily harsh, and liable to be used in cases of mere technical offences, to the injury of prohibition; and the latter assaulted as a departure from the old policy of enforcing laws through local officers, and especially as an alleged unnecessary creation of a new set of officers—met with opposition, even among many earnest friends of temperance and prohibition, and were repealed the next year. A law was enacted, however, which required municipal officers to enforce prohibition, and in 1872 another law which required the sheriffs of the several counties to aid in the same work.

Since 1866, as before the war, there has been a gradual but sure advance of public sentiment on the subject of temperance; and a very perceptible improvement in the enforcement of the prohibitory law. All organized opposition to the law has died out. The great majority, probably two-thirds of the people at least, heartily approve of it as the best system of restriction of the liquor traffic yet devised, and the most of the minority acquiesce in it as a policy which deserves a thorough trial. Slight amendments to facilitate the efficient working of the law have been, from time to time made, but its essential provisions remain as originally enacted. Not only the courts of the State, but also the Supreme Court of the United States, have affirmed the constitutionality of the law, and also of the various summary provisions which give it vitality. In practice, its execution is found easy except so far as special difficulties are encountered in the avarice of the rumseller and the appetite of his victim. Prosecuting officers are generally ready to prosecute, juries to convict, and judges to impose sentence. One good effect of the enforcement of the law is seen in the fact that while in 1866 there were eighty-three convicts committed to the state prisons, last year there were only twenty-two.

Inasmuch as under our system of government, the execution of all our laws is in

the hands of officers selected by towns or cities, or by the several counties; the measure of enforcement in different localities in the State depends largely upon the local sentiment; and hence it is found that in some parts of the state the law is enforced more faithfully than in other parts. Our cities and large villages, where the influence of immigration is most felt, are far behind the rural portions of the State in the enforcement of the law. Yet, in nearly all our cities, with, perhaps, two or three exceptions, the law is enforced to a great extent with evident beneficial results; and even in the two or three cities in which there is greater looseness in this direction, the traffic is by no means so free and open as it would be under a license system. In more than three-fourths of the State, especially in the rural regions, the law is as faithfully enforced as any of the laws of the State, and open dram shops are unknown. In the two or three cities where the traffic is more open, in consequence of a less positive public sentiment, I have no doubt that a better organization, and a more general manifestation of the existing temperance sentiment would secure a much better enforcement of the law, either through the present officers, or through the election of officers more disposed to do their duty. This is a difficulty which, under our elective system for all offices, it is well nigh impossible to overcome, except through an improvement of public sentiment in the two or three cities to which I have alluded.

Under the appointment system for life which obtains in Canada, this is a difficulty which you would not encounter.

You will hear it said sometimes "that the Maine law is a failure in this State, so far as it tends to restrict intemperance and the use of intoxicating liquors; and that its only effect has been to substitute secret for public drinking." Indeed some so-called seekers after truth, who have simply visited our two largest cities, where, for the reasons I have already stated, the beneficial effects of the law are least felt, have gone away and claimed to be able to pronounce a verdict for the entire State. You will readily see how superficial and untrustworthy in this respect must be the judgment of a stranger who does not visit the rural portions of the State, where three-fourths of our citizens reside. The great improvement in the drinking habits of the people of this State within thirty or forty years is so evident, that no candid man who has observed or investigated the facts can deny it. This improvement is owing only in part to the influence of prohibition, for law can only supplement and strengthen moral effort.

Forty years ago intoxicating liquors were sold as freely in this State as the necessaries of life. It is notorious at that time, and later, nearly every country store and tavern was a dram shop. I happened to have statistics gathered in 1834, in the then rural town of Waterville, in a neighboring county, when it appeared that nearly every store and tavern sold intoxicating liquor by the glass, the sales of liquor in that year being four hundred hogsheads. The town has since then increased largely in population, has become a flourishing manufacturing village, and received a large influx

of foreigners; yet, at the present time, there is not an open dram shop within its borders, and the secret sales are confined to a few out-of-the-way dens where the forbidden fluids are kept in concealed bottles or jugs. I allude to this town simply as a specimen of hundreds of others.

This city (Lewiston) and Auburn on the other side of the Androscoggin River, both practically one city, with a population of about thirty thousand, have not to-day, and have not had for some time, any open dram shop. The only sales are made secretly from packages which are kept secreted under ground, or in unheard-of places. None of the hotels are known to furnish liquors, even to their guests. And yet, forty years ago, when these cities were settlements, every store and hotel sold liquors more freely than merchandise. Then nearly everybody drank in this State, and drunkenness was common. Now more than half of our citizens are practical abstainers; the use of intoxicating liquor, as a beverage, by any man serves to injure his reputation; the general knowledge that a candidate for office is liable to drink to excess is almost sure to defeat him; and cases of drunkenness in the rural districts are rare. Taking into consideration the increase of population, the consumption of intoxicating liquors is not in this State one-fourth as great as it was thirty or forty years ago. Leaving out of consideration the large foreign immigration which has poured into our State during this period, I do not believe that our native population use one-eighth of the intoxicating liquor which they once did. How much influence the Maine Liquor Law may have had in this direction may be inferred from a comparison of the sales of liquor dealers in 1871, as ascertained by the United States revenue officials, from which it appears that in the State of New York, where license prevails, they were more than four times as large, per inhabitant, as in Maine. I may observe here that there is no conflict between the United States' laws, which impose a tax on liquor dealers, and the prohibitory laws of any state, because the United States' law expressly provides that no authority is given under it to any person to sell liquors in violation of any state law.

I may mention as another evidence that the apparent temperance progress in this State is real, and that secret drinking has not taken the place of open drinking; that all large gatherings of people in this State are strikingly free from the drunkenness and bloody collisions which thirty or forty years since were always incident to large assemblages. For example, a few weeks since there was a large gathering of Odd Fellows at Portland, our largest city, and consequently an unfavourable point for comparison. I am informed by reliable gentlemen who were present, that there were very few intoxicated persons to be seen anywhere; and that a fellow who undertook to sell liquor secretly on the island, where thousands had assembled socially, was unceremoniously arrested and ignominiously taken away.

Within a few weeks, also I attended a four days' encampment of nearly one thousand state troops near Bangor, another of our largest cities, and notwithstanding there

were more than eight thousand people present on the grounds on the day of the review, yet I saw but one case of intoxication of a soldier, and one of a citizen, and I was informed by officers on the grounds that hardly a dozen cases came under their observation, and the most satisfactory order prevailed at all times. Thirty or forty years ago our annual musters in this State were notorious for drunkenness and bloody fights: the improvement is too manifest to be denied.

The Governor said: "That he had thus gone over the ground in detail, not only to correct misapprehensions as to the working of the Maine Law, which have gone abroad, but also, and particularly, for the purpose of indicating to Your Commissioners the line of investigation it would be desirable to take." In reply to an inquiry from us as to whether prohibition would, in his opinion, work as well in the other states, or in the Dominion of Canada, as in Maine, he said: "This would entirely depend upon whether there existed in the other states, or in Canada, or in any of its provinces, as good a temperance sentiment as in the State of Maine. Law, he remarked, is effective only as it represents an existing public sentiment; and although legal enactments in moral directions clearly have a tendency to develop such a sentiment; yet, it will be found their power as law will be comparatively small in a state or province where they fail to represent a preponderating public sentiment. Therefore a prohibitory law would not be effective, except as a popular educator, where there was little developed temperance sentiment, hence modified prohibition, or prohibition made optional with municipalities, will often be found necessary, as stepping stones, to complete prohibition, which is the goal that all effective legislation in restraint of dram-shops must aim to reach."

Note by Com.—Since the above interview, Governor Dingley has been re-elected by a larger majority than in his previous election. When the word town is used it must be understood the same as township in Canada.

PORTLAND.

J. H. Drummond (Councillor, formerly Speaker of the House of Representatives, Attorney-General of the State, and now Republican candidate for Congress) said: "According to his experience there was the same difficulty in enforcing a license law as a prohibitory law; the prohibitory law did a good work for years up to the time of the war; the effect of the law when enforced was decidedly good; it requires a public sentiment to uphold it, and then the sale of drink is very decidedly reduced. In the district he represented in 1860, the law was now thoroughly enforced, and there were no more violations of the law in proportion to the drinkers, than there were violations of the law against theft in proportion to the thieves. Attributes the present comparative inoperation of the law in Portland to the still felt demoralizing influences of the war. Is of opinion that the public sentiment of the city would not enforce it, and thought temperance sentiment had not as yet regained the ground it lost during the war. In 1855 the opposition to the law was intensified; the Democratic party

opposed it, and thus it was brought into politics. In 1866 the prohibitory law was repealed, and a license law enacted, but it was in reality—free rum. In 1858, the increase of drunkenness produced a reaction against the license law, and the prohibitory law was re-enacted. One reason of the inoperativeness of the law, is the fact of its supporters not being directly pecuniarily interested, while its opponents are. He thought crime had diminished materially under the operation of the law, even where only partially enforced. That the law exercised a moral restraint. The grand jury is in its favor and discharge their duty, and that its operation through the State was decidedly good."

Ex-Mayor of Portland—(this gentleman declined to allow his name to be used)—said: "He had watched the operations of the law in the city since its enactment, and was of opinion it was a decided failure; but he was opposed to license, as it gave a legal recognition to wrong. He supposed there were as many liquor-sellers in Portland to-day as ever; that he had formerly been favorable to the law and advocated it the effect of the law had been to banish the sale of liquor to the lowest quarters of the city, and had driven every respectable man out of the traffic. The closing of the open bars certainly did diminish drinking, and the effect of the law when enforced was good. Neal Dow, when Mayor of Portland, did not enforce the law against hotels when they only supplied their guests. Portland is a difficult city to deal with from the fact of its foreign and floating population. If put to the vote in this city the majority would be in favor of prohibition; but he believed many would vote for prohibition who would prefer license, but they did not like to be classed with the rummies. For the country it is the best law you can get; there is not a better law on the Statute Book. In the district in which his brother resided, containing close upon five thousand inhabitants, if any man attempted to sell liquor he would be most effectually dealt with. A proposition to repeal the law would be knocked on the head before you would know it had been made. The prohibitory law has made the traffic infamous. The law has been an educator, and has made the traffic so disgraceful that men are loath to mix up with it, if they have any character to sustain. In this city, if any man known as a rum-seller or drinker, was a candidate for office, he could not be elected, and the effect of the law, when enforced, was decidedly good."

Judge Clifford (formerly Attorney-General of the United States, and now Associate Justice of the Supreme Court, the highest judicial tribunal of the United States), said: "That in principle he was more favorable to a stringent license law than to a prohibitory law, but he was bound to say, that under the operation of the law there had been a diminution of crime, and that one effect had been to make the sale of liquor disreputable, and to confine the traffic to the lowest class of persons. As Judge of the Supreme Court, he had recently given a decision in an appeal case where liquor had been seized under the law *in transitu*, and he had sustained the seizure and dismissed the appeal."

Hon. S. L. Carleton (formerly Alderman of Portland) said: "That the law was not enforced as it should be in Portland, but, remembering the city as he did, before the passing of the liquor law, he could speak positively as to the change for the better; he did not shut his eyes to the fact that there were drunken men to be seen occasionally, or that the bars in hotels were open; but he did know also that the sale of liquor had been banished to the lowest streets of the city; that it was now a crime and done in secret, and that the men who sold liquor were looked upon with contempt, even by many of the drinkers themselves; that the law in prohibiting the sale of liquor had taken from it its only claim to respectability, and had outlawed it."

Mr. Hobbs (reporter of "The Argus") said: "It was his belief that the moral and Christian sentiment of the city was in favor of the liquor law; that he believed a vote pure and simple on the question of prohibition would be in the affirmative; that owing to the laxity in enforcing the law in Portland, selling liquor, and consequently drunkenness, were on the increase. He attributed the laxity of officials to two causes: First, fear of losing office; second, the opponents of the law are active, while its friends are passive. Since the removal of prohibition from cider and native wines, the consumption of these drinks had largely increased. During 1872 the sheriff did thoroughly enforce the law for four months, and during that time drunkenness was materially decreased, and no open sale was known without being prosecuted; public sentiment is against the public rumseller; the public view him as a mean man, and apply the term rum-seller as a reproach, knowing as they do that selling liquor is a violation of the law."

Mr. Brydges (Deputy Marshal) said: "That the law was not enforced by the city police, because they considered the Legislature had, to a certain extent, taken it out of their hands and put it in the hands of the Sheriff; but one effect of the law had been, that with the exception of hotels, the sale of liquors had been driven to the very lowest streets, and into the lowest dens of the city. That at the present time Portland needed twenty more policemen; but that if the liquor law was enforced as it should be, they could largely reduce their present force. During the four months the Sheriff enforced the law in 1872, they were seven days without an arrest."

BANGOR.

General Dyer (Inspector General of Militia) said: "That in his county (Kennebec), with a population of about thirty-nine thousand, containing three cities and twenty-four towns, the law was enforced; that it was the best law they ever had, and that it materially improved both the moral and social condition of the people, as it reduced crime and poverty. It was a great point to remove the temptation, and he felt confident the vote of the State, if taken, would be against its repeal. He said that yesterday some liquor was secretly brought on to the camp ground, but it was suspected, searched for, seized and destroyed at once."

H. Clay Goodman (Judge of Police Court) said: "There was always more or less of the enforcement of the liquor law in Bangor by the authorities; that during the last three months he had issued one hundred and twenty warrants for search and seizure, to which as yet there had been no returns; that fifty cases had, in the same time been tried by him; ten of these had been decided by his ordering a fine of fifty dollars and costs; and forty had been appealed. In some years the law was better enforced than in others; and during the years in which it had been most stringently enforced crime had decidedly diminished, and he had no hesitation in saying that nine-tenths of the cases brought before him were the results of liquor; the law has been largely beneficial when enforced; also it has done much to make drinking disreputable, and to put down drinking amongst the respectable classes. There is no doubt on my mind that the absence of the supply diminishes the demand."

Altheus Lyons (Police Court Recorder) said: "He had kept the records of the court during the last eighteen years. In the cities, crime had no doubt increased with the population; but in the country districts it has decreased. I remember as far back as 1826 when no business could be done without liquor. In Waterville, where he was residing, was conversant with the fact that one merchant in three months sold three hundred barrels of rum, and now he doubted if in that same place you could get a glassful. (This is the same town as the Governor refers to.—Com.) The law has been partially enforced in this city ever since its enactment, but was not so well enforced in 1873. It was well enforced in 1869, and also in the mayoralty terms of Messrs. Wakefield and Wheelwright; and that in the years when it had been well enforced, the number of cases before the court had been materially reduced. He is of opinion that on the whole the law is pretty well enforced, but that the sale never would be entirely suppressed in cities, but still the law would always exercise a beneficial influence. The temptation to violate the law was so strong—the profit on liquor between the manufacturer and the consumer would be about one thousand per cent. The effect of the law has been to make the traffic disreputable, and the absence of the open sale makes a considerable reduction in drinking. The law is not now thoroughly enforced in Bangor. Ale and beer are sold by all who choose without let or hindrance. //

Alderman Crosby said: "He had held several offices in the city within the last twenty years; that as City Solicitor it was his duty to, and he did enforce the law; he was quite satisfied the law did diminish drinking, and as a natural consequence crime.

O. H. Ingalls (one of the overseers of the poor) said: "He had been connected with the relief of the poor for the last twenty years; the statistics of the city as to poverty would be no fair indication of the working of the law, as they had such a continued influx from the country districts and of a foreign element; but if the liquor law was thoroughly and uniformly enforced, he would give bonds that after deducting

the expense of the insane poor he would reduce the cost of poverty to the city in one year one-third, and in five years two-thirds of the present expenditure. The United States' marshals look well after every person selling liquor; and this year in Bangor, including druggists and hotels, there were about eighty licenses from United States.

(For explanation of last sentence see remark made by Governor Dingley as to tax for war purposes.—Com.)

Mayor Blake said: "Personally he was more favourable to a stringent license law for cities, but still must admit that although the law had been only partially enforced, yet the sale of liquor had been driven into the lowest quarters, and into the hands of the most disreputable class, and that certainly the absence of the open sale diminished drinking and consequently crime."

ORONO.

A township situated north of Bangor about ten miles—in area, six miles by five—containing a population of about three thousand. In the village of Orono there are about eighteen hundred inhabitants; the chief occupation is lumbering, and the population is about one-third French Canadian and Irish. The whole of the municipal matters are in the hands of the selectmen who are elected annually, and hold about the same position as our municipal councillors.

Robert Hamilton (one of the Selectmen) said: "The law is better enforced now than formerly; the greatest trouble is with the foreign population; they are the principal violators of the law; does not think liquor has been sold at the only hotel in the town for the last ten years; has not seen more than three drunken men in as many months; have very little poverty. The law has been enforced during the last five years, and there is now less poverty with more population.

Nathan Frost (one of the Selectmen) said: "He remembers Orono before the passing of the liquor law, having resided there over forty years. There is now a vast difference as to the drinking habits of the people compared with then, there being much less drinking with a largely increased population; and crime has also much decreased. The only hotel in the town is the next house but one to his, and formerly it was a great nuisance, rows being of frequent occurrence; but it is now as quiet as any other house, and he is satisfied there has been no liquor sold in it for six years; the violators of the law are amongst the foreign population. The enforcement of the law has had a great effect upon the social and moral condition of the people, and has very materially reduced poverty within the last five years since the law was better enforced; he has not, up to this date, (September 5th,) seen a man drunk since the snow went away.

J. J. Bennoch (Trial Justice) said: "The law is a success; the moral condition of the people is much improved, and the consumption of liquor has very largely decreased; has been acquainted with the neighborhood for sixty years; last year he paid into

the treasurer's office four hundred and twenty-five dollars as the proceeds of liquor cases; my own experience is that eight cases out of ten that come before me arise from drink. During three years I held the office of Commissioner of Audit for the county; the police bills had to pass through my hands, and I can say ninety per cent. was attributable to liquor. This town has, by vote at its yearly meeting for the last ten years, instructed its officers to enforce the law, and the vote has always been without a dissentient voice. During the last year I had before me, in my official capacity, eighteen cases, and of these six were breaches of the liquor law; all matters coming within police jurisdiction come before me. The same state of things exists in Oldtown, another town adjoining this, with a population of about four thousand."

ROCKLAND.

A city on Penobscott Bay, containing about seven thousand inhabitants. Near the city there are four islands on which about four thousand men are employed in getting out a stone much used in public buildings, as distant as Washington.

Joseph Farwell (United States' Justice) said: "He had resided here for forty-five years; was mayor of the city from March, 1867, to March, 1869; remembers the period prior to the passing of the Maine Law; at that time licenses were granted for one dollar; in this town then there were fourteen stores, and liquor was sold in all but two; the drinking customs were universal—at every gathering, such as raisings, town militia musters, huskings, and fourth of July celebrations, fights were of frequent occurrence; but now there is no open sale in the city. Is of opinion that the law being on the Statute Book, even if not enforced, has a good moral influence, as it familiarizes the people with the fact that rum is outside of law. In 1874, that is at this year's meeting, they did away with the town agency for the sale of liquor, by a vote of two to one. Some two years ago there was a gathering of several thousand people to witness a review of forty-five companies of state militia, and in connection with that gathering there were only two arrests. The law was better enforced during his mayoralty than before or since, though always enforced more or less. Has travelled all through the State, and passed through town after town where there has not been a drop of liquor sold. Cities are worse, because all the drunken classes from all round the neighbourhood flock into them. Our greatest trouble is from the workmen from the islands. There is a small steamer that plies between the islands and the city, and Saturday afternoons, all who want a drunk, as there is no liquor on the islands, come up here, and all sorts of manœuvres are resorted to in order to evade the law; men go about with a bottle of liquor in their pockets, and will sell out of it by the glass. Attempts are made to bring liquor into the city, hid away in other packages, and described as other merchandize. There is a great difficulty in getting testimony to convict. It would be a great advantage if the officers were permanent instead of elective. The effect of the license law when tried in 1856 and 1857 was to so deluge the State with rum, that the liquor law was re-enacted by a larger majority than ever.

Mr. Kallock (one of the proprietors of the Thorndyke Hotel) said: "He spoke as an hotel-keeper, and he thought he was well qualified to do so, as he was born in an hotel, and always brought up in one, and had never been connected with any other business; was running this hotel on strictly temperance principles, and had been doing so for a year. It is the principal hotel in the city; was told he would fail in it, but was resolved to try it; is largely supported by commercial travellers; and on his telling them he intended to comply with the law and close the bar, but that he thought he would be compelled to raise his board rate half a dollar a day, they unanimously asked him to make it a dollar, but he refused, and said he would try the lower rate first; he had never done better, and he had never had as quiet a house. He made up ninety beds, and he was considering the possibility of enlarging that number one-half. He said he was in as good a position to form an opinion as any man, and he was decidedly satisfied that the effect of the law, as an educator, and as a restraint, was very great. On being asked what induced him to make up his mind to give up the sale of liquor, he replied: 'At that time I became a converted man, and I found I could not be a Christian and sell liquor.'"

City Marshal Braxley said: "The law is not enforced as fully as it might be, but I think it is enforced as far as public sentiment will sustain it. We have a very difficult population to deal with owing to the islands being inhabited chiefly by a foreign element; out of twenty-five arrests, twenty-four will be strangers. We have not more than eight or ten habitual drunkards in the city. Since last March I have sworn out about one hundred and seventy-five warrants for search and seizure, and have been successful in about one-half. The liquor-sellers are well organized, and they will not make a sale without a man at the door to watch, and on the appearance of an officer there will be a signal given—that is how well the law is enforced."

THOMASTON.

A town a few miles from Rockland, in which the State Prison is located, containing about three thousand of a population.

W. W. Rice (Warden of State Prison) said: "The prison is a sort of moral thermometer, indicating, with great precision, the working of the liquor law on the outside of the walls. He thought all would admit that since the enactment of the clause empowering the sheriff to act, the law had been better enforced. All prisoners who are sentenced to a longer term than one year, are sent to this prison. At the termination of the war there was a speedy influx of prisoners from the demoralizing influence of the war. By observation and questioning the prisoners, I know that seven-eighths are here through liquor; the drinking customs are gradually diminishing; there are no places of open sale in this town; the effect of the law has been to make the traffic infamous; where the law is only partially enforced it has a good influence, because it outlaws the traffic. I think it would be a decided advantage to have officers permanently appointed.

AUGUSTA.

H. W. True (Judge of Police Court) said: "I have been Judge of this court nine years; the law is pretty effectually enforced, although the law itself is deficient in some points, more particularly as to the proof of violation. This city has a population of some ten thousand, and very little drunkenness is seen on the streets; a vote of our people would be opposed to its repeal. My experience tells me it is a success; and in the rural districts it is a decided success. In the cities it permits us to control the traffic; over two-thirds of the crime is due to drink; the effect of the law has been to very much curtail the traffic and make it disreputable; for the county of Kennebec, with a population of about fifty-four thousand, the docket of crime of all kinds would be about eight hundred. There is a large class of people who think too much of themselves to go into the quarters where the illegal sale is carried on in order to get it, and on that class the law exercises a great restraint. There has been no liquor agency in the town for ten years."

Hon. George G. Stacy (Secretary of State) said: "I have known the city of Augusta fifteen years; there were then open bars, but now not one, and the law has been a success, though of course selling is not entirely suppressed. The effect of the law has been to largely reduce crime, especially that class of crime such as gambling, fighting, &c. It is a rare thing to see a drunken man in the streets. In 1856 the legislature enacted a license law which was repealed in 1858 after two years and three months experience of its working.

"Therefore we have vigorously enforced the law against the sale of liquor, the result of which is apparent to those who are nightly called to the immediate neighbourhood of its accustomed sale. We have received the cordial support of the best class of the community. We find the only opponents of the law among the class who sell or use intoxicating liquors. * * * * *

"If the people of Lewiston could see the effects of the use of intoxicating liquor as we see them, they would have, as we have, the most ardent desire to see drinking houses suppressed. I have endeavored to give the liquor law a full and faithful test. I see no reason why it does not work well, and would recommend a still more vigorous enforcement of the law.

"There have been seized on warrants during the year, three hundred and twenty-one and three-quarter (321½) gallons of liquors. Ninety and three-quarter gallons have been returned to the owners claiming the same, while two hundred and thirty-one gallons have been spilled, according to law.—(From reports for 1871 and 1874 of the City Marshal of Lewiston.)

"Amount of liquors seized on warrants for search and seizure, 2,260 gallons. The expenses of the police department have been nearly paid, during the year, by the fines collected and the seizures made by the officers.—(Year ending February, 1867.)

“ Amount of intoxicating liquors seized on warrants for search and seizure is 680 gallons.—(Year ending February 1868.)

“ Amount of liquors seized on warrants for search and seizure: Whiskey, 1,254 gallons; rum, 547 gallons; gin, 321 gallons; brandy, 41½ gallons; ale, 53½ gallons. Total, 2,695 gallons.—(Year ending February 1870.)

“ Amount of liquors taken on search and seizure process, 222 gallons.—(Year ending February 1872.)

“ One hundred and ten persons have been arrested on search and seizure warrants, of which number eighty-four were fined \$50, and costs of prosecution. Seven were arrested for single sale and fined \$30, and costs of prosecution. In addition to the above named 110 searches and seizures, fifty-two seizures have been made at boats, cars, storehouses, sheds, &c. Total number of seizures, 162. Amount of liquor taken on search and seizure process, 5,679 gallons.—(Year ending February 1873.)

“ Twenty-five persons have been arrested on search and seizure warrants, of which number twenty-three were fined \$50, and costs of prosecution. Amount of liquors taken on search and seizure process is 282 gallons.”—(Year ending February 1874.)

The above extracts are from the annual reports of the City Marshal of Bangor.

“ More than twenty years ago the people of Maine adopted the principle that society has a right to protect itself from the evils of intemperance by legislation. This legislation, like other laws, being the expression of the moral sense of the community, has had an important influence in establishing a standard of right and wrong on the subject of drinking.

“ The law has, I think, been largely enforced, and with good results, in the country, the villages and smaller towns, where strongly sustained by public sentiment; and to a less degree in the cities, where the elements of opposition have been more powerful.

“ It will be our duty to enforce this as well as all other laws, and protect the city, as far as we can, against the evils which the last police report exhibits.”—(From Mayor's Inaugural, Bangor, 1870.)

“ During the past year a general desire on the part of the citizens for the suppression of the illegal sale of intoxicating liquors, has called in the aid of the officers of justice, and prosecutions for violations of law have been very frequent. Through the vigilance of the officers the traffic has been very much curtailed, and in many instances entirely broken up, and the violaters driven from the city.

“ I have seized about 100 gallons of liquor during the year.”—(From Mayor's Inaugural and City Marshal's Report, 1867, Rockland.)

“ During the first part of last year prosecutions were commenced against a number of individuals who were engaged in the illegal traffic in intoxicating liquors, and considerable quantities of the article were found, seized, condemned, and either

destroyed or turned over to the city agency; and from time to time during the year prosecutions have been made, and liquors have been seized and condemned, and in every case where evidence could be procured, the law has been strictly enforced, so that the traffic—although it is an impossibility entirely to suppress it—has been confined to the very lowest grade of society, and effectually restrained. Some of its strongholds have been taken and a full surrender made, and their illegal business destroyed, and their dens of iniquity abandoned and closed. It will be my duty and pleasure in the year upon which we are entering, as in the past, to see the laws executed. * * * All the expenses of liquor prosecutions,

seizures, extra police, or in any other way arising from attempts to suppress the illegal traffic in ardent spirits have been paid from the proceeds of the confiscated liquors—not one cent has been drawn from the treasury to defray any of those expenses—and the city will receive from that source some hundreds of dollars besides.

“There has been seized the past year some fifteen hundred dollars worth of liquors of various kinds, and from various persons who were selling the same in the city in violation of the law. One half being fit for use was turned over to the city agent, and the balance destroyed.”—(From Mayor's Inaugural and City Marshal's Report, Rockland, 1868.)

“I made twenty-three seizures of intoxicating liquors during the year. The whole quantity of liquors obtained by these seizures is 562 gallons, all of which has been destroyed.”—(Rockland City Marshal's Report, 1872.)

“The City Marshall, and the police force under his supervision, are entitled to great praise for the ability and fidelity with which they have discharged the delicate and responsible duties entrusted to their care. The security of our property is largely due to their watchfulness and vigilance, and the promptness and impartiality with which they have executed the penal laws, and especially the laws relating to drunkenness and the sale of intoxicating liquors, have won for our city a reputation for good order and sobriety of manners which it is believed is not surpassed, if it is equalled by any community in the State.

“I have made twenty seizures of intoxicating liquors during the year. The whole quantity of liquor obtained on these seizures is 389 gallons, all of which has been destroyed.”—(Mayor's Inaugural and City Marshal's Report, Rockland, 1873.)

“I have made forty-five seizures of intoxicating liquors during my term of office (11 months). The whole quantity of liquor obtained from these seizures is 1,505 gallons, all of which has been destroyed.”—(Rockland City Marshal's Report, 1874.)

“The quietude of our streets has been noticed, and has elicited favourable remarks from our citizens. This gratifying result is attributed in a measure, to the moral reform which has been in progress, and to the vigilance of the police, under the quiet and efficient management of the chief of that department, whose determined and persevering efforts have foiled offenders in their subterfuges and evasions.

“Prosecutions in liquor cases, 72; discharged, 8; warrants returned—‘nothing found,’ 22, showing a conviction in 40 cases.”—(Mayor’s Inaugural and City Marshal’s Report, Augusta, 1873.)

“The police department has been managed with the usual ability displayed by the chief officer; with a small number of active and vigilant subordinates the streets have been kept quiet, and offenders promptly arrested, and the evil inclined persons deterred from the commission of crime.

“There have been fifty-seven liquor prosecutions during the year.”—(Mayor’s Inaugural and City Marshal’s Report, Augusta, 1874.)

By figures taken from the city records of Portland, it appears that from 1864 to 1873, both years included, there were made in that city, by the police, 906 seizures of intoxicating liquors.

“This system has had a trial of only twenty-two 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 of this State as the proper policy towards drinking-houses and tippling-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. * * * 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 for human enactments to entirely prevent theft, robbery, arson, or even murder. Indeed, any effective enactments against practice 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 three-fourths of the State especially in the rural portions, 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 that drunkenness in the rural towns is 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 unfrequently with much thoroughness; and has never been without that important influence for good, which all laws in moral directions exert.”—(Extract from Governor Dingley’s Address to the Legislature, January 8th, 1874.)

“The laws against intoxicating liquors are as well executed and obeyed as the laws against profanity, unchastity and murder.”—(Extract from Address to the Legislature, 1870, by Governor Chamberlain.)

“The present law where it is enforced, is, so far as I can judge, as effective in the suppression of the traffic as are other criminal laws against the crimes they are intended to prevent. In the majority of our counties the law appears to be well executed with very favourable results.”—(From Governor Perham’s Message to Legislature, 1872.)

“Within the fiscal year ended June 30, 1873, in portions of the country the sale of fermented liquors was prohibited by State enactments, and numbers of brewers were thus cut short, by other than business causes, of the time within the year during which they would have continued to operate, and the production of those continuing to manufacture in the State referred to has been materially lessened.”—(From Official Report for 1873, of United States’ Commissioner of Internal Revenue.)

Hon. Woodbury Davis, Judge of the Supreme Court for ten years, and since deceased, published a letter of which the following is an extract:—“The Maine Law even now is enforced far more thoroughly than the license laws ever were. In proportion to the number of people participating in the evil to be suppressed, it is enforced in this State, as well as are the laws to prevent licentiousness.”

Such laws are not useless even in communities where they are but rarely enforced. As teachers of the public conscience, the standard of which is seldom higher than human law, their value is above all price. Many a man refrains from buying intoxicating liquors, when he wants them, simply because he must buy of a violator of the law; and this is often the secret of his opposition to the law. He does not like to give his conscience a chance to appeal to such a law. It tends to make both buying and selling disreputable. It holds up the standard of right, and puts the brand of infamy upon the wrong. He is a blind observer of the forces that govern in human life who does not see the moral power of penal law, even when extensively violated, in teaching virtue and restraining vice. There is many a community in which the really virtuous are in a minority, and yet by the moral power of their principles, they so mould the laws and customs, even of the majority, that vice is to a great extent shamed and powerless. When the Maine Law was adopted in this State there were thousands who would have voted against it if they could have done it secretly, who did not. It is only because of this inherent weakness of vice, and this intrinsic power of virtue, which makes the wicked cowards, and the righteous bold, that good laws can be secured and enforced anywhere. And by this, the Maine Law can be executed as well as others. 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 that of 1851. Before that time the old temperance reform, and the Washingtonian movement had each successively

reached its climax. And notwithstanding all the good that 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;" at almost every village and "corner" was a grog shop, and in most places of that kind, more than one, where old and young men spent their earnings in dissipation. Men helplessly drunk in the streets, and by the way side, were a common sight; and at elections, at military meetings and musters, and at other public gatherings, there were scenes of debauchery and riot enough to make one ashamed of his race. What has become of this mass of corruption and disgusting vice? It seems so much like some horrid dream of the past that we can hardly realize that it was real and visible until twenty years ago. The Maine Law has swept it away forever. In some of our cities something of the same kind may still be seen. But in three-fourths of the towns in this State such scenes would now no more be tolerated than would the revolting orgies of savages. A stranger may pass through, stop at a hotel in each city, walk the streets in some of them, and go away with the belief that our law is a failure. But no observing man who has lived in the State for twenty years and has had an opportunity to know the facts, can doubt, that the Maine Law has produced a hundred times more visible improvement in the character, condition and prosperity of our people than any other law that ever was enacted.

I have always resided in this State. At the bar I assisted in conducting, to a successful result, scores, if not hundreds, of prosecutions, against liquor sellers, under the Statutes of 1846 and 1851. Having, since 1855, served for nearly ten years as one of the Associate Justices of our Supreme Court, I have tried many cases against common sellers in different counties, from one extreme of the State to the other, and notwithstanding the unfaithfulness or timidity of temperance men, the difficulties of enforcing the law, the inadequacy of its penalties, and the effect of the war in retarding its execution, I am convinced by what I have seen, that it has accomplished an incalculable amount of good. Of our four hundred cities and towns, making the estimates below what I believe the facts would justify, I am satisfied that in more than one hundred the law prevents any sale of liquor whatever for a beverage. In at least two hundred of them it is sold only in the way that Doctor Bacon calls "on the sly," just as in the same towns there are persons guilty of lewdness and other crimes. In most of the other hundred towns liquors are sold probably without much restraint. But the traffic generally shrinks from the public gaze, conscious of its guilt and shame. And though the law is but partially enforced, prosecutions under it are numerous and constant, even in places where large quantities are sold. The condition of things therefore, even in such places is far better than ever it was under the license law.

Such, I believe, to be a fair statement of the existing facts and circumstances connected with the Maine Law in this State. It is not claimed that they prove our

law to be executed as faithfully as it ought to be, nor that under it or any other law, the improper sale and use of intoxicating liquors can ever be entirely suppressed. But it is claimed that they prove the Maine Law, even with its inadequate penalties, far superior to any licensed laws; and that there is no such failure to enforce it, as will justify either the friends or the enemies of the temperance reform in opposing it.

And if such men, instead of carping at it, or at best refusing to advocate it, would come out publicly and give it a cordial and hearty support, its provisions would soon be made more stringent, "the tone of public sentiment in regard to it would become higher and stronger, and its more vigorous execution would soon make it a terror to evil-doers, who now trample it under foot."

MASSACHUSETTS.

Governor Talbot said: "The law has not accomplished *all* that its friends hoped it would. In country towns it is carried out, and the traffic in intoxicating liquors is substantially stamped out, and the sale of liquor; when sold, is done in secret. There is no more difficulty in enforcing a liquor law than a stringent license law, or any other law that goes for the suppression of the traffic; the law enables us to hold a control over it; a stringent license law would create as much opposition as the present law; license only a few, and it would be called a monopoly—license all who come, and it would so increase the sale of liquor it would not be tolerated.

"In country places it has been enforced, and with great effect; in large places, though not rigidly enforced, it has exercised considerable influence and kept the evil in check; and it is an immense check in large cities, for it prevents the legal recognition and makes the traffic disreputable. I think public opinion is steadily advancing in favor of prohibition. The State constabulary is a force to enable the executive to enforce all law; I am not satisfied with it thoroughly, but perhaps it is as good as can be obtained; it is vastly superior to the local police. I attribute the increase of crime at the present time to a scarcity of employment and consequent idleness; and no doubt also there are a number of places where liquor can be obtained, and thus drink is also a proximate cause. I was credibly informed that in view of the abolition of the State police, as proposed in the last session of the Legislature, places had been secured in every supposed suitable quarter for the sale of intoxicating liquors. I was also informed that a plumber had received orders for two thousand beer pumps, conditional upon the passage by the last Legislature of a license law.

"I believe the liquor law is enforced over three-fourths of the State; it is partially enforced everywhere, and with good effect in the former districts, and exercises considerable restraint in the latter."

Hon. Oliver Warner (Secretary of State) said: "The law is a good one, and if it was enforced would most effectually 'squelch' the whole thing. He did not see any more difficulty in enforcing it than a license law; although very difficult to enforce in cities, it is still an excellent law to hold in *terrorem* over the liquor seller."

Capt. Boynton (Chief of State Police) said: "The law is only partially enforced; but in one-half the towns it has entirely suppressed the sale—in Essex County, notably so; but it is difficult to enforce in cities. In cities where public sentiment is well up, the law can be, and is, well enforced; Boston is the most difficult to deal with, as we cannot get a jury to convict. The choice of the jurors was nominally in the hands of the aldermen, but was really in the hands of the common councilmen of each ward, and as these were elected by a combination of all interests opposed to the law, they managed the jury list, so that it was no uncommon thing to see one or two, or more, persons who were known to sell liquor, sitting on a jury trying another person charged with an offence against the liquor law. There are five hundred less places in Boston for the sale of liquor now than two years ago. It was enforced in New Bedford probably better than in any other city of its size, and there, public sentiment is strongly in favor of the law. The law was passed in 1855, but for ten years it was a dead letter."

J. Wilder May (District Attorney for Suffolk County) said: "The law is enforced generally throughout the State in the country towns, and with good effect; it would be difficult to procure a glass of rum in many of the towns. The shutting up the open bar is certainly productive of a great reduction in drinking. I am satisfied, from my own experience, that three-fourths of the crime is attributable to drink directly, and three-fourths of the remaining fourth to the same cause indirectly; do away with the sale of liquor to be drunk on the premises, except at hotels, and then only to guests, and you may reduce your police one-half, and your criminal expense fully fifty per cent. I believe the feeling in favour of suppressing the traffic is growing, and I have no doubt a vote on the question, pure and simple, would be in favor of prohibition, even in Boston. I think the law is a good one, and that it has done a great deal of good for the country."

Major Jones (formerly Chief of State Police) said: "The District Attorney was correct in his estimate of the cause of crime, and also pointed out the jurors' list as a difficulty in the way of enforcing the law. The law is as well enforced throughout the State generally as any other law; but in Boston the liquor-sellers and dealers spend money freely, and are well organized, whilst the supporters of the law do not spend money, at least as freely as their opponents, hence public opinion does not appear to sustain the law. It has also got to be a question of party, and in an election in Boston for mayor, notwithstanding the large numbers known to be in favor of prohibition, only six hundred votes were cast for the prohibition candidate. The effect of the law has been to change the entire character of the persons engaged in the traffic; and except the hotel-keepers, it is only the very lowest class that resort to it; the absence of the open bar has reduced drinking and crime. There are about three hundred and sixty towns, and in three hundred of them the law is well enforced, and it exercises an influence upon the others."

Edward H. Savage (Chief of Police, Boston) said: "That the city of Boston was one scene of commotion after the fire of 1872; a large number of the shiftless class was brought together; on the Sunday the military was brought out to the assistance of the police; we effectually stopped the sale of liquor for ten days, and the peace of the city was preserved. I think the law could be enforced as well as any other law, but when a law is not sustained by the public voice, it is up hill work; but the officers could enforce it if they were not afraid of losing their places. It is no more difficult to enforce a prohibitory law than any other law that goes to repress the sale. Public sentiment in this city (that is the sentiment that finds expression) is against the enforcement of any law that operates against the traffic. In 1868 it was almost free rum, the license law not coming into full play; it was repealed in 1869. I think I had more control over my beat under a license law, than under a prohibitory law, but if I enforced the one as well as the other I can't say what the results would be."

SOUTH FRAMINGHAM CAMP.

General B. Butler (United States Senator) said: "The law was enforced in all the cities and towns, with the exception of a few of the larger cities, as much and as generally as the laws against larceny; that in the great majority of cases the law was violated with as much secrecy as a theft would be committed, that the partial enforcement of the law did away with the attraction and temptation of an open bar, and that he believed a proposal to repeal the law would not secure the vote of one-third of the people, or one-eighth of the towns; in the great majority of places where liquor was sold, you would have to go down stairs, and in some cases drink in a dark place where you could not see what you were drinking, nor recognize the person selling it to you."

General Chamberlain (Commandant at the camp) said: "The night previous the caterers for the camp had been found selling by the guard, thirty-five gallons of liquor were seized and the two men fined fifty dollars and costs each."

Dr. Bird (one of General Butler's staff) said: "In Ipswich, where he resided, and containing about four thousand inhabitants, the law was generally enforced, and he did not know of more than four places in which it was suspected liquor was sold, and in these it could not be procured by a stranger."

H. Wilson (Woollen Manufacturer, Southboro', Worcester Co.) said: "That the law was not so well enforced now as at some previous periods; but still, the sale is secret in all cases. The population is about two thousand."

NEW BEDFORD.

Mayor Richmond said: "I ran for the mayoralty three years before being elected, each time securing a larger vote, and standing squarely upon the prohibition platform. After serving three years I was defeated by a combination of all I had ever crossed; but the result of one year's experience under the drinking party was my re-election

by over 1,700 majority; and the law is now so well enforced, and the sale of liquor so hampered, that men resort to carrying a bottle in their pockets, and sell from it when they get the chance. They are well organized, and will give notice to each other of the approach of an officer."

Judge Borden: "I have been Judge of the Police Court for the last ten years, at the time of my appointment the law was not enforced so thoroughly; during the years in which the law has been enforced, there have been less cases of drunkenness, assaults, and the class of crimes usually attributable to drink; but of course more of the offences arising out of the violation of the law, in years when the law has not been enforced, drunkenness and kindred crimes have certainly largely increased. The figures during a year are not necessarily conclusive, because where the law is more stringently enforced, persons who sell are more careful, and will take care of the man they make drunk for fear of being prosecuted. I am of opinion that the cases brought before me, through drink, are fully three-fourths of the whole number. In this State the law is fully sustained in the towns, but not so well in the cities. The law is certainly a success, and you cannot find any open sale in this city, and any sales made in it are almost entirely from bottles carried in the pocket; parties who try to sell have the liquor buried in the woods, and go by night for a supply; they hide the vessel containing it in ash barrels and similar places. The sentiment here sustains the law, and the law sustains the sentiment. The men who sell are of a very low grade, and purjury is by no means uncommon amongst them and their customers. The enforcement of the law reduces the number of sellers very materially, and thus the sale of liquors is diminished. It also makes it very much more difficult for drinkers to get it, and by driving it into the lowest quarters, you have removed the temptation from the young and respectable—and this is one of its best features.

Deputy Marshal Hathaway: "If I go into a certain quarter of the city a whistle is sounded and repeated, and all who are violating the law are warned. There was formerly in this city a street, the houses in which were of the most disreputable character, and the residents chiefly Portugese and foreigners of the very lowest type; two murders were committed in the street within seven weeks; I would not have gone through it at any time of the day without my revolver, and I could not have been hired to go through it after dark, but I can now go through it without fear either day or night. I have found the liquor hid away between the bed and the matrass; and in one case, I found it on a shelf under the seat of the water-closet."

—— Barney (Counsellor) said: "There was not so much drunkenness now as ten years ago in New Bedford, but there was more than there was two years ago." (This was denied by the Mayor, Judge, and Deputy Marshal.)

"I have no hesitation in saying that in my judgment the prohibitory law, repealed four years ago, was the best and most effective we have ever had for the suppression of the liquor traffic. I would like to see it restored in all its powers and integrity

to our statute books, and rigidly enforced over every foot of soil in the commonwealth. Let this be done, and crime and pauperism will be reduced fifty per cent.; a great burden of taxation would be removed from all citizens; a new impetus would be given to every branch of legitimate industry; a heavy weight would be lifted from the hearts and hands of our labouring people, and a most important step taken toward their permanent elevation and improvement."—(From Governor Washburn's Inaugural, 1872.)

"The Act concerning the manufacture and sale of intoxicating liquors has now been in force for six months, within this short period much has been done to stop the general sale of liquors; a large number of those who were selling under former laws having abandoned the open traffic, and many having ceased to sell altogether. The law has secured the acquiescence of the people generally, and there has been very little opposition in its execution so far as it closes the tippling shop. It appears also to have diminished another evil—the sale in small quantities to be used in families, where the inevitable result has always been to produce misery and crime."

"The people of the State will not submit patiently to the restoration of the open bar, that relic of a less enlightened period which has wrought the ruin of so many families, and brought to untimely graves thousands of the noblest and most generous spirits of the land. It is manifestly no longer in accordance with their character or wishes. There is indeed a wonderful change in the ideas and habits of the community, resulting from the general diffusion of intelligence, the discussion of the use of intoxicating beverages, and the restraining influence of law."—(From Governor Claflin's Inaugural, 1870.)

"It is sometimes said by the opponents of the prohibitory law, that public opinion is against its enforcement. If by this it is meant to assert that the voice of the people of the State is against its enforcement, we are fully convinced it is a great mistake. That it may be true in the city of Boston, and some few other cities and towns of the State, we are not disposed to dispute. In such places large numbers of the people are either directly or indirectly interested in the traffic, and it is but natural that such should clamor against it, and complain of the great wrong done them by the interference of the officer. They do not believe in it. Why should they?"

'No rogue e'er felt the halter draw,
With good opinion of the law.'

In all places where the traffic is driven to covert, a strong public sentiment exists against it, and license would be looked upon as a public calamity. * * *

On the 9th and 10th of November, 1872, the city of Boston was devastated by a terrible conflagration, and on the 11th, under orders from the Governor, the greater part of the force was gathered in the city for duty, where the great influx of visitors from all parts of the country made their presence necessary to assist the military and local police in preserving the peace of the city, and saving property. The combined force were eminently successful. The police Commissioners ordered the officers to stop all

illegal traffic in intoxicating liquors, and orders were issued by the city authorities, as well as the military, that all bars should be closed. All who desired the peace of the suffering city seemed to agree that the most prolific cause of disorder might be traced to this traffic. Numerous parties were arrested, and their places so closely watched, that for a brief term it might truly be said—there were no open bars in Boston.

“The great effects of this course were manifest in the quiet streets of the city by day and night, even when in the absence of gas they were shrouded in darkness.

“The harpies from other cities were deterred from their villainies by the military force which guarded the burned district, and the city and State police, which patrolled the city in all directions. * * * It is a natural reflection in view of this seventeen days' experience to consider why the public eye should be turned to the dram-shop (as by general knowledge) as the source of the greatest danger.”—(From the Report of the State Police Commissioners, 1873.)

“In regard to the liquor law and its enforcement, every effort in my power has been made with the limited force at my command, by keeping the officers constantly at work, when not necessarily attending court or detailed for other service. Much has been accomplished, and more could have been, had I a sufficient number of officers. And notwithstanding the public journals state that there is an increase of liquor-shops in Suffolk County, it gives me pleasure to be able to state that there is a decrease, there being more than 300 less this year than last, and a more favorable report in other portions of the State. In many of the smaller towns the liquor traffic is wholly suppressed.”—(From the Report of the Chief of the State Police, 1874.)

“For several days succeeding the fire the city was thronged to an extent never before witnessed, and the public pulse was raised to a pitch never before known in Boston; all seemed to feel that the damage was not yet over, and it became necessary, not only to put forth all the energies of our own force, but it was deemed advisable to continue the aid of about one thousand men of the military forces. Under this state of things, summary action in removing any great exciting cause seemed justifiable, and on Monday following the fire, the following order was given to our department—‘Stop the retail liquor traffic, including beer, during this crisis.’ Gentlemen soon began to call at the central office to know by what law we were stopping the sale of beer, saying, ‘we are told you have no right to do it.’ They were told that we were not trying to enforce any particular law, but we were endeavoring to suppress a great exciting cause, to save our city from disorder and riot during this fearful emergency, and since so many got drunk on beer, that cause included beer as well as whiskey, and most of the gentlemen acknowledged the propriety of our course.

“During the month of November, 1871, a comparatively quiet month, the average number of persons before the courts for drunkenness was thirty-three per day. During the ten days' crisis after the fire in November, 1872, with the liquor-shops

closed, there were less than half that number.”—(From the Report of the Chief of City Police, Boston, for 1872.)

“I regard the object of the law as wise and humane; a law calculated by its impartial enforcement to aid in the highest degree, the efforts which the noble temperance organizations are making, a law which has done, and will do, more to diminish pauperism and crime, to increase the public wealth, and to lessen the burden of taxation, than any Statute ever enacted.

“I recognize the responsibility devolving upon me, as the result of the recent election. I do not shrink from it, because I feel that there is a power above, who can, and will, make the weak strong, and is ready to impart wisdom to all who ask for it.

“My duty as Chief Magistrate is to see that all the laws of the State and the ordinances of the city are duly enforced. One of these laws is the prohibitory statute. It will receive just that attention which every other criminal law demands. I shall seek its enforcement just as I shall seek the enforcement of the laws against gambling, counterfeiting, theft and murder. In a judicious, and above all, in an impartial enforcement of this and all laws, I feel I have a right to ask your co-operation, and am confident of the support of the great body of our constituents.”—(From Inaugural of Mayor, New Bedford, 1870.)

“In entering upon the discharge of my official trust a year since, I frankly declared my views and intended action in reference to the enforcement of the law prohibiting the sale of intoxicating liquors. I felt the responsibility of the position I then assumed; I realized the interests at stake, and the hopes and fears of friends; and I knew well the force and power of the opposition to a prohibitory law.

“I was fortunate in securing the services of an efficient body of police, with a gentleman at its head of irreproachable character, in whose singleness of purpose our citizens all confide, and who, with his six assistants, has quietly, but firmly and effectually, protected the peace and maintained the order of the city.

“He has given character to the office he holds, and established a discipline in the force which has made its influence felt throughout the city. Acting in concert with numbers of the State police, he has demonstrated the practicability of enforcing the prohibitory as well as other criminal laws; and his constant vigilance and unwearied efforts, have so restricted the liquor traffic, that the sale is now carried on only by stealth. The good results are palpable. They are seen in the prevalence of good order, and the diminution of crime.”—(From Inaugural of same gentleman, 1871.)

“Prohibition of rum-selling, like prohibition of theft, aims at the suppression of an evil as the truest mode of restricting it within the narrowest limits. The statute is not a perfect one; an experience will suggest valuable amendments. But it is not a failure simply because it does not entirely suppress the evil which it prohibits, any more than any other criminal laws are ineffectual, because crime exists in spite of

them. The law does good, and that good is commensurate with the vigour and impartiality of its enforcement. * * * Our city presents a more gratifying condition. Under the kind but firm and impartial discharge of duty by the worthy city marshal and his efficient assistants, there has been a steady gain in immunity from crime, security of property, and lessening of criminal expenses."—(From Inaugural of same, 1872.)

"The law is the expression of the public sentiment. It may not be thoroughly enforced, but this does not prove it worthless. If it did, then all criminal laws are of no avail, since none are perfectly executed. How much the prohibitory enactment fails to accomplish we can readily see; but the actual good it effects, the restraining influence it exerts, the men it saves from ruin, and the homes from desolation, we cannot calculate or count. But we do know that, in proportion as the law is enforced, crime and pauperism are diminished.

"Our country has, during the last two years, expended more than \$150,000 in the erection of a large building at Taunton, for the confinement of criminals. The outlay was necessary, and the people of the country must defray the cost by taxation. But the necessity would not have existed if, during the last five years, the prohibitory law had been enforced in the country as it might and should have been.

"Believing in the truth of this, and regarding the recent elections as an endorsement of the views I have heretofore so frankly expressed, it will be my care and one of my pleasantest duties to see that the liquor law is enforced as rigorously and as impartially as any of the laws of the commonwealth or the ordinances of the city; and not only from a respect for the law, but because I believe its enforcement is peculiarly calculated, both morally and pecuniarily, to benefit and give character to our city."—(From Inaugural of same gentleman, 1874.)

The three following letters were received by the Commissioners in reply to enquiries made by them in writing:—

"EASTERN DISTRICT OF MASSACHUSETTS,

"DISTRICT ATTORNEY'S OFFICE,

"LAWRENCE, September 17th, 1874.

"DEAR SIRS,—Yours of yesterday came duly to hand.

"In answer to your queries—answering the last first—I will say, when the liquor law was (some few years since) quite thoroughly and generally enforced, its effect was to materially lessen crime.

"In answer to your first query, I will say, the State constables, and in some of the towns, the local constables, do something in the way of enforcing the law; and in the smaller towns where the sentiment is in favor of the law, they succeed pretty well and generally; but in the larger towns and cities, where the public sentiment is

divided, or against both the law and its enforcement, and the power of, and opportunity for, the liquor business is so great, while the number of officers is so small, they only partially succeed.

“I regret that I have no statistics which I can give you.

“I am very respectfully,

“Your obedient servant,

“EDGAR J. SHERMAN.

“To Col. F. Davis, and

“Rev. J. W. Manning.”

“OFFICE OF DISTRICT ATTORNEY,

“SOUTHERN DISTRICT OF MASSACHUSETTS,

“NEW BEDFORD, September 17th, 1874.

“GENTLEMEN,—Yours of 16th instant, making certain enquiries as to the effect of the prohibitory law in this locality, I have received. I give you the most satisfactory reply that I am able to make while engaged in official work in court, and without leisure to go as much and as carefully into the subject as I could wish to do.

“You enquire: “1st. How has the law been enforced in your district?” My district of which I have had official charge for nearly fifteen years, comprises the four counties of Bristol, Barnstable, Dukes County and Nantucket.

“In the counties of Barnstable and Dukes County, where the public sentiment is strong and general in favor of the law, and against the use of intoxicating liquors, the law has been generally enforced. In Bristol County it has been differently enforced in different sections of the county. In the city of New Bedford the enforcement has been most effective, and the local government has been in favor of a complete and impartial execution of the law. The mayor and city council have been chosen several years on that distinct issue, on the side of the law and its enforcement. In other portions of the county, in cities, the execution of the law has been less general.

“For a number of years, as you are doubtless aware, we have had a State Police force, whose principal duty has been the detection and prosecution of violations of this law. Where (as in New Bedford) the local police force and magistracy have co-operated with the State force, the execution of the law has been much more effective than in the places where the local police and magistracy have been indifferent.

“To execute the law thoroughly would require so great an increase of the State police force as would make the work very expensive. Favorable results can generally be expected only where the popular sentiment co-operates with the officers of the law, to the extent of electing local officers and magistrates who are in sympathy with the cause which the law aims to assist.

"You enquire: "2nd. Supposing the law to have been partially or generally enforced, what has been its effects upon crime?"

"There can be no doubt that the enforcement of the law decreases crime. No other logical result can be reached. As intoxication is the cause of a large majority of the crimes that are committed, it follows, of course, where the sale of intoxicating liquors can be suppressed, or repressed, crime will decrease.

"Experience shows that practical result. Where the law is most fully enforced, crime has decreased; and where the sale of liquor feels the restraining hand of the law least, there crime is most frequently committed.

"It is impossible to give actual statistics. I can only state the result of experience, and its effect in my judgment.

"I ought to add there can be no doubt of extensive secret and fraudulent selling of liquor, even where the law is best enforced—that is inevitable. It is the open sales which we attempt to prevent, and the secret selling as far as possible.

"No law can be passed that can prevent the secret commission of crimes that may be secretly committed. But the experience here in this city, where, in a population of 23,000 inhabitants, the law is vigorously sustained by the efforts of the magistracy, and the local police combined with the State police, convince me, that while a *complete* execution of this law can never be expected, the nearer we can approach to that, the better is the moral and social condition of the public.

"Regretting that I am unable to give you a more thorough and careful reply to your enquiries,

"I am very respectfully yours,

"GEORGE MARSTON,

"District Attorney.

"To Col. F. Davis, and

"Rev. J. W. Manning,

"Commissioners, &c., &c."

"OFFICE OF DISTRICT ATTORNEY,

"MIDDLESEX COUNTY,

"BOSTON, September 18th, 1874.

"GENTLEMEN,—In reply to your enquiry of the 16th, in relation to the effect of the liquor law, I would say, Middlesex County, of which I am the District Attorney, is the largest county in the United States outside the chief cities. It contains such cities as Lowell, Cambridge, Somerville and many large manufacturing towns.

"In the smaller and agricultural towns the liquor law is quite thoroughly enforced. In the larger towns and cities (except Newton) the law is partially enforced, that is, the open exposure of liquors and furniture is generally suppressed, while liquor is easily obtainable by the glass or quantity.

"2nd. The effect of the thorough enforcement of the law upon crime seems to me to be a marked diminution of criminal misdemeanors, and offences against the person, such cases as fill the houses of correction. My experience inclines me to believe, however, that in cases of *felony* the use of liquor is not so strictly connected with the offence as is popularly supposed; although, of course, this is generally an element of the demoralization of the criminal.

"I have been surprised to observe how few of the worse criminals appear to have began life with any promise.

"Generally, the strict enforcement of the law largely reduces the business of the criminal courts.

"Yours truly,

"JOHN B. GOODRICH.

"To Col. F. Davis, and

"Rev. J. W. Manning,

"Commissioners, &c."

From the Statistical Report of the State Police we find the—

Number of prosecutions for violating the liquor law in 1872.	7,685
Number of general offences in 1872.....	3,436
Number of liquor seizures in 1872.....	4,287
	15,408

Fines, costs and witness fees	\$220,143 75
Expense of constabulary	132,735 22

Balance in favor of constabulary ... 87,408 53

Sent to house of correction 131 more than were sent in the five years previous.

Liquors seized, 76,550 gallons; confiscated, 32,565 gallons.

The report of the constabulary for the year 1873, ending December 31st:—

Liquor prosecutions for violating law	8,136
Prosecutions for general offences	4,265
Liquor seizures.....	5,545
Gaming	105

18,051

Receipts from all sources	\$301,989 42
Total expenses of the Department	150,093 71

Balance in favor of constabulary ...	151,895 71
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Sent to house of correction	272
Liquors seized.....	gallons... 131,898
Delivered to liquor commissioners	" ... 102,527
Returned to claimants by order of court.....	" ... 3,198

RHODE ISLAND.

In this State a prohibitory law was enacted in 1852, and was overthrown by a decision of Judge Curtis—that it was unconstitutional. The law was re-enacted in 1853, and remained in force until 1862, being in some parts of the State well enforced, and in others not; in 1862, a license law was engrafted on it, and remained in force until 1867, when local option was enacted and continued until the present year, when the prohibitory law was again enacted to take effect after the 1st July.

Hon. J. M. Adderman (Secretary of State) said: "No man whose habits were not temperate could be nominated for office. A number of temperance men are not prohibitionists, but the great majority are. The law was carried in one house by a fair majority, and in the other, by the casting vote of the Speaker. The strength of the prohibitionists is in the country districts; but in the last election the city of Providence was carried in favor of prohibition."

Rev. W. H. Conant said: "Under the local option law there were only ten towns, out of thirty-five, that granted licenses. In Burrillville, six years ago, there were sixty-five places where liquor was sold, and of these only five were licensed; there are now of these only two suspected of the sale."

Deputy State Constable for Washington County said: "In my county there were twenty-seven places where liquor was sold on the 30th of June, and now I only suspect five. In that county there are seven towns, and it is one-third part of the State. The people are in favor of the law, and I am greeted with applause when enforcing it."

VERMONT.

Governor Convers said: "The prohibitory law has been in force about twenty-two years; the enforcement has been uniform in the State since its enactment, and I consider it a very desirable law. In Woodstock, where I live, it is more strictly enforced at one time than another, and in one place its enforcement may be lax whilst it may be very stringently enforced in another place at the same time. The enforcement fluctuates, and is governed by local circumstances. I don't think you will find

any open bar in any part of the State; those who sell do it in some secret corner. There are many excellent friends of temperance who favor a license law, but the great mass of Christian and thinking men are in favor of prohibition. The law is a popular one, and if the question of its repeal were submitted to the vote of the people, many opposed to it in reality would vote for it from a desire to be on the popular side. The law is a very difficult one to enforce, as the witnesses seem to think it their duty to protect the men who sell them liquor. Men bearing respectable characters seem to forget the obligations of an oath when put on the stand, and hence, there is any amount of perjury. I think officers charged with enforcing it, would, if appointed by the executive, be more efficient than if elected by the people. I think the law itself educates and advances public sentiment in favor of temperance. There is no question about the decrease in the consumption of liquor, I speak from personal knowledge, having always lived in this State. I live in Woodstock, sixty miles from here, and there no man, having the least regard for himself, would admit selling rum, even though no penalty at all attached to it. I think public opinion is in favor of sustaining the law, and out of the House of Representatives, containing two hundred and forty members, and the Senate containing thirty members, I don't think you could get one-fourth to vote for repealing it."

Judge Peck (Governor elect): "The law was passed in 1852, I was then Circuit Judge, and in 1857 the Circuit Court was abolished. In 1860 I was appointed Judge of the Supreme Court, and hold that position now. I cannot say that the law has always been *thoroughly* enforced, but it has always received the support of the court. As far as my experience goes, juries have also acted fairly in the matter; the law has always been enforced whenever a prosecution has been commenced.

"In some parts of the State there has been a laxity in enforcing it, but in other parts of the State it has been thoroughly enforced, and there it has driven the traffic out. I think the influence of the law has been salutary in diminishing drunkenness, and disorders arising therefrom, and also crimes generally. You cannot change the habits of a people momentarily. The law has had an effect upon our customs, and has done away with that of treating and promiscuous drinking. The law has been *aided by moral means*, but moral means have also been wonderfully strengthened by the law.

✓ "I think the law is educating the people, and that a much larger number now support it than when it was adopted; in fact the opposition is dying out. All the changes in the law have been in the direction of greater stringency. In attending court for ten years I do not remember to have seen a drunken man."

N. R. Abbett: "I was one of the Selectmen for the town of Cabot for the years 1870 and 1871, and the law was enforced in my town; but the strife between the friends and opponents of the law was bitter. The temperance men see to it that the law is enforced, and there is no open bar. If the hotel keepers would sell only to their guests,

I don't think the temperance people would interfere with them if they kept an orderly house; but the people see how very difficult it is to confine it to that class, and so they have shut them up.

About five years ago a tavern keeper, named Wilson, claimed a right to sell under the certificate obtained from the U. S. revenue officer. The temperance men found out he was in the habit of selling to boys, and a deputation of the townspeople waited on him, and told him they would not interfere with him if he would confine his sales to travellers only, but he defied them, and they shut him up. Public sentiment, as a general thing, is in favor of the law; but at times the feeling seems to get weak or apathetic, and the law is not much enforced; but as soon as something turns up to arouse public attention, then the law is enforced at once."

✓ W. B. Arcutt, Associate Justice for Washington Co.: "I live in Roxbury, seventeen miles from Montpelier; the law is fairly enforced in that town; there are no open bars, and the law is popular. The people in that section would not think of repealing it. If the temperance men were energetic, every place where liquor is sold secretly could be shut up at once. Public sentiment is growing stronger in favor of the law every year."

MICHIGAN.

The constitution of this State forbids the licensing of the sale of intoxicating liquor in these words: "No licenses shall be granted in this State for the sale of intoxicating liquors."

There is also on the Statute Book the best prohibitory law your Commissioners have seen; but judging from the large number of houses open for the sale of liquor everywhere, it must be, as far as prohibition is concerned, a dead letter, and as your Commissioners learnt, no effort is made to enforce it in the towns and cities.

✓ Governor Bagley said: "In all large cities and towns the law was inoperative, and not enforced at all. In some of the rural districts, there were places where, if a man undertook to sell liquor, they would soon shut him up; and there were several men now in prison who had been convicted under the law. I know of no statistics that will help you in the matter. Michigan is a temperance State, and although he favored a license law, he would not give a vote to repeal the prohibitory law. Notwithstanding the constitution forbids licensing, and the law forbids selling, the Supreme Court has decided that Municipal authorities may tax persons who sell liquors; and I am informed that the authorities have done it in one town, and it has reduced the houses for sale of liquor one half. I am convinced ninety out of every hundred commitments to prison are caused by drink, and it is the great social problem of the day."

✓ Rev. J. Russell said: "Though the prohibitory clauses of the law were not generally enforced, there were other provisions that still made it a good and desirable law; debt contracted for liquor are not recoverable; contracts for which liquor forms

part of the consideration are invalid; money paid for liquor, even when other articles are included, may all be recovered back; damages are also recoverable from the liquor seller in case of injury. There are some places in the State in which no liquor is sold, except in a clandestine manner. In 1867, an amendment to the constitution was submitted to the people, by which licenses may be granted; it was rejected, and the old constitution was continued. In 1873, the Legislature permitted the Governor to appoint a committee to revise the constitution, and the committee recommended submitting alternate propositions for prohibition or license to the people; the Legislature refused to sanction it, and there will be no change in this respect, even though the revised constitution may be carried.

OHIO.

No attempt is made at all in this State to enforce the prohibitory clauses of the license law. Actions are occasionally brought to recover damages for having been deprived by the seller of liquor, of support of husband or child; verdicts from five hundred to four thousand dollars have been given, and the existence of these clauses, with a knowledge that, if put in motion, the Courts will enforce them, makes the sellers of liquor more cautious.

Your Commissioners feel that at this stage of their report they should submit to His Excellency the result of their own personal observation, as well as of their enquiry, and to qualify themselves for the discharge of this part of their duty, they visited those places in the cities of Boston, Portland and other large centres of population, where the sales of intoxicating liquors were, openly made, as well as some of the lowest quarters where liquor was known to be secretly sold. They also visited, with a view to a more thorough and extended enquiry, a number of rural districts, and small towns and villages in the several States referred to in the introductory part of this report, and now beg leave to state their conclusions generally, without reviewing, in detail, the numerous facts and incidents upon which such conclusions are founded:

1st. Your Commissioners found that in the cities of Boston, Portland, Bangor, Providence, and other large places, the Prohibitory Law was not enforced, or only partially so, but there was far more caution and circumspection apparent on the part of the liquor dealers than was observable in places where the License Law was in force. This caution seemed to be the result of a prevailing sense of insecurity and fear that something might at any moment arise to shock or rouse public sentiment, in which case the weapon was always ready to strike with.

2nd. Open drinking, even in the large cities, is not respectable, and "bars" must be looked for in rather out of the way places, and in several instances were found below the ground-floor. In one of those instances the proprietor (keeper of a first-class hotel) had two or three cases of violation pending against him, which he had

carried to the Superior Court; and the bar-keeper in another large hotel said: "they were then putting the law through, and he expected every day they would be down on him and shut him up."

✓ Your Commissioners visited the notorious street in New Bedford, referred to by the Deputy Marshal of that city. They went through it in his company at ten o'clock at night, and did not see a single person on the street, nor hear a human voice in passing through it.

✓ Your Commissioners were present at the gathering and review of the Maine State Militia, when over nine thousand people were present; also at the gathering of the Massachusetts Militia. They were also present at Mystic Park, near Boston, where a large concourse of people (variously estimated from twenty-five thousand to forty thousand) had assembled to witness a very exciting trotting match; they were also present on other occasions where crowds of people had assembled, and bearing their mission constantly in mind, and closely observing the condition of the people at all times, they have to report, that, during their extended tour, from first to last, they did not observe ten drunken men.

In some cities the law is enforced so far as to prevent the open sale of liquors, except in hotels to guests.

In other cities there is no effort (except at special times and under extraordinary circumstances) to enforce the law; but in the rural districts throughout Maine, Massachusetts and Vermont, the law is fairly and generally enforced. In Rhode Island the law only came into operation on the first day of July last, but many seizures have been made under it. In Providence the Chief of the State Police informed your Commissioners that he was completing his arrangements for a vigorous enforcement of the law throughout the State. Wherever they went your Commissioners found persons opposed to the law, and ready to denounce it in general terms; but from such parties they could get no specific information to aid them in their enquiry, and the result of all such conversations was an admission that after all the people would not consent to have it repealed.

Your Commissioners believe, upon the whole, that a very large majority of the people in the States referred to are strongly in favor of the law, and would strenuously oppose any attempt to repeal it. They contend that public sentiment is getting more favourable to the law every year. That the drinking usages "are cornered" (as they express it) by being confined to the large cities, and that public sentiment, even there, will, before long, support the enforcement of the law.

THIRD QUESTION.—*What have been the results in any State of a change from prohibition to license, or vice versa?*

Your Commissioners regret, that from the causes already referred to, the material from which to answer this question is very limited.

MAINE.

In the winter of 1856 the Legislature of the State repealed the prohibitory law, and substituted the most stringent license law ever enacted in the State, which remained in force until 1858.

The City Marshal of Bangor, in his report for the year ending March, 1857, says: "In my report, relating to matters connected with the police department of the city, at the close of the municipal year 1851-52, I stated that the city had been freer from crime and disturbance than during the year previous, or any year since I had been connected with the affairs of the city. This I attributed to the stringent law passed in 1851 for the suppression of drinking houses and tipping shops. This year I have to report that, never, since I have had any acquaintance with the police department of this city, have there been so many commitments for offences as during the year now closed. From an examination of the table accompanying this report marked A, it will be easy to ascertain the cause. There cannot be a doubt that the repeal of the Maine law has been a serious injury to this section of the State. When that law was enforced during the year ending March, 1853, the whole number of commitments was 287, of which 222 were for drunkenness. During the year ending March, 1854, the whole number of commitments was 380, of which 285 were for drunkenness. During the year ending March, 1855, the number was 569; drunkenness, 436. I have no means of knowing the number of commitments for year ending March, 1856. This year, under the license law of 1856 to restrain and regulate the sale of intoxicating liquors, and to prohibit and suppress drinking houses and tipping shops, the number of commitments has been 651, and of these 461 were for drunkenness. Whether this is a result of the law desired by, or satisfactory to, the friends of the law, I shall not take it upon me to decide. In the year ending March, 1851, previous to the enactment of the Maine Law, there were 108 places in this city where intoxicating liquors were openly sold. That law suppresses the open sale of such liquor everywhere, except by the agent. Now, under the last law, there are at least 170 places where intoxicating liquor is openly sold; the law is unpopular, and there is little disposition to have its penalties enforced, either by its friends or others. The consequence is that vice of every description is more prevalent, and gambling has increased to a great extent."

From reports of City Marshall of Rockland we find that in the first year of license, ending—

March, 1857, the total number of arrests were.....	94
For six months of 1858 the total number of arrests were.....	63
	—
Total for 18 months.....	157
	—

Year ending March, 1859, arrests.....	49
“ “ “ 1860, “	71
	—
Total for 2 years.....	120
	—
Average arrests per month under license.....	8 $\frac{2}{3}$
“ “ “ “ prohibition.....	5
	—

From report of Warden of Maine State Prison we find committals to State Prison :—

1855	29
1856	36
1859	48
1860	41
	—
	154
	—

Or for two years before and two years after the enactment of a license law, and the consequent repeal of the prohibitory law, the committals averaged 38 $\frac{1}{4}$ per year.

Committals for the two intervening years under license :—

1857	52
1858	69
	—
Total	121
	—

Or an average of 60 $\frac{1}{2}$ per year.

RECAPITULATION.

Committals to State Prison for a period of six years :—

License.		Prohibition.	
1857	52	1855	29
1858	69	1856	36
	—	1859	48
	121	1860	41
	—		—
			154
			—

Average for two years.....	60 $\frac{1}{2}$
Average for four years.....	38 $\frac{1}{4}$
	—

Difference in favor of prohibition..... 22 $\frac{1}{4}$ per year.

“ In 1858, there was a reaction against the license law in consequence of the increased consumption of liquor.”—(Counsellor Drummond).

“ The law of 1856 so deluged the State with rum, that in 1858, by a larger majority than ever before, they re-enacted the prohibitory law.”—(Ex-Mayor Farwell).

MASSACHUSETTS.

The prohibitory law was repealed in November, 1867, and the license law, enacted in lieu of it, was repealed in 1869.

“ The Chaplain regrets that he is compelled to say that the prison has never been so full as it is at the present time, or rather, so full through the year; and he feels that there is no hope of any diminution of members while rum shops are found at every corner, and in many of our streets at every other house. If the rapidly increasing tide of intemperance, so greatly swollen by the present wretched license law, is suffered to rush on unchecked, there will be a fearful increase of crime, and the State must soon extend the limits of the prison or erect another. As this will now, when full, contain as many convicts as should be under one management, the chaplain would take the liberty to respectfully suggest that it might be advisable to lay the corner stone of another prison, say at Springfield, immediately, for it takes no prophet now to foresee that long before it is finished there will be scores, if not hundreds, waiting to occupy its cells.”—(From report of chaplain of Massachusetts State Prison for 1868.)

“ Intemperance as a most fruitful cause of crime, has been frequently referred to in past reports of the warden and inspectors, and the general fact is undoniable that a very large proportion of offences against law, which bring men to prison for punishment, are committed through the agency of intoxicating liquors, and that their increased public sale adds to the number of crimes committed, and the number of persons convicted. We are not called upon to discuss this matter separately from our observation as supervisors of the prison, and therefore simply call attention to the fact of the increased number of commitments made during eight months of the present year, when the sale of spirituous liquors has been almost wholly unrestrained, over those of the same time in the previous year when the public sale was prohibited, and to a great extent stopped.

<i>Commitments in 1867.</i>		<i>Commitments in 1868.</i>	
February.....	15	February.....	30
March	13	March	19
April	4	April	16
May	12	May	17
June.....	7	June	15
July	6	July	17

August	3	August.....	11
September.....	5	September	11
	—		—
	65		136
	—		—

—(From report of Inspectors of Massachusetts State Prison for 1868.)

“The hope expressed in the last report that the average number here would continue to decrease, as during the year previous, has been disappointed, and the commitments during the year have been 180, to 128 the year before. But this was written before the breaking down of the barriers against the sale of intoxicating drinks, and it is to this cause that the prison authorities ascribe the increase of their convicts—a conclusion which the registrars of this Bureau would seem to confirm.” (Public document, No. 17, page 88.)

Governor Claffin in his Address to the Legislature, in January 1869, says: “The effect of the change in the law in regard to the sale of spirituous and intoxicating liquors, made by the last Legislature, has hardly been fully developed; but from such information as has reached me it would seem to be unsatisfactory to the people generally, in every respect. For a quarter of a century the State had been free from the legal sale of intoxicating liquors, with slight exceptions in one or two counties. In nearly all of our towns, and in some of our cities, the open bar was unknown; it was a thing of the past; driven with other injurious trades and employments into secret places. In a State so dense in population as ours, whose inhabitants are largely engaged in indoor employment, the placing at every conspicuous point an open bar, with all its allurements to the young and inexperienced, must, inevitably, lead to an increase of drunkenness, vice and crime. This is so clearly demonstrated, that wherever the vote has been fairly taken there has been a most decided expression against granting licenses for this purpose. A moral and Christian people cannot remain inactive when they see such results that are following, and are sure to follow, the sale of intoxicating drinks to the extent that now prevails in our hitherto quiet and orderly State. The increase of drunkenness and crime during the last six months as compared with the same period in 1867 is very marked and decisive as to the operation of the law. The State prison, jails, and houses of correction, are being rapidly filled, and will soon require enlarged accommodation if the commitments continue to increase as they have since the present law went into force. It seems then essential for the public good that the present system should be abandoned, and that one should be adopted more in accordance with the habits and experience of the people. In placing a new law on the Statute Book it is of the highest importance that it should meet the acquiescence, if not the sanction, of the great body of the people. In a free commonwealth no law can stand that is not in accordance with the general judgment. Care therefore should be taken in any new enactment to avoid

all unnecessary and unreasonable interference with personal and private rights. Some provision should be made for the sale of such liquors as are needed in the arts, and for medicinal and sacramental purposes. It may be wise, therefore, to consider the expediency of legalizing the sale by druggists and apothecaries of well-known standing and respectability, under careful restriction. That any law which tends to restrain a practice so prevalent in the community, will meet with opposition more or less serious cannot be doubted. So long, however, as it is the conviction of the people that it is intended for the public good, and to promote their moral and material interests, it will be sustained; but when it fails to meet their approbation it will be ineffectual. I commend to your consideration this most important subject. It has engrossed much of the attention of the Legislature since the foundation of the State. The evils of drunkenness are acknowledged by all, and the remedy therefor has been sought in vain by the ablest and wisest philanthropists. Experience is gradually working out the problem, and we have much to hope for in the effect of law, assisted as it is by the steady advance of moral sentiment in the community, by the general conviction that sobriety and good order are necessary to the fullest development of our resources, by the progress of science, and by the inspiration of religious faith.

“The whole number of persons committed to the jails and houses of correction is larger by about one-tenth than last year, as is also the aggregate number of prisoners, while the number committed for the non-payment of fines and costs is also considerably increased, being 4,275 against 3,663 the year before. * * * * * The number paying fines and costs is greater by 158, though the amount paid is a little less.”—(Public document No. 17, page 78.)

“The first of these Acts, which became law under peculiar circumstances, on the 23rd of April last, and took effect (except as afterwards modified) on the 23rd of May, abolished the prohibitory or “Maine” Law for many years existing in Massachusetts, and substituted for it a mixed system of licensing the sale of intoxicating liquors. The repeal of the prohibitory law took effect at once in practice, indeed it had been effectively repealed by the people at the November election, but the machinery of licensing, or for one reason and another, did not come into operation until near the end of June, so that the new laws are to be judged as to their own peculiar results by what has since occurred—a period of about three months only—and far too short to judge with any accuracy from experience as to how they will work. But there is much evidence as to the general effect of the change in public sentiment which led to these laws, and which but for the determined opposition of the executive, would have been perverted to justify still more hurtful legislation under cover of a supposed revolution in opinion (which up to a certain point was genuine), the enemies of public order, and those favorable to the immunity of vice and crime, sought to abolish the State Police Act, and carrying along with them many prejudiced or timid, good

men, they had nearly effected that result. The resolute purpose of the Executive, sustained by a minority constitutionally sufficient in the Senate, thwarted this unwise effort to increase the facilities already too great for crime, to escape punishment; and at another stage of legislation a protest was interposed, little heeded at the time, but much considered since, and presenting suggestions that are likely hereafter to determine the fate of the existing license laws."—(Extract from report of Secretary of Board of State Charities.)

"His Excellency the Governor, declining to approve, though feeling himself constrained not to veto a bill which seemed to him so threatening to the general welfare, said, in his Message to the House of Representatives, on the subject: 'It leads into temptation the young and the weak; it spreads a snare for the stranger and the unwary; it is destructive of the influence of the family and the fireside; adverse to good morals and repugnant to the religious sentiment of the community.' And it would seem that experience goes far to verify those observations. The law was enacted through the influence of those who (without regard to the consequences of their action on the poor and the weak) wished to drink more, and those who hoped to sell more. And it is undoubtedly the case, that more is actually drunk and sold. The result at once began to exhibit itself in our gaols and houses of correction, and as usual now begins to make its record directly and indirectly on the registers of our various State pauper establishments, lunatic hospitals, and reformatories.

"It seems probable that the friends of license will be disappointed in the idea that the new law will regulate, not to say lessen, the traffic in liquor, for it is quite evident that those who defied prohibition will be better able to evade the new restrictions.

"While in our cities there is an undeniable increase in intoxication and consequent crime, the change is more noticeable in the smaller towns, and the effect in general is so palpable, that public opinion seems already frowning upon the unseemly order of things, and demanding a return to the safer regime of prohibition, with reasonable penalties and a faithful attempt to execute the law. Indeed the testimony is so direct that one large manufacturing company* among others attributes the large falling off in its products, with a greater number of operatives, entirely to their increased use of intoxicating liquors, under the new laws. I mention this conspicuous instance because I feel authorized to do so; but were I to use the names of other employers of labour, who have testified to the same state of things in their establishments, it would appear that the evil is general.

"And here commences the interest of your secretary in this subject, as far as his official duties are concerned. He is bound by the terms of his office to arrange and publish all desirable information concerning the industrial and material interests of

* Ames & Sons, Eaton, Mass

the commonwealth, bearing upon these subjects: 'Pauperism, crime, disease, and insanity,' the causes and best treatment of which he is to illustrate; and he finds that the increase of intemperance, which the re-action of last year against the strictness of prohibition has greatly promoted, interferes at once with our industrial interests, fosters pauperism and disease, and swells the list of criminals. That intemperance has increased will appear from the prison statistics, soon to be submitted, that crime and vice have also increased will be shown by the same impartial test, as well as confirmed by the observation of all who have attended to that subject and noticed what has been going on in the past year.

"If it is desired to secure in the best manner, the repression of crime and pauperism, the increase of production, the decrease of taxation, and a general prosperity of the community, so far as this question of intemperance is concerned, it is clearly my judgment that Massachusetts should return to the policy which prohibits the sale of intoxicating drinks, except for mechanical or medicinal purposes. When most carefully enforced such a policy amounts in practice only to a restriction on such sales, for every law on this subject will be more or less evaded. But to the poor and the wives of the poor, as well as their children, it makes a wide difference whether we take our departure from the point of prohibition or from that of license. In the latter case, as has been seen the past year, the current sets in favor of more selling and more drinking, and this means to the poor laboring man or woman, and to the children growing up amid bad influences, more poison of the blood, more delirium of the brain, more idleness, more waste, more theft, more debauchery, more disease, more insanity, more assault, more rape, more murder, more of everything that is low and devilish, less of everything that is pure and heavenly. Poverty and vice is what the poor man buys with his poisoned liquor; sickness, beastliness, laziness, and pollution, are what the State gives in return for the license money which the dram-seller filches from the lean purse of the day laborer, and the half-grown lad, and hands over, sullied with shame, to the high salaried officer who receives it. But the treasury reaps little benefit from the revolting tribute, for along with the licensed shops and bars, twice as many that are unlicensed ply their trade, and debauch the poor, without enriching anybody but the dram-seller. These are the practical results of a license system in Massachusetts now. What may be done hereafter to improve so dismal a state of things I cannot say, but have only to deal with what is before us."—(Secretary's Report of Board of State Charities for October, 1888, Public document 17, page 34.)

"The criminal record of the past year is in some respects unusually suggestive. The number of new commitments to the thirty-eight prisons in the State, has been 11,666, which, exclusive of duplicates, may be reduced to about 10,500, indicating a net increase of nearly 1,000. * * * * * * * * * *
Intemperance continues to stand first and greatest among the causes of crime next

poverty;—the last being largely due to the former. * * * * *

A noticeable illustration appears in the number of commitments to the State Prison, which during eight months of the present year, in which the sale of intoxicating liquor had been almost wholly unrestrained, was 136, against 65 during the corresponding months of the preceding year. Similar results appear in nearly all the prisons of the commonwealth.—(*Ibid*, page 174.)

“This law has opened and legalized in the various cities and towns, about two thousand five hundred open bars, and over one thousand other places where liquors are presumed not to be sold by the glass. Of these three thousand five hundred liquor establishments, Boston has about two thousand, or about five hundred more than all the other cities and towns of the commonwealth. Drunkenness is on the increase to a melancholy extent. The official report of the Chief of the Boston Police, shows the following results for a period of only three months, ending October 1st, viz:—

For the Quarter ending October 1st, 1867.

Cases of drunkenness arrested by the police.....	1,728
Common drunkards.....	148
Disorderly conduct.....	300
Disturbing the peace.....	257
Assaults.....	433
Intoxicated persons helped home.....	479
	<hr/>
Total.....	3,345
	<hr/>

For the Quarter ending October 1st, 1868.

Cases of drunkenness arrested by the police.....	1,918
Common drunkards.....	134
Disorderly conduct.....	658
Disturbing the peace.....	397
Assaults.....	547
Intoxicated persons helped home.....	485
	<hr/>
Total.....	4,139
	<hr/>
	3,345
	<hr/>

Increase in 1869 for one quarter..... 794

“The above described offences are always recognized by police courts, and the records of police stations in cases of drunkenness. Surely if this increase of drunkenness, and its immediate and well known results are admitted, can the proposition that a license law would promote temperance, and the moderate use of intoxicating

liquors be longer maintained or safely suggested? The rapid increase of crime and violence during the past year, over former years, is without precedent in the history of criminal experience. The State Prison and Houses of Correction never held within their limits such numbers as at the present time, while the wheels of justice are almost clogged with the trial of constantly accumulating criminal business, and the district attorneys of Suffolk find it almost impossible to clear their criminal dockets from month to month, notwithstanding the courts in this county are almost in perpetual session. Is it unfair to suggest that the open bar, and inviting sale of intoxicating liquors, licensed and unlicensed in every street, is to a considerable extent chargeable and responsible for this state of things?"—(From Report of Chief Constable of Commonwealth, to Legislature, January, 1869.)

"Before the enactment of the present license law, by the last Legislature, the sale of intoxicating liquors was so restricted in Beverly, and as a consequence the amount of its consumption so much decreased as to occasion frequent remark. In fact it was believed that there was scarcely a place where it was sold at all, illegally, and our streets were as quiet at night as by day, and brawls and fights growing out of the use of strong drink unfrequent since the new law went into operation, as we are informed by the police, drunkenness has increased alarmingly. They report that a week ago last Sunday night, in one room of a building, in the lower part of the town, which they had entered, not less than fourteen persons were found in an intoxicated condition, and that it is no uncommon thing at night for men to be found lying about on the ground drunk. The opinion of policemen with whom we have conversed on the subject is, that no less than eight places exist within the limits of the town where the illegal sale of liquors is carried on. In view of the above facts, how much is Beverly benefitted by a license law?"—(Beverly Citizen, August, 1868.)

The State constables appear to have enforced the law but very little all over the State in 1865 and 1866. From September, 1866 to 1867 (the same month) the constabulary enforced the law well, even in Boston, and with the result (as shown by the books of the Internal Revenue Office, District No. 3, which includes most of the rum-selling portion of the city), of reducing the receipts at the office from \$22,000 per month to about \$6,000;—one month after the election which secured the return of a majority favorable to license, the receipts had again reached \$22,000.

The following table of statistics from the State Prison shows the commitments of each month for three successive years (the years referred to in previous paragraph) each year closing the last day of September:—

- ✓ First period, practically free rum.
- ✓ Second period, law well enforced, even in Boston.
- ✓ Third period, under the license law of 1868.

	1865 and 1866.	1866 and 1867.	1867 and 1868.
October.....	8	19	8
November	44	15	11
December.....	39	14	13
January	22	15	12
February	33	15	30
March.....	33	13	19
April.....	21	4	16
May.....	12	12	17
June	11	7	15
July	6	6	17
August.....	5	3	11
September	13	5	11
	247	128	180

During the nine months of 1867 the commitments were only... 80

During the corresponding nine months of 1868 the commitments were..... 148

“When I commenced my labor six years ago, there were 132 open rum shops in North Street, but when the prohibitory law was enforced all these were closed except two, which were hotels. Since the repeal of the prohibitory law I counted 116 in North Street, with all their usual accompaniments—gambling and houses of ill-fame.”—(Report of Rev. P. Davis, City Missionary for 1868.) ✓

Fall River City Marshall's Book for quarter ending November

1, 1867, whole number of arrests..... 187

Drunkenness..... 79

For quarter ending February 1, 1868, whole number of

arrests..... 217

Drunkenness..... 108

✓ “The whole number of criminal prosecutions in the police court of this city, for drunkenness, gambling, adultery, vagrancy and other kindred vices, during the year 1867, the last year of the enforcement of the prohibitory law, was 175. This year, under the influence of the license law, it has been swelled to 219 in 8½ months.”—(Evening Standard, New Bedford.)

The Boston Chief of Police reported for the last quarter of 1867, the year of enforced prohibition:—

Number of arrests..... 1,530

Lodgers..... 2,617

4,147

The last quarter of 1868, the year of license :—

Number of arrests.....	5,596
Lodgers	7,617
	<u>13,213</u>
Total, quarter of 1868.....	13,213
“ “ 1867.....	4,147
	<u>9,066</u>
DEDUCT—Cases from Roxbury, annexed to Boston in 1868	617
	<u>8,449</u>

The three months of license show an excess
of arrests of.....

“The reports of the Chief of Police of Boston for the six months from April to October, 1868, which includes the first four months of the operation of the license system, as compared with the corresponding six months of the year 1867, when the prohibitory law was being executed, shows the following astonishing increase of intoxication, viz :—

FROM APRIL 1ST TO OCTOBER 1ST, 1867.

Number arrested for simple drunkenness	3,581
“ “ as common drunkards.....	261
“ “ for disorderly conduct.....	681
“ “ for disturbing the peace.....	468
“ “ for assault and battery.....	675
Drunken persons helped home by police.....	1,024
	<u>6,690</u>

“Police reports for the corresponding six months of 1868 (including four months of the license system) show the following arrests, viz :—

Number arrested for simple drunkenness.....	4,086
“ “ as common drunkards.....	255
“ “ for disorderly conduct.....	1,044
“ “ for disturbing the peace.....	845
“ “ for assault and battery.....	838
Drunken persons helped home by police.....	990
	<u>8,053</u>

Increase in six months..... 1,363

Increase of criminal arrests.....	248
Increase of station house lodgers.....	3,838
Increase of drunkenness, assaults, &c., as above.....	1,363
Increase for the six months under the license system..	<u>5,449</u>

“To these figures may fairly be added the fact that during the same period not far from twenty-five per cent. increase has been added to the various correctional and pauper institutions of Suffolk County.”—(From Report of Chief Constable of Commonwealth, presented to the Legislature, 1869.)

The following is the testimony referred to by the Secretary of the Board of State Charities, respecting diminution of production, and is made by Messrs. Oliver & Sons of North Easton, Mass. :—

“We have over four hundred men in our works here.

“We find that the present license law has a very bad effect among our employees. —

“We find on comparing our production in May and June of this year (1868) with that of the corresponding months of last year (1867), that in 1867, with 375 men, we produced (8) eight per cent. more goods than we did in the same months in 1868 with 400 men. We attribute this falling off entirely to the repeal of the prohibitory law, and the great increase in the use of intoxicating liquors among our men in consequence.”

“During 1868, the year the license law was in force, our cost of production was nearly ten per cent more. I employed about 150 men, and the drinking by some of them interfered with all and diminished production, but not cost.”—(Statement made to Commissioners by Mr. H. Wilson, Woollen Manufacturer, Southboro', Worcester County, Mass.)

“The sentiment of our people is clearly against intemperance, and it only seeks to find the best way of checking that. The prison registers kept in this office, by returns made from all the State and County Prisons in the Commonwealth, and from the city prison of Boston, furnish the following figures to illustrate the subject under discussion. It will be remembered that the election of November, 1867, virtually abolished the prohibitory law, though it remained nominally in force until April 23rd, 1868. Bearing these facts in mind, and noticing the corresponding decrease in prosecutions for violating the liquor laws, you will also notice the increase of public drunkenness, such as is punished by imprisonment, when the fine imposed cannot be paid at once.

FIRST PERIOD—FOR SIX MONTHS ENDING APRIL 1ST, 1867.	
Committed to gaol for drunkenness.....	884
“ “ violating liquor laws.....	107
	<u>991</u>

SECOND PERIOD—FOR SIX MONTHS ENDING APRIL 1ST, 1868.

Committed for drunkenness.....	1,035
“ for violating liquor laws.....	47
	<hr/>
	1,082
	<hr/>
Increase under license.....	91
	<hr/>

HOUSE OF CORRECTION—FIRST PERIOD.

Committed for drunkenness.....	480
Violating liquor laws.....	58
	<hr/>
	538
	<hr/>

SECOND PERIOD.

Committed for drunkenness.....	688
Violating liquor laws.....	24
	<hr/>
	712
	<hr/>
Increase under license.....	174
	<hr/>

HOUSE OF INDUSTRY—FIRST PERIOD.

Committed for drunkenness.....	752
	<hr/>

SECOND PERIOD.

Committed for drunkenness.....	853
	<hr/>
Increase under license.....	101
	<hr/>

WHOLE STATE—FIRST PERIOD.

Committed for drunkenness.....	2,116
Violating liquor laws.....	165
	<hr/>
	2,281
	<hr/>

SECOND PERIOD.

Committed for drunkenness	2,576
Violating liquor laws.....	70

 2,646

 Increase under license..... 365

Whole number of commitments for all offences, was:—

First period.....	5,977	Second period.....	6,428
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Increase under license.....	451
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“If we now compare the last six months of the prison year, 1867, (from April 1 to October 1) with the last six months of 1868, the figures are easily suggestive:—

FIRST PERIOD—FOR SIX MONTHS ENDING OCTOBER 1ST, 1867.

Jails—Drunkenness	988
Houses of Correction—Drunkenness	609
House of Industry—Drunkenness.....	904

 2,501

SECOND PERIOD—FOR SIX MONTHS ENDING OCTOBER 1ST, 1868.

Jails—Drunkenness	1,090
Houses of Correction—Drunkenness	1,020
House of Industry—Drunkenness.....	1,060

 3,170

 Increase under license..... 669

Whole number of commitments for all offences, was:—

First period.....	6,303	Second period.....	7,098
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Increase under license.....	795
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During the year past, therefore, it appears that while crime in general has only increased about ten per cent., drunkenness has increased more than twice as much, or twenty-four per cent. This fact offers the best possible comment on the condition of the public mind and of the legal repression of intemperance since the State Election of 1867.”—(Report of Board of State Charities, 1868, Part I, page 38.)

“The number reported under this classification (vagrants) for the year ending September 30th, 1868, is fifty-six thousand three hundred and eighty-two, against twenty-five thousand six hundred and twenty-one, the previous year. Excluding the Boston lodgers, a very large proportion of whom are duplicates, we shall find the excess of vagrants or travelling paupers, about five thousand over the number reported for 1867, when the prohibitory law was well enforced. The total expenditures incurred by cities and towns for full and partial support of paupers, has been upwards of \$832,000; an increase of nearly \$75,000 over the previous year.”—(*Ibid*, pages 171 and 172.)

“As compared with 1867, it will be seen that crimes against the person have increased about 13·7 per cent.; crimes against property about 8·7 per cent.; crimes against public order and decency have increased about 10·2 per cent.; and crimes of all kinds have increased about 10 per cent.”—(*Ibid*, page 350.)

“I am aware that it is said that crime increases under our prohibitory law,—that the sale of intoxicants is as great as it would be under a license law,—but I call your attention to the absence here of the flaunting and attractive bar-rooms that spread their snares to capture the thoughtless and easily tempted in cities where licenses prevail; to the constantly growing sense of disfavour with which the liquor traffic is regarded by the community generally; and to the powerful, systematic and unrelenting activity of those interested in it, to break down the law, and the officers who try to enforce it. There is evidence that the Statute does impose an effective and crippling restraint, from which relief is sought in the elastic and easily evaded provisions of license. Even if some sincere friends of temperance prefer a stringent license law to a prohibitory system, there can be no denial that the men who have money and business at stake in this contest are the most ardent and urgent advocates of license, and I cannot doubt that they understand themselves and calculate shrewdly the advantage they will gain. It is easy to mistake the clamor of interested parties for the voice of the people; when I seek to ascertain what the latter really is, I recall that the license law, elaborated with so much care in 1868, was permitted to remain on the Statute Books only till the people could next be heard at the ballot-box. With the single exception that public bars are prohibited, the measure now under consideration is in no essential point better, and in some, respects I think it less stringent than that was. The notorious evasions of that law, and the open way in which all intoxicants were then sold, under the protection of inn holders and victuallers' licenses, demonstrated the powerlessness of such enactments to protect the community against the evils of intemperance.

“And the pending bill seems to me simply a prohibitory measure, with exceptions that totally destroys its moral force as an instrument for the promotion of temperance and the well being of the people.

“It is objected to our present liquor law that the enforcement of it is irregular

and unequal. Admitting this to be true for the sake of argument, what assurance have we that a license law would be more thoroughly enforced? Are the penalties imposed any more severe? Are there any greater incentives to officers or citizens to do their duty? The prohibitory legislation of 1855 had its origin in the deep settled conviction that the license law of that period was virtually a dead letter. The law of 1868 was violated with such open and reckless impunity that it became a mockery in the eyes of the people. In our sister States, where the license system now prevails, there is a daily burden of complaint that its penalties are defied and its provisions evaded on every hand. Where is the proof that the local police and magistrates who refrain from efforts to enforce the prohibitory law would faithfully, energetically, and persistently enforce a license law? It is not furnished by our experience, nor by the experience of any other commonwealth.

"Nor is the argument at all conclusive to my mind, that we should not retain upon our Statute Books a law that is in advance of public opinion on this subject. Law is in one sense a guide board, pointing out the course of action which, if followed, will secure the greatest degree of good and happiness and safety for all. Therefore, it must be largely ideal in its character, and frequently in advance of the general conduct of those subject to it, that it may be an instructor and elevator as well as a source of restriction and punishment. To a law committing the commonwealth of Massachusetts to a public acknowledgment, that the sale of intoxicating liquors as a beverage is necessary and desirable, I cannot on my conscience give assent. It seems to me that the only safe and sound position for a Christian community to take in regard to this matter is that of absolute and unqualified opposition to the traffic.

"When I think of the victims to the use of intoxicating liquors in every village of the commonwealth; when I study the great field over which our Board of State Charities has supervision; when I consider our almshouses and hospitals, and homes for the fallen and friendless; when I look into our jails and workhouses, and houses of correction and the State Prison; and when I try to compute the loss and charges upon all our industries, by reason of imperfect labour, and the taxes for the support of these institutions for reformation and punishment, my judgment unqualifiedly condemns, and my heart and my manhood rebel against a system that would permit the great source of all this wrong and misery and crime to exist, by the authority of this commonwealth. My convictions against the policy of such a system are too strong; my desire for the welfare and progress of the people is too ardent, and my official responsibilities are too solemn and resistless for me to hesitate in doing the duty laid upon me. I therefore return the bill entitled 'An Act regulating the sale of spirituous or intoxicating liquor' to the House of Representatives in which it originated without executive sanction."--(Extract from Governor Talbot's Message vetoing a License Law.)

From reports of City Marshall, of New Bedford, for the years 1867 and 1868, it appears that the number of arrests were as follows:—

	1867.	1868.	Increase.
Whole number of arrests.....	397	493	96
Drunkenness.....	140	278	138

“Showing an increase under license of 96 and 138 respectively.

“The fourth section of the bill throws open public bars and tippling houses in every quarter of the State; it leads into temptation the young and the weak; it spreads a snare for the stranger and the unwary; it replaces thrift with waste, and the place of quiet neighbourhoods with boisterous and reckless disorder; it is destructive to the influence of the family and the fireside; adverse to good morals; and repugnant to the religious sentiment of the community.”—(Governor Bullock on the License Law.)

“Intemperance has fearfully increased in Lawrence since last November. This is seen first in the number of arrests and commitments to jail for drunkenness. Second—It is seen in the very frequent appearance of drunken persons in our streets; previous to the November election such sights were rare. Third—In the fall of many who were trying to reform, but have not the power to resist the manifold temptations that now beset them. Fourth—In the drunkenness of young men who can now drink in fashionable saloons, who would not go to the low grogeries. Fifth—In my office the recital of the anguish of heart-broken mothers and wives who mourn the ruin of their homes since we have had a license law. God save our commonwealth from this its greatest curse, a license law which means license, not law.”—(From published letter of Rev. G. P. Wilson, City Missionary in Lawrence, 1868.)

“The license law has in no way, known to us, contributed in the least degree to the peace and prosperity of the commonwealth, and in most particulars its effects and results have disappointed its most sincere, reasonable and responsible friends, and former advocates.”—(Report of Chief Constable of Commonwealth.)

From report of Police Inspector for Beverly for 1868:—“I report the number of persons found drunk in this town for the years 1864, 1865, 1866 and 1868. I did not hold the office in 1867 and cannot give the number for that year.

	1864.	1865.	1866.	1868.
Committed for drunkenness.....	12	11	11	31
Helped home.....	27	23	31	144
	—	—	—	—
	39	34	42	175
	—	—	—	—

and this last period was only for the seven months of license—43 cases of drunkenness occurred in our streets on one Sunday.”

“Under three years of prohibition, average per year 38½, or 1 in 155 of the population. Under one year of license, 175, or 1 in 34.

“I said last year that I could not but regard the attempt to revive among us the discarded license law as the coming of a dark day for the interests and prospects of the suffering and perishing classes.’ The forethought proved correct. The enactment of the law caused at once a large increase of the sale and drinking of intoxicating liquors. * * * * *

At the House of Correction, in East Cambridge, the increase of inmates has been as follows:—

There were committed for drunkenness—

In 1867, in July	30	In 1868, in July.....	47
“ August.....	37	“ August.....	55
“ September	35	“ September.....	45
	102		147

“In Lowell it is well known that liquor shops have multiplied in our streets and are visited more freely, that more come out of them staggering, or are helped along to places of privacy; and that our young men, our hope, are the most frequent victims of unprincipled and cruel mammon. I know that many among the poor drink twice, and some five times, where they previously only drank once.”—(Report of Lowell City Missionary for 1868.)

RETURNS by Counties of Commitments to Jails and Houses of Correction.

County.	Popula- tion.	1867.			1868.			Increase.	Decrease.
		Jail.	House of correction	Aggre- gate.	Jail.	House of correction	Aggre- gate.		
Barnstable.....	32,774	27	13	40	19	12	31	.....	9
Berkshire.....	64,826	53	78	131	66	110	176	.....	45
Bristol.....	102,886	256	425	681	211	521	732	.....	51
Dukes.....	3,787	.....	.....	.....	4	.....	4	.....	4
Essex.....	200,843	534	576	1,110	610	650	1,260	.....	150
Franklin.....	32,635	24	18	42	22	12	34	.....	8
Hampden.....	78,409	79	315	394	104	422	526	.....	182
Hampshire.....	44,388	60	64	124	79	91	170	.....	46
Middlesex.....	274,353	580	616	1,196	665	779	1,434	.....	238
Nantucket.....	4,123	1	.....	1	.....	.....	.....	.....	.....
Norfolk.....	89,443	157	283	440	178	191	369	.....	711
Plymouth.....	65,365	60	33	93	46	31	77	.....	.....
Suffolk.....	270,802	3,736	808	4,544	3,994	772	4,766	.....	222
Worcester.....	192,716	203	600	803	211	718	929	.....	126
Total increase.....							1,014	.....	105
“ decrease.....							105	.....	.....
Net increase under license, collected from returns of Board of State Charities.....							909	.....	.....

GENERAL RETURNS of Town Paupers for Ten years.

Years.	Whole No. supported or relieved by Towns.	Whole No. supported or relieved out of Almshouses.	Cost.
			\$ cts.
1861.....	52,847	19,936	643,837 22
1862.....	49,991	39,729†	662,601 45
1863.....	43,020	35,207†	610,862 00
1864.....	36,000	21,000‡	546,847 15
1865.....	45,000	25,500‡	610,728 73
1866.....	52,628	25,495	746,159 68
1867.....	57,251	26,918	758,360 46
1868.....	66,404	29,648	832,501 65
1869.....	57,187	24,750	837,018 40
1870.....	64,870	25,203	854,609 56

* Years of license. † Approximated. ‡ Many families left chargeable by the war.

“The Chaplain cannot close without referring again to the prisoner’s old, constant and persistent enemy, rum. This friend and ally of the devil has been as busy, if not busier, than ever in sending men here during the past years, and unless his diabolical reign is cut short by prohibition, he will continue to swell the number of convicts, till prisons shall raise their frowning wall in every section of the commonwealth. In fact, there is reason to fear that every county will need one if rum is to have free course and be glorified, as it has been by moderate drinkers. Yes, the moderate drinkers are the men who are preparing the way and making it easy for the steps of the drunkard and the criminal.”—(Report of Chaplain of State Prison, 1869.)

In the Legislature of 1870, an Act was passed exempting cider and malt liquors from the prohibitory law, but giving municipalities the right to vote license for the sale of these liquors or to prohibit the sale; and in 1873 the Legislature repealed the Act and restored prohibition as far as malt liquors were concerned, but still exempting cider. The following testimonies and figures show the results of this partial liberation of certain liquors from the grasp of prohibition:—

In 1870 and 1871 the people of New Bedford voted “no license,” but in May 1872 they carried a license vote by a small majority.

“The beer law appears to make considerable difference to the business of the Police Court. The number of criminal prosecutions in the court, from May 7 to October 1, 1870, under the prohibitory law was 220; same time in 1871, under the same law, was 219; same time in 1872, under the beer law, 454. The cases named in 1871 include 83 for drunkenness and 46 assaults; in 1872, 274 cases of drunkenness and 67 for assaults. Besides the total of 454 this year, 41 persons arrested were allowed to go without prosecution, which is about three times the number dismissed in that way during the same months of 1871.”

Recapitulation.

1870, prohibitory	prosecutions, 202
1871, "	" 219
Drunkenness	83
Assaults	46
1872, beer law.....	prosecutions, 454
Drunkenness	274
Assaults	67

—(Judge Borden, New Bedford.)

Whole number of arrests, 1871.....	462
Drunkenness	188
Whole number of arrests, 1872.....	779
Drunkenness	415
Lodgers in Stations, 1871.....	348
" " 1872.....	434

Thus exhibiting an increase of over 68 per cent. in the aggregate number of crimes, over 120 per cent. in cases of drunkenness.

HOUSE OF CORRECTION.

Number of commitments from New Bedford in 1871, was.....	93
Number of commitments from New Bedford in 1872, was.....	180
Or an increase of about 97 per cent.	

WORKHOUSE.

Number of commitments from New Bedford in 1871, was.....	37
" " " 1872, was.....	69
Or an increase of about 95 per cent."	

—(From Reports of Mayor and City Marshal, New Bedford).

"So far as I am able to give an opinion of the working of the beer law, it would be that we may as well have a law licensing the sale of all other intoxicating liquors; for everything almost, that will intoxicate, is sold, or has been, by the name of beer. I have no belief in any beer law. I know, or I think I do, that drunkenness has largely increased under its operations."—(E. Southworth, Trial Justice).

Natick, Middlesex Co., Population, 6,404.—"Whole number of prosecutions for all offences from July 20, 1870, to date, 655; liquor prosecution for same time, 214; prosecutions for drunkenness, 162. Of the remaining 279 cases, 178 are the direct

results of liquor selling and drinking. I voted in the Legislature of 1869-70 for the Beer Law, as I believed in the interests of temperance and the Republican party. With the experience of the last two years, I shall this year vote against the Beer Law, in the same interest. The prosecutions for drunkenness for the last year, and especially the last part, has increased one-third."—(Newton Morse, Trial Justice, Natick, Jan., 1873.)

✓ "The records of the court here exhibited the number of cases for drunkenness for three years past, as follows:—

In 1870 (prohibition up to September)	141
1871 (beer law in operation).....	188
1872 " "	260

✓ "The sale of beer should *not* be legalized; almost every beer saloon is a rum-shop. For violation of the law, imprisonment instead of fines should be imposed, not for a few days, but for months."—(Police Court, Chelsea, Jan. 3, 1873, Hamlett Bates, Police Justice.)

"My district includes six towns, to wit:—Sturbridge, Southbridge, Charlton, Dudley, Webster and Oxford.*

The sale of beer is prohibited in all of them. There is not an open bar in the district, but liquor is sold to a limited extent in dwelling houses, and by persons who carry it in their pockets.

Should the sale of beer in the above named towns be permitted by vote, crime would increase there fifty per cent. within a month. To permit the sale of beer by law, is only a deceptive method whereby the sale of all kinds and quantities of intoxicating liquors is legalized and clothed with a kind of respectability which does not belong to that nefarious business.—(Report of Clarke Jeilson, Justice of the First District Court, Co. Worcester, and Mayor of Worcester.)

"One of the effects of the free sale of malt liquors is to increase the crime of drunkenness, and multiply by other forms the violation of the criminal law. The sale of these liquors is made a cover for the sale of spirituous liquors generally. Under the laws of 1870, the sale of malt liquor was authorized for several months in the town by vote of the inhabitants. Efforts to enforce the prohibitory law, or what there was left of it, during that period were almost nugatory. In no way, as it seems to me, can a greater blow be given to the prohibitory law, or its purpose be more surely defeated, than by legalizing the sale of malt liquors."—(J. Rockwell, Trial Justice and Judge of District Court, Berkshire.)

By a reference to a former part of this report it will be seen that in 1867, the prohibitory law was quite well enforced in Boston, so much so as to reduce the

*Population, 19,000

revenue receipts in one district from \$22,000 to \$6,000 per month. From the statistics of Boston we gather the following figures:—

October 1, 1867, confined in Suffolk Jail.....	173
“ 1, 1870, “ “	222

Difference in favor of prohibition..... 49

Committed to Suffolk County Jail in 1867.....	3,736
“ “ “ 1870.....	5,262

Difference in favor of prohibition..... 1,526

Committed to all the jails in the State in 1867.....	5,770
“ “ “ 1870.....	7,850

Difference in favor of prohibition..... 2,080

Committed to City Prison, Boston, in 1867.....	10,429
“ “ “ 1870.....	12,862

Difference in favor of prohibition..... 2,433

Committed to all the Houses of Correction in the State in 1867.....	3,829
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Committed to all the Houses of Correction in the State in 1870.....	5,477
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Difference in favor of prohibition..... 1,648

STATE PRISON.

Committed in 1867.....	128
“ 1870.....	177

Difference in favor of prohibition..... 49

Average number of convicts in 1867... ..	537
“ “ “ 1870.....	594

Difference in favor of prohibition..... 57

Total number of persons in State Prison in 1867.....	646
“ “ “ 1870.....	774

Difference in favor of prohibition..... 128

RHODE ISLAND.

In this State what is well known as local option prevailed up to 1874, by which every town was entitled by vote to sanction or refuse the sale of intoxicating liquors; from returns obtained we find that of the thirty-five towns in this State only eleven grant licenses for the sale of intoxicating liquors.

We subjoin statistics of nine towns and cities under each regime in 1873.

Towns under License.	East Greenwich.	Warren.	Newport.	Pawtucket.	Woonsocket.	East Providence.	Cranston.	Johnston.	Smithfield.	Total.
Common drunkards.....	260	94	15	13	15	4	4	2	2	409
Vagrants.....	27	40	3	5	3		4	6	2	90
Common prostitutes.....	35	1	3							39
Railers and brawlers.....	14	3								17
Sturdy beggars.....	2	2	1		2					7
Non-support of family.....	3	3	1				2			9
Liquor nuisance.....					1					1
	341	143	23	18	21	4	10	8	4	572

The population of the above towns are..... 134,356
 Proportion of arrests to population, 1 to every..... 235
 Proportion of drunkards to population, 1 to every..... 328½

Towns in which the sale of liquors is prohibited.	Lincoln.	Warren..	Burrillville.	Westerly.	East Greenwich.	Bristol.	Warwick.	Scituate.	Liverton.	Total.
Common drunkards.....	15	3	3	2	2	1	1	1		28
Vagrants.....	1								1	2
Common prostitutes.....										
Railers and brawlers.....										
Sturdy beggars.....				1						1
Non-support of family.....	1									1
Liquor nuisance.....										
	17	3	3	3	2	1	1	1	1	32

Population of these towns..... 44,439
 Proportion of arrests to population, 1 to every..... 1,389
 Proportion of drunkards to population, 1 to every..... 1,587

These figures give about three times the population, eighteen times the total arrests, and about fourteen and a half times the number of drunkards. It must be borne in mind these towns were not selected, but are the only ones of which statistics could be obtained.

In the City of Providence the licenses issued during the years named were :—

	Licenses.	Arrests.	Average to each License.
To July, 1868.....	222	4,188	19
“ 1869.....	256	5,755	22½
“ 1870 (no return.)..	...	.....	....
“ 1871.....	256	5,863	22¾
“ 1872.....	310	7,338	23¾

It will thus be seen that not only did the increase of arrests keep pace with the increase of licenses, but each license contributed a larger proportion each year.

From July 1, 1872, to July 1, 1873, the Council of the City of Providence refused to grant licenses, and the following figures are from the reports of the Chief of Police for that city for the years 1871, 1872 and 1873 :—

Months.	From July 1, 1872, to June 30, 1872,	From July 1, 1872, to Dec'r 30, 1873.
July.....	647	771
August.....	651	836
September.....	732	813
October.....	606	816
November.....	652	764
December.....	478	538
January.....	505	.....
February.....	555	.....
March.....	586	.....
April.....	574	.....
May.....	647	.....
June.....	705	.....
Deduct offences against liquor law.....	7,338 698	4,538 64
	6,730	4,474

Assuming the same proportion to be kept up for the remainder of the year, and we have an increase under license of about 2,200. The council pledged to grant licenses, was elected in May, and the above and following figures show the effect produced :—

Average monthly number of inmates in Providence County Jail in 1873 :—
January, 27; February, 28; March, 23; April, 32; May, 41; June, 43; July, 40; August, 49; September, 41; October, 41; November, 43; December, 41; an average of 27½ for first four months, and of 43 for remainder.

CONNECTICUT.

Passed a prohibitory law in 1854, which came into operation on the 1st of August, the same year, and remained on the Statute Book until 1872, when it was replaced by

a license law ; in the present year the Secretary of State in his annual report says :—

“ In 1855, Governor Dutton in his annual address to the General Assembly said ‘ There is scarcely an open grog shop in the State, the jails are fast becoming tenantless, and a delightful air of security is everywhere enjoyed.’

“ In 1856, Governor Miller said : ‘ From my own knowledge, and from information from all parts of the State, I have every reason to believe that the law has been enforced and the daily traffic in liquors has been broken up and abandoned.’ ”

Rev. Dr. Bacon, after prohibition had been tried one year, said : “ The operation of the prohibitory law for one year is a matter for observation to all inhabitants ; its effect in promoting peace, order, quiet and general prosperity no man can deny Never for twenty years has our city been so quiet as under its action ; it is no longer simply a question of temperance, but a governmental question, one of legislative foresight and morality.

In 1866 there were commitments to jail in this State 1,576

In 1873, a period of seven years, there were..... 2,985

Showing an increase of 1,409

In the year ending March, 1874, the commitments were..... 4,481

In the year ending March, 1873, the commitments were..... 2,985

Showing an increase in one year of..... 1,496

“ Of these in 1874 there were for drunkenness alone, 2,093, and eleven-twelfths of those committed were drinking men.

“ In Hartford County forty-nine-fiftieths of the criminals were drinking men, out of 1,208 only 25 were sober men ; the commitments for drunkenness for that year show an increase of 115 per cent., or 215 this year against 100 last year.

“ In New Haven County there were 241 commitments for every 100 two years ago.

“ The report proves an increase of 68 per cent. during the last two years.”

“ The instructions to your Commissioners empowered them to report—‘ On the working of such laws as well as on other essential facts connected with the same,’ and they therefore proceed here to lay before your Excellency some evidence gathered by them as to the relation between drink, crime and poverty, following the same order as to the States.

MAINE.

“ The sale of intoxicating liquors in open violation of the law it is evident is still doing its subtle and ruinous work in our midst. It is a blight upon every industrial interest, and the most painful source of misery among our people.”—(Mayor of Portland’s Inaugural for 1866.)

“ I have no hesitation in saying that nine-tenths of the cases brought before me are the result of drink.”—(Judge Goodman, Bangor.)

"As usual the report shows that the cause of more than one-half the arrests is intoxicating liquors."—(Mayor's Inaugural, 1869, Bangor.)

"Our city for the past year has been comparatively quiet, considering the fact that so little has been done to suppress the traffic of intoxicating liquors which is the great cause of disturbances and misdemeanors of every kind."—(City Marshall's report, Bangor, 1873-4.)

"The City Marshall reports the total number of arrests for the past year 946—for drunkenness and disturbance, 668; common drunkards, 15; assaults in all probability caused mostly by intemperance, and most likely many of the others could be traced to the same cause."—(Mayor's Inaugural, Bangor, 1873-74.)

"The whole number of arrests during the year was 57, and liquor was the cause of 49 of these, and for what noise and rowdyism there has been in the streets; also the murder which was committed the past summer."—(City Marshall's Report, Rockland 1867.)

"The whole number of arrests during the year was 60, and liquor was the cause of every arrest made during the year with one exception."—(City Marshall's Report, Rockland, 1868.)

"The whole number of arrests made since my appointment to the 1st of March, is 106, and liquor was the cause of all the arrests but seventeen."—(City Marshall's Report, Rockland, 1869.)

"By the official statement of City Marshall Farrington it appears that during the year the number of arrests have been 285. Of these arrests there were for drunkenness, 158; violations of the liquor law, 39; assaults, batteries and affrays, 32—and these latter offences were committed when most of the parties were under the influence of ardent spirits; in other words nearly four-fifths of the offences against the good name, order and safety of this city were chargeable to the sale of intoxicating drinks as a beverage. Now if persons among us will persist, in spite of the vigilance of the police, in thus inflaming the passions of their fellow-men, and making them disturbers of the public peace, sufficient force, at whatever cost, must be maintained to arrest and restrain the unfortunate victims of the traffic."—(Mayor's Address, Augusta, 1871.)

"It appears by the Marshall's Report that by far the greater part of the offences against the peace and safety of the community is chargeable to drunkenness, and the unlawful sale of intoxicating liquors, while the want and woe that follow in the train of this disreputable traffic cannot be computed. Its burden upon us, financially as well as morally, warrants and demands emphatic expression and action in regard to it."—(Mayor's Address, Augusta, 1872.)

"The perseverance and ingenuity of keepers of tippling shops in violating the law, in spite of the utmost vigilance of the police, is highly detrimental to the best interests of the city, enticing young men as they do to excesses injurious to their health and prejudicial to their character and usefulness."—(*Ibid*, Augusta, 1874.)

"More than two-thirds of the criminal cases before the court (municipal) can be traced directly to the use of intoxicating liquors."—(Mayor's Address, 1872, Lewiston.)

"My experience is that eight cases of crime out of ten arise from liquors."—(J. S. Bennoch, Trial Justice, Orono.)

"In regard to the liquor traffic its sad effects are every day perceptible. The cause of nine-tenths of the crime during the past year has been the intemperate use of intoxicating liquors, and no person is benefitted by the sale thereof but the seller."—(City Marshal's Report, 1865-66.)

"I should say that over two-thirds of the crime of this city is due to drink."—(Judge True, Augusta.)

"The fact is apparent from my own observation, and from questioning the prisoners, that seven-eighths are committed to prison through drink."—(Warden State Prison.)

"We are the more inclined to the view we adopt because of two very lamentable facts that are patent to all conversant with this or other prisons at the present day, viz.: the youthfulness of the convicts and the influence which intoxicating liquors has had in involving them in crime—three-fourths, at least, attributing their present ruin and wretchedness to the temptations and incitements of that. In the name of humanity, and of all that is good and noble, and true, were it of any avail, would we utter our most solemn protest against legalizing *at all* the sale of that, as a beverage, which contributes so largely to fill our prisons and penitentiaries."—(Chaplain's Report, State Prison, 1866.)

● "I do not, however, look for any further improvement in that direction until some plan can be devised and carried into execution that will prevent, in a measure at least, the traffic in intoxicating drinks, which is either the direct or indirect cause of the crimes committed by seven-eighths of the inmates of this prison."—(Report of Warden, State Prison, 1868.)

MASSACHUSETTS.

"I am satisfied from my own experience that three-fourths of the crime is directly attributable to drink, and three-fourths of the remaining fourth indirectly to the same cause."—(J. Wilder May, District Attorney, Suffolk Co.)

"I am of opinion that the proportion of cases brought before me through drink is fully three-fourths."—(Judge Borden.)

"Carefully collected statistics show that intemperance is the fruitful source of crime; that in New England nearly 90 per cent. of criminals are intemperate, and that 95 per cent. of juvenile delinquents come from the houses of idle, ignorant and drunken parents."—(Mayor's Address, New Bedford, 1871-72.)

"Intemperance as a most fruitful cause of crime has been frequently referred to in past reports of the Warden and Inspectors, and the general fact is undeniable that a very large proportion of offences against law which bring men to prison for punish-

ment are committed through the agency of intoxicating liquors, and that their increased public sale adds to the number of crimes committed and the number of persons convicted.”—(Annual Report of Board of Inspectors of State Prison, 1868.)

“If the community generally could see what we see here of the effects of imbibing alcoholic liquors, and hear all that some fourteen hundred individuals have told us, concerning the troubles, difficulties, hardships, cruelties, sins and crimes, connected directly and indirectly with strong drink, there would doubtless be a more earnest effort than ever to stem the tide ‘of liquid fire and distilled damnation,’ which now threatens to overflow the land. Of the 534 men now here, the greater portion would be glad to vote for the prohibitory law; for many of them feel that their safety from the perils of drunkenness depends in a great degree upon such a law * * * * * If Massachusetts wishes for thinly populated prisons, let the axe strike at the roots of the tree of intemperance, instead of merely lopping off a branch now and then.”—(Chaplain’s Report, State Prison, 1867.)

“The various cases of assault and battery, of which we mention eighty in number, could almost all of them be traced back to their origin—drinking, and from disputes arising from and in the places where they obtained their liquor—and they are satisfied that fully seventy-five of the eighty cases in all probability would not have transpired, had it not been from the effects of liquor.”—(Report of Suffolk Grand Jury, 1868.)

“Of all the proximate causes or occasions of crime, none is so fruitful as intemperance. The returns show that from 60 to 80 per cent of our criminals are intemperate, and the proportion of those whose crimes were occasioned by intemperance is probably even greater.”—(Board of State Charities Report, 1867.)

“The number of convicts at the prison, September 30, was 534, their average age being about twenty-six years; the oldest is 63 years, and the youngest 16 years. About four-fifths of the number committed the crimes for which they were sentenced, either directly or indirectly by the use of intoxicating drinks.”—(Annual Report of Prison Inspectors, 1867.)

“Overseers of the poor variously estimate the proportion of crime and pauperism attributable to the vice of intemperance, from one-third in some localities up to nine-tenths in others. This seems large, but is doubtless correct in regard to some localities, and particularly among the class of persons receiving temporary relief, the greater proportion of whom are of foreign birth or descent. The prison registers indicate that more than two-thirds of the criminals in the State are the victims of intemperance: but the proportion of crime traceable to this great vice must be set down, as heretofore, at not less than four-fifths.”—(Board of State Charities Report, 1869.)

The Hon. Gideon Haynes (Warden of the State Prison) says: “Since I have been connected with the prison, we have had twenty-one here for killing their wives, two for killing their fathers, and one for killing his mother. Of these twenty-four, all but one were not only habitual drunkards, but actually drunk when they committed

the crime. Not one of this number was born a drunkard; not one but was once a temperate drinker; not one but who at some period in his life would have been indignant had it been intimated he would have become a drunkard, much less a murderer; not one but was as secure against becoming a drunkard as any other man who is in the habit of drinking occasionally * * * * * I repeat these were not bad men, except when under the influence of liquor."

"That the use of intoxicating liquors, in some of their various forms, increases the number of offences committed, or rather that a very large part of them may be traced directly, or indirectly, to the excessive use of intoxicating liquors, I have no doubt."—(Judge Pitman, Superior Court.)

"My observation in my judicial capacity teaches me that a *very* large proportion of crime, certainly three-fourths, perhaps nine-tenths, may be traced either directly or indirectly to intemperance."—(Jas. H. Morton, Police Justice, Springfield, Mass.)

"Very few are brought before me for any crime who are not drinking men."—(H. Carter, Police Justice, Haverhill.)

"It is my opinion that ninety of every hundred cases brought before me for trial can be traced, directly or indirectly, to the improper use of intoxicating liquors."—(A. Perry Peck, Trial Justice, Hampton Co.)

"I have no doubt that the unrestricted sale of intoxicating liquors causes the great majority of crimes which come under my official notice."—(W. W. Rice, District Attorney, Worcester Co.)

"During the two months and a half which I have presided over the sessions of the criminal court for this county, I have observed that at least seven-eighths of the cases had their origin in intoxicating liquors. * * * * * It would be as easy to attempt to dam the Mississippi at its mouth, as to check the progress of crime while the numberless places where intoxicating liquors were sold were allowed to continue and prosper."—(Judge Aldrick's Address to the Jury.)

"The proportion of crimes and misdemeanors brought under my personal observation during seventeen years, caused either in whole or in part by the use of intoxicating liquors, is three-fourths."—(W. A. Cullen, Judge, 8th Circuit, Ind.)

"If three-fourths even of higher crimes and one-half of the lesser offences are instigated by whiskey, and to this I think the bench will generally agree, then, as a logical sequence, total abstinence would lessen crime to at least that extent, as well as the expenses of trying such cases in court."—(E. D. Pearson, Judge, 10th Circuit.)

"I am satisfied that three-fourths of the crimes tried in court have originated, either directly or indirectly, from the use of intoxicating liquors."—(Judge Franklin, 15th Circuit.)

"I believe that five-sixths of the crimes and misdemeanors of which I have any knowledge, resulted, either directly or indirectly, in the use of intoxicating liquors. I further believe that one-third of the civil causes in our courts arise from the same source."—(Judge Palmer, 20th Circuit.)

FOURTH QUESTION.—*What have been the effects of prohibition upon the social and moral condition of the people?*

MAINE.

“I am satisfied crime has materially diminished under the operation of the law even when and where it has been only partially enforced.”—(Counsellor J. H. Drummond, Portland.)

“The law has been an educator, and has made the traffic disgraceful, and men are loth to mix up with it, if they have any character to lose.”—(Ex-Mayor, Portland.)

“It is the best law we ever had, and materially reduces both crime and poverty.”—(Brig.-Gen. Isaac Dyer, Inspector General Militia.)

“In some years the law has been better enforced than in others, and during the years in which it had been most stringently enforced, crime had decidedly diminished.
* * * * * The law has been largely beneficial when enforced, and has done much towards making drinking disreputable.”—(Judge Goodenow.)

“It was well enforced during 1867, 1868 and also 1870, and again in 1872, and during these years crime had been materially reduced.”—(A. Lyons, Recorder Bangor.)

“I do not think any liquor has been sold in the only hotel in the town during the last ten years; we have very little poverty, much less now than formerly.”—(Robert Hamilton, Selectman, Orono.)

“There is much less drinking with a largely increased population, and crime has largely decreased; the law has had a great effect upon the social and moral condition of the people, and has reduced poverty very materially within the last few years, since the law was better enforced.”—(Nathan Frost, Selectman, Orono.)

“The moral condition of the people is much improved, and the consumption of liquor has very materially decreased.”—(J. S. Bennoch, Trial Justice.)

In his report for 1868 the Warden of the State Prison says: “I do not however look for any further improvement in that direction until some plan can be devised and carried into execution that will prevent, in a measure at least, the traffic in intoxicating drinks.

“This year he said: ‘The prison is a kind of moral thermometer showing how the law is enforced; it is admitted that since the enactment of the clause empowering the sheriff to act, the law has been better enforced.’

Committed in 1868	48
Committed in 1873	22

“The enforcement of the law diminishes drinking, and as a natural consequence crime.”—(Alderman Crosby, Bangor.)

“Certainly the absence of the open sale diminishes drinking, and as a result crime.”—(Mayor Blake, Bangor.)

“The enforcement of the law in relation to the suppression of drinking houses and tippling shops was commenced about the first of July last, and the reports from the police and pauper departments concur in representing its favorable effects in both these departments. The number of persons committed during the past year to the almshouse and house of correction was 117, for the year previous 139, making a difference of 22.

“The whole number of days’ board furnished to the occupants of the almshouse and house of correction for the past year was 9,192; for the year before, 12,206, making a difference of 3,014 in favor of last year. The overseers of the poor report as follows: ‘We cannot withhold our conviction that the even partial enforcement of the liquor law has had a marked effect upon this department, and that its more vigorous enforcement will gradually reduce the great bulk of pauperism as it already has that of crime in this city.’

“The City Marshal remarks that the city has been freer from crime and disturbance during the last year than any year before, since he has been connected with the police department.”—(Extract from the Address of Hon. Elijah L. Hamlin, Mayor of Bangor, 1851 and 1853, delivered at the commencement of his second term, March, 1852).

The following extracts are from the Report of Henry B. Farnham, Esquire, City Marshal, immediately prior and subsequent to the passing of the prohibitory law:

“Since my last report the city has been freer of crime and disturbance than during the previous or any year since I have been connected with the affairs of the city. This I attribute to the law passed for the suppression of drinking houses and tippling shops. The good effects of this law were visible directly after it went into operation in July last, and on comparing the statistics since that time with those of the corresponding period of last year, it will be found that crime here has diminished. Intoxicating liquor is now nowhere sold openly in this city except by the sellers as provided by law, and the difficulty of obtaining it is such as to diminish its consumption to a very great extent. It is to be regretted, however, that intoxicating liquors are sold to a considerable extent in private houses by degraded persons who have found it impossible to sell them openly; and I have reason to believe that persons who have been known as sellers of liquor, now keep them in cisterns and barrels in their cellars, and carry them secretly to their shops and there meanly dispose of them. That the law is evaded is not surprising, if it were not it would be a remarkable exception to all laws for the suppression of crime. * * * * *

Some amendments to the law may be made by which it may be more effective in preventing the use of intoxicating liquors, but with it as it is, by judicious enforcement of its provisions, the community is greatly benefitted, pecuniarily and in its morals.

“By an examination of my records I find the prosecutions for crime during eight months’ previous to and under the operation of the law to be as follows:—

	1850 and 1851.	1851 and 1852.*
Drunkenness	37	24
Common drunkards	28	8
Assaults	23	13
Larceny	5	...
Affrays	5	...
Street walkers	2	2
Other offences	1	1
	<u>101</u>	<u>48</u>

"This shows nearly the average proportion, other officers have caused some prosecutions but they do not vary the proportion so far as I can learn. On the 1st July, when I gave notice that I should enforce the liquor law, 108 persons were selling liquors openly, twenty-one of them have left town, and of the remaining eighty-seven not one sells here openly."

A. G. Wakefield, Esquire, Mayor of Bangor, in his Address to the Council in March, 1867 said: "One year ago I had the honor of addressing your predecessors. I had been elected by the unanimous vote of my fellow citizens. * * * * A law against the sale of intoxicating liquors was on the Statute Book, having special provisions making it my duty, and the duty of the board of aldermen, to enforce it Our oaths of office require us to do so, and I believed the welfare of the community would be thereby promoted. Viewing the subject as I did, I could not hesitate what course to take. You and all my fellow citizens know what that course has been, and I am happy to know after a year's trial, and an animated canvass at the close in which the opponents of my course were commendably active, that I have been sustained by so large a majority of the inhabitants of Bangor." (After stating his determination to continue the enforcement of the law, he adds): "It is somewhat singular that a large portion, if not all of those engaged in the sale of liquors, do not think the enforcement of the law diminishes the sale or use of liquors, or the amount of drunkenness, but that it rather increases these evils. If the number of arrests for drunkenness are diminished by one-third when the law is enforced, it is not, they say, on account of the enforcement of the law but is owing to some other cause. On the other hand, most persons who are not engaged in the liquor traffic, believe that the enforcement of the law diminishes drunkenness and the use of liquors. They think they see some such relation as that of effect to cause, in the fact that only 275 arrests were made when the law was partially enforced, against 381 when it was not enforced at all."

A. D. Manson, Esq., Mayor in 1868, in addressing the Council in the March following, said: "The city has been unusually quiet the past year, the total number of

* A period of eight months.

arrests being 481, a diminution of 157 from last year, which was also a very favorable one, the arrests being 66 less than the preceding year, making a decrease in two years of 223. This statement gives encouragement to all who are labouring to improve and elevate our community morally, and will, I doubt not, be an incentive to still greater efforts. The number of arrests for drunkenness the past year, was 212, 60 less than the previous year."

S. D. Manson, Esq., Mayor in 1869, said: "The city Marshal's Report gives the number of arrests for offences against law and order for the year as 685, and, as usual, shows that intoxicating drinks are the cause of more than one-half, 411 having been arrested for drunkenness, an excess of 199 arrests for the same cause over the year 1867-68, which the Marshal attributes to the political excitement of the year. The years 1863, 1864 and 1865 were years of great excitement, caused by war and politics both. The per cent. of arrests for drunkenness for those years was 53; add to these the year 1868, we find the average per cent. for these years, of arrests for this offence, to be 55.

"In the years 1866 and 1867, more than usual effort was made to execute the liquor law, and the average per cent. of arrests for drunkenness was 43. During the four years mentioned, the number of arrests averaged 757. During the two years, the average number was 560, showing that with liquor law partially enforced, the decrease of arrests averaged 197, or 26 per cent., and drunkenness alone 12 per cent. The same reports show about the same decrease in the number of arrests for assaults. The conclusion is obvious."

BANGOR, Sept. 9th, 1874.

GENTLEMEN.—We regret that we cannot supply you with such statistics as you require, as they have not been kept with special reference to this matter. But in regard to the practical operation of our "liquor law," we beg to assure you, that were it fully and faithfully enforced in our city, that in our judgment it would reduce the cost of pauperism one-third the first year, and another third in five years, so satisfied are we of the connection between liquor drinking and pauperism.

We sign this in our official capacity as overseers of the poor of Bangor.

(Signed,)

J. W. HUMPHREY,
JON. BURBANK,
OLIVER H. INGALLS.

To Col. F. Davis, and
Rev. J. W. Manning,
Commissioners, &c.

From the City Marshal's returns for eight years, commencing March 1st, 1866,

and ending March 1st, 1873, we obtain the following figures, omitting each year's offences against liquor law :—

	Arrests.		Drunkenness.
1866.....	686	.....	381
*1867.....	524	.....	272
*1868.....	374	.....	212
1869.....	685	.....	411
*1870.....	669	.....	322
1871.....	715	.....	417
*1872.....	532	.....	293
1873.....	920	.....	667
	<u>5,115</u>		<u>2,975</u>

Average of 1866, 1869, 1871, 1873 :—Arrests, 754 Drunkenness, 469

“ 1867, 1868, 1870, 1872 : “ 524½ “ 274½

There were committed to the House of Correction for—

1866.....	35	Intemperate.....	25
1867.....	23	“	16
1868.....	16	“	10
1869.....	42	“	22
1870.....	34	“	21
1871.....	17	“	13
1872.....	20	“	14
1873.....	25	“	19
	<u>212</u>		<u>140</u> or about 70 per cent.

Average of 1867, 1868, 1870, 1872..... 23½ per cent.

“ 1866, 1869, 1871, 1873..... 32½ “

The Mayor of Rockland, J. Fred. Merrill, Esq., in his Address in 1873, said : “ The security of our property is largely due to the vigilance and watchfulness of the police, and the impartiality and promptness with which they have executed the penal laws, and especially the laws relating to drunkenness and the sale of intoxicating liquors have won for our city a reputation for good order and sobriety of manners, which it is believed is not surpassed, if it is equalled, by any community in the State.”

The Mayor of Augusta, James W. North, Esq., in his Address in 1873, says : “ The City Marshal's Report shows, if the number of arrests is a basis on which to form a correct judgment, that crimes have much diminished in our city during the past year. The quietude of our streets has been noticed, and has elicited favourable remarks from our citizens. This gratifying result is attributable, in a measure, to

*In these years there was a marked activity in enforcing the law.

the moral reform which has been in progress, and to the vigilance of the police, under the quiet and efficient management of the chief of that department, whose determined and persevering efforts have foiled offenders in their subtleties and evasions."

The previous Mayor, in his address, had given notice that he should enforce the liquor law, and the results were:—

	Arrests.	.....	Drunkenness.
Year ending March, 1872.....	256	.....	152
" " 1873.....	154	.....	86

Hon. George G. Stacy (Secretary of State) says of Augusta: "The law has been a success, and it is very rare to see a drunken man in the streets."

The Rev. S. P. Fay, Congregational Minister, in a letter published this year, says: "The law compels all dealers to carry on their nefarious trade secretly, and at a great loss at that, by the frequent seizures. This surely is a great gain. The trade is held in check by it. Of course the efficiency in the execution of any law depends upon public sentiment in regard to the law. The profit is so great, that the disposition often is to elect men who do not care to have the law executed. It has caused the friends of temperance great anxiety, and constant watchfulness, and much hard work to execute the law in a place like Bangor.

"But I am sure of this, that the law itself is very dear to every true friend of temperance. After years of trial of this law, you will hardly find the man, who has no interest at stake in the liquor traffic, who would be willing to exchange this for a license law. Defective as the law is, and difficult as it is to enforce in places like Portland and Bangor, it is very dear to all the true friends of temperance. It has been the salvation of very many of our towns. Where religion and morality are in the ascendancy they are able entirely to suppress the liquor traffic.

"Take Dix, Harricome, and Vinál Hover Islands, where so much granite is cut for the western cities, as an illustration. Here are nearly a thousand men, Scotch, Irish, English and American, on each of those islands. I am perfectly acquainted with the working of the Maine Law in each of those islands.

"Liquor is absolutely prohibited, and none can, by any cunning, get, or certainly stay, on these islands. No man is permitted to stay there who drinks at all. I state what I know by close observation and enquiry last week on the islands. See now the result: A thousand men, many of them of intemperate habits, and of various nationalities, are perfectly orderly. The islands are small—only a few acres; yet these men, thus crowded together, have no acts of violence, no quarreling, and there is no police. The owner of one of these islands, General Tildon, of Rockland—a true and noble man, who has in his employ nine hundred men—told me there was perfect quiet and peace all the time. He also said: 'But for the law we could not live on the island at all.' In some of our inland towns, essentially this same condition of things exists. It would in all, if we could only execute the law as it should be."

Referring to the above, ex-Mayor Farwell, and the City Marshal of Rockland, con-

firmed the statements made in the letter, but rated the population at over four thousand, and further said: "There was a small steamboat plying between the islands and the city, and that on Saturday evenings large numbers of the men came up to the city, and then, those who had not given up their drinking habits, got liquor somehow—but chiefly from men carrying it round in bottles in their pockets—and thus there appeared a much larger number of arrests in the city Marshal's report, than was furnished by the city proper."—(Commissioners.)

"This system has had a trial of only twenty-two 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 tippling-shops * * * * Where our prohibitory laws have been well enforced, few will deny that they have accomplished great good. In more than three-fourths of the State, especially in the rural portions, 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."—(From Governor's Annual Message for 1874).

From the "Maine Liquor Law, its Origin, History and Results, by Henry S. Clubb," Secretary of the Maine Law Statistical Society, we gather the following:—

CUMBERLAND CO.

COMMITMENTS TO COUNTY GAOL.

From June 1st, 1850, to March 20th, 1851, nine months previous to the enactment of the Maine Liquor Law.....	279
From June 1st, 1851, to March 20th, 1852, nine months subsequent to the enactment of the Maine Liquor Law.....	135
Deduct liquor-sellers committed under the law.....	72
	63
Difference in favor of Maine Liquor Law.....	216
There were in the gaol on March 20th, 1851, before the passage of the Maine Liquor Law.....	25
At the same period, 1852, after passage of Liquor Law.....	7
Deduct liquor-sellers committed under the law.....	3
	4
Difference in favor of Maine Liquor Law.....	21
From August 1st, 1850, until December, committed for larceny.....	16
Corresponding period in 1851, committed for larceny.....	9
Difference in favor of the Maine Law.....	7

From June 1st to Sept. 30th, 1850, committed for burglary, &c.....	22
Same period in 1851, committed for burglary, &c.....	7
	<hr/>
Difference in favor of Maine Law.....	15
	<hr/>
There were committed to Portland almshouse, by the municipal court, in June, July and August, 1850.....	14
By the overseers in the same months.....	11
	<hr/>
In the corresponding months for 1851, by the court.....	2
By the overseers.....	6
	<hr/>
	8
	<hr/>
Difference in favor of Maine Law.....	17
	<hr/>
1850—Number of persons admitted from January 1st to December 31st.....	290
1851— “ “ “ “ “ “	262
	<hr/>
Difference in favor of the law.....	28
	<hr/>
1850—Number of families assisted out of the house for seven months.....	60
1851— “ “ “ “ for corresponding months.....	40
	<hr/>
Difference in favor of the law.....	20
	<hr/>
Average number of persons in the almshouse in—	

	1850.		1851.		Decrease.
June	110	.....	92	.....	18
July.....	112	.....	85	.....	27
August	95	.....	81	.....	14
September	88	.....	85	.....	3
	<hr/>		<hr/>		<hr/>
	405	.....	343	.....	62
	<hr/>		<hr/>		<hr/>

Difference in four months of Maine Liquor law operation of 62

COMMITTALS TO THE HOUSE OF CORRECTION FOR DRUNKENNESS.

The Maine Liquor Law approved June 1st, 1851.

1850.—From June 1st to December 1st.....	40
1851.—From June 1st to October 16th.....	8
1851.—From October 16th to December 31st	8
	<hr/>
Difference in favor of the law.....	32

1851.—From January 1st to May 31st, the <i>five</i> months previous to the approval of the Maine Law.....	34
1851.—From June 1st to December 31st, <i>seven</i> months sub- sequent to the approval of the Maine Law.....	8

—
26
—

WATCH HOUSE.

Committed to the watch house from June 1st, 1850, to, and in- cluding, March, 1851.....	431
For the corresponding period of 1851-52, after the enactment of the Maine Law	180
Difference in favor of the Maine Law.....	251

Committals to Watch House.

	1850.		1851.		Decrease.
June	43	.....	25	.....	18
July.....	51	.....	21	.....	30
August	50	.....	18	.....	32
September	52	.....	34	.....	18
October.....	43	.....	21	.....	22
November	44	.....	23	.....	21
December	48	.....	11	.....	37
	<u>331</u>	.....	<u>153</u>	.....	<u>178</u>

COMMITTALS TO ALMSHOUSE.

From June 1st, 1850, to March 20th, 1851, a little more than nine months before the law.....	252
For the same period, commencing 1851, ending 1852.....	146
Difference in favor of law.....	106
Commitments in 1850.....	312
“ 1851 (Neal Dow, Mayor).....	191
“ 1852.....	244
“ 1853.....	243
“ 1854.....	263
	<u>1,253</u>

From 1850 to 1854, the population increased about 3,000, and it will thus be seen that notwithstanding the increase, the average of four years was seventy-seven less than in 1850.

HOUSE OF CORRECTION.

Commitments in 1850, before the liquor law.....	60
“ 1851, after “	48
“ 1852, “ “	38
“ 1853, “ “	35
“ 1854, “ “	20
	201

The average for four years after passing of the Maine Law being $34\frac{3}{4}$, as against 60 for 1850.

The following letter was written by the Rev. Dr. Carruthers, one of Portland's oldest and most respected clergymen :

“ GENTLEMEN,—In reply to your enquiries I follow them in their order and report as follow :

“ The Maine Law was the out-growth and expression of public opinion—generated by the religious convictions of professing Christians, gathering increased force from year to year and culminating in the aforesaid enactment by legislators, whose election turned on their accordance or otherwise with the prevailing sentiment of the people.

“ There had there therefore been a greatly improved condition of morals previous to that enactment, and the fact of the law being still in force, proves the unaltered views and feelings of the people.

“ In this city (Portland), it is disreputable to manufacture, sell or habitually use intoxicating drink.

“ Before the legislation which resulted in the Maine Law, there were many distilleries in this city and throughout the State. Ardent spirits were everywhere sold, and in less or greater quantities universally consumed. Those distilleries were abandoned, and the public sale of ardent spirits proscribed by public opinion before the Maine Law was enacted ; but the law has been greatly beneficial in giving effect to that opinion, and driving the now illegal traffic into secret haunts. There has been in consequence a wonderful improvement in the moral condition of the people, of what are elsewhere designated the “ lower classes.”

“ The difficulty of obtaining legal proof of sale—and the unwillingness of witnesses to act as informers, combined with the inefficiency of the police, largely chosen by the class who are the chief consumers of strong drink, and give their influence for the most part by vote, and otherwise, against the law, are the chief obstacles to the thorough enforcement of the Maine Law in this city.

“ Any attempt to repeal the law, would meet with stern opposition from the people of this State.

“The effect of the law throughout the State, has been to raise the standard of social morality, to aid the progress of religion, and promote to an inconceivable degree the happiness of the people.

“ I am, Gentlemen,

“ Yours respectfully,

“ J. J. CARRUTHERS.

“ To Col. F. Davis, and

“ Rev. J. W. Manning,

“ Commissioners, &c., &c.”

“ PORTLAND, MAINE, October 23rd, 1874.

“GENTLEMEN,—This morning I called for the reply from the City Marshal, and which I enclose. In conversation with him in his office, he said: ‘From my experience as an officer in this State for twenty years, four of which I was sheriff of this county, I am satisfied that the law can as easily be enforced as any other, and with a full and impartial enforcement of the law—that public opinion will fully sustain the officers.’

“ I am, Gentlemen,

“ Yours truly,

“ S. L. CARLETON.

“To Col. F. Davis, and

“ Rev. J. W. Manning,

“ Commissioners, &c.”

The following is the letter referred to by Mr. Carleton, as furnished him by the City Marshal:—

“ CITY OF PORTLAND,

“ CITY MARSHAL’S OFFICE,

“ October 23rd, 1874.

“DEAR SIR,—Your note enclosing one from Col. F. Davis and Rev. J. W. Manning, Commissioners appointed by the Canadian Government, to enquire into the working of the Maine Law, &c., is to hand.

“The note enclosed requests a copy of the records of this office, for the year 1872, during a part of which time the law was generally enforced, and in reply thereto, I have the honor to report as follows:—

January.....	126	April.....	39
February.....	102	May.....	26
March.....	134	June.....	48
October.....	98	July.....	72
November.....	105	August.....	73
December.....	90	September.....	62

655

320

During the year 1856, the Hon. Neal Dow, author of the Maine Law, was Mayor of Portland, and strictly enforced the law. Last year very little effort was made to enforce it, the Mayor being a license law supporter.

1856—population, 24,000	Arrests for drunkenness,.....	508
1873 “ 32,500	“ “ 	2,400

In 1873, one to every thirteen of the population.

In 1856, one to every forty-seven “

BANGOR—Population, 18,289.

The civic year ending with February in each year—

	Arrests.	Drunkenness.
1866.....	686	381
*1867.....	524	272
*1868.....	374	212
1869.....	685	411
*1870.....	669	322
1871.....	715	417
*1872.....	532	293
1873.....	920	667
	5,115	2,975

Average.	Arrests.	Drunkenness.
Four years when the law was not enforced.....	754	469
Four years when the law was enforced.....	524	274

AUGUSTA—Population, 7,808.

Civic year ending March 19th—

	Arrests.	Drunkenness.
1870.....	215	130
1871.....	233	158
1872.....	256	152
1873.....	154	86
1874.....	176	122
	1,034	648

* Years of vigorous enforcement of the law.

ROCKLAND—Population, 7,074.

	Arrests.	Drunkenness.
*1864.....	55	29
*1865.....	46	36
1866.....	86	34
*1867.....	48	13
*1868.....	54	45
1869.....	106	73
1870.....	367	256
*1871.....	80	49
1872.....	169	159
1873.....	237	160
	<hr/>	<hr/>
	1,248	854
	<hr/>	<hr/>

	Arrests.	Drunkenness.
Average of five years with partial enforcement.	195	136
do do of vigorous enforcement..	52	35
	<hr/>	<hr/>
In favor of Maine Law.....	143	101
	<hr/>	<hr/>

LEWISTON—Population, 18,540.

Civic year ending February 28th—

	Arrests.	Drunkenness.
1865.....	250	141
1866.....	359	64
1867.....	291	48
1868.....	178	44
1869.....	152	36
1870.....	155	37
1871.....	183	71
1872 (no return.)	.....	.....
1873.....	176	50
1874.....	473	197
	<hr/>	<hr/>
	2,217	688
	<hr/>	<hr/>

• Years of vigorous enforcement of the law.

Since 1860 the population of Lewiston has considerably more than doubled, being in that year 7,424.

	Population.	Arrests.	Drunkenness.	Proportion to population.
Portland.....	32,500	*2,016	.....	1 to 11
	.....	.....	*1,354	1 to 24
Bangor.....	18,289	639	.....	1 to 28
	.....	.....	372	1 to 49
Augusta.....	7,808	206	.....	1 to 38
	.....	.....	129	1 to 60
Rockland.....	7,074	124	.....	1 to 57
	.....	.....	85	1 to 83
Lewiston.....	18,540	246	.....	1 to 75
	.....	.....	78	1 to 237

The cities are here placed according to the increase of activity used in each in enforcing the law, Portland displaying the least. And it will be seen from the above table, that whilst Portland has not double the population of Lewiston, she has nearly ten times the amount of drunkenness, and nearly seven times the number of arrests.

Portland has one policeman to every 927 inhabitants.

Lewiston " " " 1,425 "

In Portland the proportion of drunkenness to arrests is about $\frac{2}{3}$ rds.

In Augusta " " " " " $\frac{2}{3}$ rds.

In Bangor " " " " " nearly a $\frac{1}{2}$.

In Rockland " " " " " about $\frac{2}{3}$ rds.

In Lewiston " " " " " " $\frac{1}{3}$ rd.

The Maine register does not give the population of each revenue district, only the electoral vote; but taking the ratio of one in five we get the approximate population of the following revenue districts, and the other figures are obtained from the report for 1873 of the United States Commissioners of Internal Revenue.

No. of District.	Population.	Amount paid for Spirit Tax.	Amount per head.
First (including Portland).....	143,300	\$63,616 90	44 cts. about.
Second.....	114,440	2,540 62	02 "
Third.....	132,420	4,015 85	03 "
Fourth (including Bangor).....	111,935	7,732 30	06 "
Fifth.....	124,820	2,961 03	02 "
	<u>626,915</u>	<u>80,866 70</u>	

Amount per head for State, 13 cents.

The districts, including Portland and Bangor, paid seven-eighths of the spirit tax, with nearly sixty thousand less than half the population.

*The totals in each column are the gross averages of the years given before.

Cumberland County includes Portland. Bangor is situate in Penobscot County. The commitments to State Prison for five years were as follows :—

	From all the State.	From Counties of Cumberland and Penobscot.	Population of Counties.	Population of State.
1869.....	48	56	.....	.....
1870.....	53	22	.....	.....
1871.....	63	29	.....	.....
1872.....	52	14	.....	.....
1873.....	22	16	.....	.....
	274	137	146,664	626,915

Thus the Counties of Cumberland and Penobscot, with a little over one-fourth of the population of the entire State, contribute just one-half of the convicts.

In 1871 Cumberland County sent of convicts..... 24

In 1872, when the Sheriff enforced the Maine Law during six months in Portland, the convicts from Cumberland Co. were. 7

MASSACHUSETTS.

“The decrease in arrests for drunkenness and of ‘crimes against the person,’ slight as it has been, would seem to show that the better enforcement of the prohibitory law, has had some effect in diminishing crime in the past year.”—(Report of the Board of State Charities, for 1867, page 138).

“I looked upon the law, when first enacted in our sister State, with some suspicion. It is one of the peculiarities of this law, whatever theories drawing a different conclusion we might in advance apply to it, that where it has been most efficiently executed, there the greatest results in the suppression of crime have been satisfactorily achieved; and it has seized with such strong hold upon the hearts of the people, that its popularity has in those places become invincible.”—(From a speech by Dr. J. W. Stone, one of the then representatives of Boston).

In 1856, Mr. Counsellor Chapman said: “There is not the one-hundredth part of the drinking in Springfield, that there was before the temperance movement commenced. Even those who in their own families, use their wine, give their influence in favor of the Maine Law. Assaults were almost always committed under the influence of drink, and already that class of crimes has nearly ceased. Legal and moral agencies should be combined; they are like the soul and body, and cannot well act separately.”

“The law has entirely suppressed the sale in one-half the towns, in Essex County notably so.”—(Major Boynton, Chief of State Police).

“I think the law is a good one, and that it has done a great deal of good for the country.”—(J. W. May, District Attorney).

“The effect of the law has been to change the entire character of the liquor dealer, and confine traffic to the lowest class, and the absence of the open sale has reduced drinking and crime.”—(Major Jones, Ex-Chief of State Police).

“The law is as well enforced as the laws against larceny, except in a very few places, and the effect has been to do away with the attraction and temptation.”—(General B. Butler, United States Senator).

“For several years the law has been enforced thoroughly, and in those years there have been less cases of drunkenness, assaults, and the class of crime usually attributable to drink, * * * * * The law is certainly a success * * * * * The enforcement of the law, reduces the sale very materially, and drives it into the lowest quarters, thus removing the temptation from the young, and this is one of its best features.”—(Judge Borden, New Bedford).

“I believe the law is enforced in three-fourths of the State. It is partially enforced everywhere, and with good effect in the former district, and exercises considerable restraint in the latter.”—(Governor Talbot).

“The law does good, and that good is commensurate with the vigor and impartiality of its enforcement. We have abundant evidence that its enforcement in our city has lessened crime, diminished pauperism, and promoted good order. Carefully collected statistics show that intemperance is the fruitful source of crime; that in New England, nearly ninety per cent. of criminals are intemperate; and that ninety-five per cent. of juvenile delinquents come from the houses of idle, ignorant and drunken parents.

“In this connection, I call your attention to statistics of the police court, almshouse, and house of correction, for the years 1869, 1870 and 1871, and also to the reports of the officers of the night watch for the same years, the enforcement of the prohibitory law having commenced in January, 1870.

POLICE COURT.

The number of cases before the court in 1869, was	603
“ “ “ 1870, “	485
“ “ “ 1871, “	462

“Showing a decrease in 1870, of 118, from 1869; and in 1872, a decrease of 141, from same year.

ALMSHOUSE.

The number of commitments of boys, paupers and criminals, from March, 1869, to March, 1870, was.....	147
From March, 1870, to March, 1871, was.....	114
For ten months, from March, 1871, to January, 1872, was	70
Showing a relative decrease of	63

HOUSE OF CORRECTION.

The number of commitments from this city in 1869, was.....	189
“ “ “ 1870, “	101
“ “ “ 1871, “	93
	—
Showing a decrease of	96
	—

NIGHT WATCH.

Whole number of arrests in 1869, was	240
“ “ “ 1870, “	141
“ “ “ 1871, “	155
	—
Showing a decrease of	85
	—

LODGERS IN THE STATION HOUSE.

Whole number in 1869, was	565
“ “ 1870, “	506
“ “ 1871, “	348
	—
Showing a decrease of	217
	—

“ These figures, significant and gratifying as they are, do not reveal all that has been accomplished. No arithmetic can compute the value of the happiness which the enforcement of the law has effected in households; it cannot measure the woe of a disconsolate wife, or her bliss at the reform of her husband. Encouraged by such results, and with full faith in the wisdom and beneficence of the prohibitory statute, I shall spare no effort for its impartial and rigid enforcement.”

From Clubb's History of the Maine Law, we take the following figures:
Committed to Cambridge house of correction, from July 21st, to October 21st, 1851—

From Lowell.....	89
For drunkenness	108
	—
From July 21st, to October 21st, 1852—	197
From Lowell.....	27
For drunkenness	88
	—
	115
	—
	82
	—

“ The master of the house of correction, says, that he knows no cause for the decrease, except the liquor law, as when tipping decreases so will crime.”

LOWELL.

Committed to Lowell jail, from July 21st, to October 21st, 1851—	
Belonging to Lowell.....	72
Drunkards	71
Minors.....	15
	— 78
From July 21st, to October 21st, 1852—	
Belonging to Lowell.....	46
Drunkards	47
Minors.....	8
	— 57
	—
Difference in favor of the law	21
	—

LOWELL POLICE REPORT.

For three months ending October 22nd, 1851—	
Committed to the watch house for drunkenness	160
Reported seen drunk but not arrested.....	390
	— 550
Same period of 1852—	
Committed to the watch house	70
Reported seen drunk, but not arrested	110
	— 180
Difference in favor of the law.....	370
	—

It is admitted by both friends and enemies of the prohibitory law, that its influence in Boston is small, compared with the other portions of the State; and the Board of State Charities, in their report for 1870, Part 1, Page 15, say:—

“During the year ending September 30, 1869, the commitments to county prisons, and the house of industry, for drunkenness, were as follows:

	Drunkards.	Common Drunkards.
In all the counties except Suffolk	2,632	348
In Suffolk County (including Boston)	4,826	463
	311	811
	—	—
Total for the State.....	8,259	
	—	

It will thus be seen that Suffolk County, with a population of 270,802, less by 20,000 than one-fifth the population of the entire State, sends to the county prisons within two hundred and thirty, or two-thirds of the drunkenness of the whole State.

The Board of Inspectors of the Massachusetts State Prison, in their annual report for 1871, at page 13, say:

The whole number committed to the prison in the last two years, was.....	1,481
Committed from Boston.....	842
<hr/>	
From all other parts of the State.....	639
<hr/>	
Committed for second time.....	135
Committed from Boston for second time.....	75
<hr/>	
From all other parts of the State.....	60
<hr/>	

The average population of this State (not including Suffolk County), for the last ten years was about 1,000,000, from which we received but 43 per cent. of our convicts, and 37 per cent. of second commitments. The population of Suffolk County, for the same period, was about 200,000, from which we received 57 per cent. of our convicts, and 63 per cent. of second commitments."

From the annual tables of the Board of Inspectors, we learn that the number of convicts committed to the State Prison for a period of years was as follows:

	Whole State*	Boston City.	Total No of Convicts
1865	46	83	129
1866	84	163	247
1867	71	57	128
1868	78	102	180
1869	87	96	183
1870	74	107	181
1871	66	83	149
1872	77	83	160
1873	76	98	174
	<hr/>	<hr/>	<hr/>
	659	872	1,531
	<hr/>	<hr/>	<hr/>

* Except Boston.

Average for State, including Boston	73
Average for Boston.....	97
<hr/>	

From the last published statement, by the Board of State Charities, for 1871-72, the following figures are compiled:—

COMMITMENTS.

	Population.	Jail.	House of Correction.	Total.
Barnstable	32,774	11	10	21
Bristol	102,886	97	672	769
Essex	200,843	811	820	1,631
Franklin	32,635	16	35	51
Hampden	78,409	115	561	676
Hampshire.....	45,388	49	117	166
Plymouth	65,365	32	37	69
	<hr/>	<hr/>	<hr/>	<hr/>
	557,300	1,131	2,252	3,383
	<hr/>	<hr/>	<hr/>	<hr/>
Suffolk	270,802	4,296	739	5,035
Middlesex	274,353	677	1,232	1,909
	<hr/>	<hr/>	<hr/>	<hr/>
	545,155	4,973	1,971	6,944
	<hr/>	<hr/>	<hr/>	<hr/>

The first seven counties were named by the Chief of the State Police, as counties in which the law had been generally enforced, and the two last as the counties least subject to the influence of the law.

In the former, the committals are 1 to 165; in the latter, the committals are 1 to 79.

The counties of Suffolk and Middlesex, with a population of about 12,000 less than the other seven, has four times the number committed to jail, and twice the number in the aggregate.

The counties of Middlesex and Suffolk, with a population of about sixty thousand, over one third send to the jails and houses of correction, within 320 of half the entire number from the whole of the State.

Comparing New Bedford, with an energetic enforcement of the law, and Boston, we find:

New Bedford, population, 21,320; arrests, 890; lodgers, 712. Boston, population, 350,000; arrests, 27,845; lodgers, 47,661.

Average in New Bedford: arrests, 1 to 24 of the population; lodgers, 1 to 30 of the population. Average in Boston: arrests, 1 in 12 of the population; lodgers, 1 in 7.

STATISTICS OF THE INTERNAL REVENUE, U. S., FOR 1873.

	Spirits.
First District	\$13,767 19
Second "	12,619 66
Third "	575,885 70
Fourth "	261,965 17
Fifth "	231,828 20
Sixth "	401,323 88
Seventh "	22,230 18
Eighth "	13,134 04
Ninth "	13,847 18
Tenth "	127,625 45
	\$1,674,276 65

The third, fourth, fifth, sixth, seventh, and eighth districts include the counties of Suffolk and Middlesex, and these districts, with a population of 797,441, contribute the sum of \$1,506,417.17.

The remaining districts, comprising the remainder of the State, with a population of 659,909, the sum of \$167,859.48.

Average per head, of six districts, \$1.88. Average per head, of four districts 25c.

For the entire State: population, 1,457,350; spirit tax, \$1,674,276.65. Average per head, about \$1.14.

RHODE ISLAND.

The following entries were made in the police records of the City of Providence, and copied from thence:—

March 9th, 1853—" Maine Law Watch-house to let."

March 10th, 1853—" Maine Law in force—no commitments either day."

PROVIDENCE COUNTY.—Population, 87,526.

County Jail.

Commitals from July 19 to October 19, 1851.....	161
Commitals for corresponding period, 1852.....	99
	62
Difference in favor of the law.....	62

PROVIDENCE CITY.—Population, 47,560.

The Watch-house.

Committals to the watch-house for drunkenness and small assaults growing out of drunkenness, from July 19 to October 19, 1851.....	282
Committals to the watch-house for same causes, for the corresponding period of 1852.....	177
Difference in favor of the law.....	<u>105</u>

The Hon. W. R. Watson, Secretary of State in 1854, wrote:—"The law has been in force two years and a half; its effect I cannot doubt has been greatly to diminish crime, pauperism, insanity, and that long, dark catalogue of evils—moral, social and physical, which result from intemperance. The statistics of the State prison, almshouses and lunatic asylums, shew conclusively, that a very large proportion of the inmates of those abodes of misery, are the sad victims of the intemperance of the past; whatever, therefore, operates to diminish intemperance, must necessarily largely and efficiently contribute to relieve society from its terrible consequences. As intemperance decreases, the number of State offences decreases; the money, worse than wasted in the purchase of intoxicating drinks, goes to purchase the necessaries of life. The moral and social condition of the community is thus elevated and improved, and individual comfort and public prosperity vastly promoted; such has been the salutary operation of the enforcement of the Maine Liquor Law in this State. The Sabbath is better observed, and the attendance upon divine worship is increased; its fruits have been good; the blessings of health, happiness and peace; of drunkards redeemed and restored to their friends; of scattered families re-united and made happy; of neighbourhoods riotous and disorderly, made quiet and peaceable;—which all flow from the enforcement of this law, would seem to attest the sanctity of a higher than human power, and demonstrate its accordance with natural and divine laws."

The prohibitory law remained in force until 1862; since then, the State has again tried a license law and local option, and has now again returned to prohibition.

In 1873, only ten towns granted license under the local option law, whilst twenty-five refused to allow the sale of intoxicating liquors.

From the returns of the U. S. Internal Department, it appears that Rhode Island, in 1873, paid spirit taxes to the amount of \$75,307.90; an average of thirty-four cents per head on a population of 217,352.

VERMONT.

In February, 1855, Ex-Governor Eaton, said:—"That the law has exerted an immense influence and accomplished great good, is as plain to him whose eyes are not resolutely closed to the light of truth, as is the light of the sun."

CALEDONIA COUNTY—Population, 23,595

In 1855, Joseph Ide, Esq., Justice of the Peace, St. Johnsbury Centre, wrote:—"I can only say that the jail in this county was tenantless in December last; I believe there are now two prisoners incarcerated, and that for passing counterfeit money. Our penitentiaries contained at the time of the report of the Commission in 1853, a little over ninety convicts; the report in 1854, reduces the number to a little over sixty.

I believe that crime throughout the State has diminished since the passing of the Maine Liquor Law in a much greater proportion, than what is indicated by the above statements in reference to this county."

The grand jury of Burlington, in their presentment in 1855, said:—"We would also say that we feel highly gratified to find the jail destitute of inmates, a circumstance attributable, we believe, to the suppression of the sale of intoxicating liquors."

In 1874, Governor Convers, said:—"The law has been in force about twenty-two years; I consider it a very desirable law; I think the law itself educates and advances public sentiment in favour of temperance; there is no question about the decrease in the consumption of liquor; I speak from personal knowledge, having always lived in the State."

Judge Peck, Governor-elect, said:—"I think the influence of the law has been salutary in diminishing drunkenness and disorders arising therefrom, and also crime generally."

D. W. Dudley, County Jailer for Washington County, with a population of 26,520, gave the committals to the County Jail for year ending:—

	Drunkenness.		Other Crimes.		Total.
October, 1872.....	25	.....	24	.....	49
“ 1873.....	25	.....	22	.....	47
“ 1874.....	22	.....	18	.....	40
	—		—		—
	68		68		136
	—		—		—

Average of drunkenness, 1 in 390; average of other crimes, 1 in 390; total population of the State, 330,551; amount of spirit taxes for 1873, \$19,063.00; average amount per head, 5 cents. Prohibition is considered the settled policy of the State.

The following documents was also placed in the hands of your Commissioners, and its pertinence to the subject of their enquiry, is their apology for inserting it in their report:—"In 1864, by a special Act of the Legislature of New Jersey, the citizens of the settlement of Vineland (first settled in 1861) were empowered to vote upon license or no license. From the beginning of the settlement, in 1861, no traffic in intoxicating beverages had been allowed; a very large majority of the votes have

been uniformly given to "no license." Vineland has, therefore, never had an open grog shop. The population consists of manufacturers and business people upon the town plot, and of farmers and fruit growers, outside the village limits, gathered from different parts of the United States, from Germany, France, England, Ireland, Scotland and Italy."

The Overseer of the Poor, T. T. Curtis, Esq., says in his report for 1869:—
 "Though we have a population of ten thousand people, for the period of six months, no settler or citizen of Vineland has required relief at my hands, as Overseer of the Poor; within seventy days, there has been only one case, among what we call the floating population, at the expense of \$4.

"During the entire year, there has been only one indictment, and that trifling case of assault and battery, among our coloured population.

"So few are the fires in Vineland, that we have no need of a fire department. There has been only one house burnt down in a year, and two slight fires, which were soon put out.

"We practically have no debt, and our taxes are only one per cent. on the valuation.

"The police expenses of Vineland, amount to \$75 per year, the sum paid to me; and our poor expenses a mere trifle.

"I ascribe this remarkable state of things, so nearly approaching the golden age, to the industry of our people, and the absence of King Alcohol.

"Let me give you in contrast to this, the state of things in the town from which I came in New England. The population of the town was nine thousand five hundred, a little less than that of Vineland. It maintained forty liquor shops. These kept busy a police judge, city marshal, assistant marshal, four night-watchmen and six policemen. Fires were almost continual. That small place maintained a paid fire department of four companies of forty men each, at an expense of \$3,000 per annum. I belonged to this department six years, and the fires averaged about one every two weeks, and mostly incendiary. The support of the poor cost \$2,500 per annum. The debt of the township was \$20,000. The condition of things in this New England town, is as favourable in that country, as that of many other places where liquor is sold."

The Hon. Charles K. Sandis, the founder of Vineland, delivered an address before a judiciary committee of the House of Assembly, 1873, in which he gave the statistics of the police and poor expenses for a period of six years:—

<i>Police Expenses.</i>	<i>Poor Expenses.</i>
1867.....\$50 00	1867.....\$400 00
1868..... 50 00	1868..... 425 00
1869..... 75 00	1869..... 425 00
1870..... 75 00	1870..... 350 00
1871* .....150 00	1871* 400 00
1872..... 25 00	1872..... 350 00

* This was the year when the Vineland Railway was building through the place.

Mr. Sandis says :—"These figures speak for themselves ; but they are not all. There is a material and industrial prosperity existing in Vineland, which, though I say it myself, is unexampled in the history of colonization, and may be due to more than ordinary causes. The influence of temperance upon the health and industry of her people, is no doubt the principal of these causes. Started when the country was plunged in civic war, its progress was continually onward. Young as the settlement was, it sent its quota of men to the field, and has paid over \$60,000 of war debts. The settlement has built twenty fine school houses, ten churches, and kept one of the finest systems of road improvements, covering 178 miles, in the country. There are now some fifteen manufacturing establishments on the Vineland tract, and they are constantly increasing in number. Her stores, in extent and building will rival any other place in South Jersey. There are seventeen miles of railway upon the tract, embracing six railway stations. The amount of products sent away to market, is enormous. The poorest of her people seek to make their homes beautiful."

GREELEY—(COLORADO.)

A more recent colony not yet four years old, founded upon temperance principles, with a perpetual proviso against liquor traffic, is Greeley, Colorado. Like Vineland it has a miscellaneous population, about 3,000, and is rapidly increasing in numbers.

Efforts have been made from time to time, to introduce the sale of alcoholic beverages, but with little success. Not long after the colony was founded, a fair was held, and the proceeds, \$91, put into a fund for the poor. Two years and a half afterwards, there still remained of this fund, unappropriated, and with no calls therefor, \$84. Meanwhile several churches, Presbyterian, Baptist, Methodist and Episcopal, three schools, two banks, several extensive stores, two weekly journals, and one monthly, and two literary societies, have been established, and are in a flourishing condition. N. C. Meeker, Esq., of the Greeley *Tribune*, projector of the colony, writes, September, 1873 :—"No liquor is sold in the town, nor on the colony domain. A rum shop was started the first year, and it was burnt down in broad daylight. A few months ago, one was opened five miles from town, and one night all the liquor was destroyed."

Your Commissioners have ascertained that five States of the Union have prohibitory laws, seven States have civil damage laws—that is, laws to recover damages for loss to persons or property resulting from the sale of liquor, two or three States have local option laws ; and it would appear, that in almost every State of the Union, from Rhode Island to California, the question of the restraint of the traffic in intoxicating liquors is being more or less agitated, whilst in many States a third, or prohibitionist party is being formed, having in view a union with any party that will assist in making a prohibitory law.

By the kindness of Edward Young Esq., Chief of the Bureau of Statistics at Washington, your Commissioners have been supplied with the figures bearing on this question, for the year ending June, 1874, from which they note, that evidence is

afforded by them of the operation of the law. The three named States paid in 1872-'73 on spirits and fermented liquors:—

1872-73.

States.	Tax on Spirits.	Fermented Liquors.	Total.
	\$ cts.	\$ cts.	\$ cts.
Massachusetts.....	1,674,276 65	638,975 51	2,313,253 16
Maine.....	80,866 70	9,410 19	90,276 89
Vermont.....	19,063 00	3,609 14	22,672 14
	1,774,206 35	651,995 84	2,426,202 19

1872-73.

States.	Tax on Spirits.	Fermented Liquors.	Total.
	\$ cts.	\$ cts.	\$ cts.
Massachusetts.....	1,677,356 37	518,866 24	2,196,222 61
Maine.....	37,172 75	14,335 94	51,508 69
Vermont.....	14,969 75	3,301 45	18,271 20
	1,729,498 87	536,503 63	2,266,002 50

Totals Compared.

States.	1872-73.	1873-74.	Decrease.
	\$ cts.	\$ cts.	\$ cts.
Massachusetts.....	2,313,253 16	2,196,222 61	117,030 55
Maine.....	90,276 89	51,508 69	38,768 20
Vermont.....	22,672 14	18,271 20	4,400 94
	2,426,102 19	2,266,002 50	160,199 69

Massachusetts—Spirit tax increases.....	3,079 72
Fermented liquors decrease.....	120,110 27
Maine—Spirit tax decreases (over half).....	43,693 95
Fermented liquors increase.....	4,925 75
Vermont—Spirit tax decreases.....	307 69

Contributed to the U. S. Internal Revenue, 1873 and 1874:—

States.	Population.	Spirits.	Fermented Liquors.	Total.
Connecticut.....	537,454	277,762 25	59,447 51	337,209 76
Indiana.....	1,680,637	4,257,636 35	188,292 23	4,545,928 58
Kentucky.....	1,321,011	5,105,004 85	44,088 66	5,149,093 51
Maine.....	626,915	37,172 75	14,335 94	51,508 69
Massachusetts.....	1,457,351	1,677,356 37	518,866 24	2,196,222 61
Michigan.....	1,184,059	267,109 03	214,287 78	481,396 81
New Hampshire.....	318,300	75,278 19	113,593 42	188,871 61
New Jersey.....	906,096	293,187 57	566,717 95	859,905 52
New York.....	4,382,759	3,259,796 20	2,989,175 05	6,248,971 25
Rhode Island.....	217,353	61,883 56	26,650 26	88,533 82
Vermont.....	330,551	14,969 75	3,301 45	18,271 20

The following is the amount of duty per head, omitting fractions:—

	\$ cts.
Connecticut.....	62
Indiana.....	2 70
Kentucky.....	3 89
Maine.....	08
*Massachusetts.....	1 50
Michigan.....	40
New Hampshire.....	51
New Jersey.....	94
New York.....	1 42
Rhode Island.....	40
Vermont.....	05

* Senator Stone, of Massachusetts, in the last Congress, in a speech delivered before that body, "protested against these figures being taken as a test of consumption in that State, as Boston was a distributing mart, and imported the supplies for nearly all the New England States, and the same tables would show that every inhabitant of the State consumed 127 pounds of sugar, and 80 pounds of salt."

For this reason, it would be unfair to compare Massachusetts with the other New England States, and therefore draw the comparison between.

License States.

Prohibitory States.

Connecticut—average,	62 cents.	†Michigan—average,	40 cents.
New Hampshire	" 51 "	Maine	" 08 "
New Jersey	" 94 "	Vermont	" 05 "
Rhode Island	" 40 "		
	247		53
Average of License States is.....	61½ cents.		
" Prohibitory ".....	17¾ "		

† It has already been explained that this State has in effect a free sale, the law not being enforced, and deducting Michigan, the

Average of License States is.....	61½ cents.
" Prohibitory ".....	6¼ "

Taking the eleven States, and classing them as seven for the license, and four prohibitory, we find the

Average for the License States.....	\$1 49
“ “ Prohibitory “	0 50

Your Commissioners visited five States, thirteen cities, ten towns, and many rural districts; they travelled nearly four thousand miles, and conversed with all classes; they found the testimony as to the partial operation of the law in many of these cities, and its general enforcement in towns and rural districts to be uniform.

Your Commissioners desire heartily to acknowledge the courtesy with which they were treated by all the officials from the Governor of each State, downwards, as well as by all the private citizens with whom they were brought into contact; and further, would place on record their appreciation of the prompt and cheerful liberality that placed at their disposal all books and documents bearing upon the subject of their enquiry.

Your Commissioners take the liberty of presenting with their report (as an Appendix) two important extracts from a Report of a Joint Committee of the Senate and House of Representatives of Massachusetts, dated May 14th, 1867. One hundred and ninety-two witnesses (all representative men) were examined before the Commission, and the whole question of prohibition appears to have been very carefully considered. The first extract is from the report of a majority of the Commission; and the second extract from the minority report—both sides of the question are there presented with great force and clearness.

In discharge of the onerous and responsible duties assigned to them, your Commissioners have given the matter their most earnest attention, and trust that their labour and its results will be satisfactory, and meet with His Excellency's approval.

All of which is most respectfully submitted by,

Your most obedient servants,

F. DAVIS,

J. W. MANNING,

*Commissioners of Enquiry into the working of the
Prohibitory Laws of the United States.*

APPENDIX.

EXTRACT FROM MAJORITY REPORT OF JOINT COMMITTEE OF THE SENATE AND HOUSE OF REPRESENTATIVES OF MASSACHUSETTS, DATED MAY 14th, 1867.

These Statutes have constituted a prominent feature in the criminal legislation of the State for many years. Enacted originally with the sincere belief on the part of many good men that they were right in principle, and would prove successful in operation, they were designed undoubtedly, like other criminal statutes, to promote the good order, peace, and security of the community. They prohibit absolutely the sale of all spirituous and intoxicating liquors, including therein wine, ale, porter, lager-beer, and cider, to be used as a beverage (recognizing however the right of importers to sell imported liquors in the original packages). They prohibit also the sale of liquors for any other purpose—whether medicinal or mechanical—except the same are obtained from the State Agency, and sold by the State Agent, his sub-agents or the agents appointed by the different towns. The petitions ask that this law may be so modified as that the State Agency may cease to have the monopoly of the sale of liquors for medicinal and mechanical purposes, though allowing it still to furnish the town agents; that druggists and apothecaries may be permitted, under proper restrictions, to sell for medicinal purposes, and that the other provisions of the law may be so far changed that, under proper restrictions, in such cities and towns as shall desire it, hotel-keepers, common victuallers, and certain other parties, may be permitted to sell. * * * * * Again, among the witnesses for the petitions there were very many men whose characters and opportunities for information gave peculiar weight to their testimony. Several of the former Governors of the State, a large majority of the municipal officers of our cities, present and former judges, present and former district attorneys, eminent and reverend ministers of the gospel of every denomination, city missionaries, a large body of our most distinguished medical men and chemists, sound and experienced business men, many total abstinence men—some of whom had advocated and been foremost in the enactment of the present law—with very many others coming from all parts of the State, and looking at the questions at issue from their various points of view, testified in favor of a modification of the law. It is without precedent in the history of the legislation c

this state that a *criminal* statute should be so numerously opposed by men of this class and character.

* * * * * The second fact is, that this opposition is increasing instead of decreasing, and is more general rather than less general, than it was a few years ago. Very frequently there is a decided contest over the establishment of a new principle in legislation, but in ordinary cases it is found to work tolerably well, the old opposition gradually dies out and disappears. It is certainly a significant fact that the opposition to this law seems steadily to have increased. So long as the law was not enforced there was comparatively little opposition to it. As soon as it is enforced, and the further its principles are carried into execution, there spring up opponents on every side, not merely or chiefly those who are pecuniarily interested in the matter, but thousands of good citizens who cannot be assumed to be controlled by any other motive than regard for the public good. If time has proved the wisdom and justice of the law, why is it that this opposition has increased, both in number and character, and that many of the former friends of the law proclaim their change of views?

* * * In our Republican form of government, we have always recognized the fact that no criminal laws can be faithfully executed, (and therefore should not be enacted), which are not sustained by the moral convictions of the people. When we make changes in them from time to time, we are content to leave the execution of the new laws with the ordinary instrumentalities. For the administration of our entire criminal code, old laws and new laws, we have relied upon the vigilance of ordinary municipal officers to complain of violations, the fidelity of prosecuting officers, elected by the people, to take charge of the complaints or indictments, when made or found; the honor and good sense of juries selected, under long established and well known rules, to convict or acquit, according to the law and the evidence, and the discretion of the judges in case of conviction, to impose reasonable sentences. All these regular and ordinary methods were open for the execution of the Statutes upon the sale of liquor. If the moral judgment of the people approved of the law, there was no sufficient reason in the nature of things, why police officers, district attorneys, juries, and judges, should not be as prompt and decided in doing their respective duties by this, as well as other laws. Yet, the course of the supporters of the present Statutes, seems to indicate great distrust upon their part, of all these parties, or rather that there is something in the law so different from the principles of our ordinary criminal legislation, and so repugnant to the popular instincts, that new and arbitrary methods are necessary to enforce it.

Every city and large town has its local police, which had been found effective enough in preserving the peace, and prosecuting violations of state and municipal laws. It is a force created by the municipalities most interested in preserving order within their own limits. Yet the execution of this law, could not, it was thought, be

safely entrusted to them, because they were not sufficiently eager to prosecute, and hence a system of state constabulary was adopted, until that time unknown in this country and in other republics, and borrowed from monarchical countries.

* * * Again it was believed that juries in various parts of the commonwealth, selected and empannelled in the ancient way, under a system entirely satisfactory until the enactment of the present law, would not sometimes convict in liquor cases upon proper evidence, through the opposition to the law on the part of some of their number. Accordingly, during many sessions of the Legislature, attempts have been made in several instances, well nigh successful, for the avowed purpose of procuring more convictions in liquor cases, to change the system of trial by jury either by excluding liquor dealers from the panel, or all whose opinions would prevent them from convicting or by giving to the prosecuting officer the right to challenge two peremptorily.

Finally the judges are not allowed to exercise the same discretion as to the punishment of these cases as they are allowed in almost all other criminal cases, but must impose the same penalty upon all offenders, disregarding the circumstances peculiar to each case which ordinarily influence, and which the law has generally said influence the judicial mind.

We have then, a State Police, whose chief duty it is to complain of violations of this law, district attorneys and judges, placed under unusual and arbitrary restrictions in the trial and disposal of cases under it; and an almost successful attempt to change the system of jury trial.

* * * The three facts to which we have alluded, viz.: the strength and character of the opposition to the present law, the steady increase of that opposition, and the extraordinary methods necessary, in the opinion of the friends of the law for enforcing it, tend to raise serious doubts as to whether the law is approved by the people, and if not approved by the people whether it is a just and proper criminal law.

THE THEORY OF THE LAW.

We have said that the prominent feature of the law was its *absolute* prohibition of the sale of all intoxicating liquors, including therein, wine, ale, beer and cider, to be used as beverages (excepting the sale by importers as above stated). An absolute prohibition of the sale for use, as a beverage, is of course, in effect, an absolute prohibition of the use as a beverage. Is such absolute prohibition of the use, right, wise, or expedient? Is it fairly within the domain of legislative action? Is it consonant with Republican notions of the rights of the citizens? Is it demanded by any imperative necessity? Does it in itself, or as a precedent for similar legislation upon similar subjects, accomplish, and promise to accomplish, a certain definite good so great as to justify a resort to its severe and arbitrary provisions?

* * * * * Some of the witnesses before the Committee testified

that in their opinion the drinking of any quantity of wine, cider, beer, or any intoxicating liquor as a beverage, is in all cases a sin. If they are right, then the sale of liquor, to be used as a beverage, is in all cases a sin. And if it is a sin in all cases to sell, then such sales should be absolutely prohibited, and every offender should be punished. But however conscientious these witnesses, and those who agree with them, may be in asserting this, the distinguished representatives of the remonstrants distinctly assured the Committee, that that was not their opinion, nor as they believed that of the mass of the supporters of the present law. The law therefore does not, in the opinion of any considerable number of its friends, rest upon the proposition that the use of intoxicating liquors, as beverages, is in all cases, and of itself, sinful.

Much medical and chemical testimony was introduced upon both sides in regard to the dietetic uses of alcohol. Whether alcohol acts simply as a stimulant, or whether, in addition, it acts as food to the system, was discussed at great length, and with much learning. So long as scientific men differ widely upon this subject, the Committee would not presume to express an opinion; nor is it necessary for the purposes of this enquiry. For whether the alcohol in wine, ale, beer, cider, and other liquors, acts simply as a stimulant, in the language of Dr. Carpenter, "increasing, for a time, the vital activity of the body, but being followed by a corresponding depression of power, which is the more prolonged and severe in proportion as the previous excitement has been greater;" or whether, as stated by Dr. Edward H. Clarke, it "may produce the effect of food in the system, under certain circumstances," by arresting the disintegration of the tissue. In either case it is very certain that from the earliest times to the present day, in every country, civilized and uncivilized, men universally have used alcoholic beverages to gratify a natural appetite, and meet a real or supposed need of the system; and nature has surrounded us everywhere with the materials from which these beverages can be prepared, by the simplest processes of distillation or fermentation. It is probable that scientific men will always differ in their opinions as to whether these beverages are beneficial or injurious. But if this is true it can be yet more certainly said, that each individual will always claim that he is the best judge, and is entitled to decide as to his particular need of them, and as to their effect upon himself. Some men may decide wrongly; some men may use alcoholic liquors excessively against their own better judgment; still they, and all other men will, so long as it is conceded that the use is not, in all cases, sinful, assert the right to decide whether, and to what extent, they shall make it for themselves.

* * * * * Now, the prohibitory law does not, in its terms, directly undertake to forbid the citizen from exercising this right. It is no offence to buy liquors for use as a beverage; it is no offence to use them as a beverage; no penalty is imposed upon either. Yet the prohibition of the sale is made only because the purchase and the use, as a beverage, it is thought, should be prohibited. Suppose now that the law should, in direct terms, also prohibit the buying and the use, under

the same penalties as the sale. Would there be any question that this would be generally deemed an unjustifiable interference with the private rights and habits of the citizens? Could it be distinguished in principle from any sumptuary law? and have not Republican governments wisely discarded such laws as relics of tyranny? Every man would repudiate the legislation which would fine and imprison him for every case in which he used alcoholic liquors as a beverage. Indeed our legislative records show, that bills to punish the buyer of intoxicating liquors equally with the sellers have repeatedly been rejected by almost unanimous votes. There are no reliable statistics to show what proportion of our population wholly abstain from the use of wine, ale, beer, cider, and other liquors, as beverages. It is probably very small. There are probably no large communities in which a majority never drink any quantity of any of the prohibited liquors for other than medicinal purposes. In point of fact a provision prohibiting the use, as a beverage, under the penalties now imposed upon the seller, if enforced, would fine and imprison, at some time or other, almost all the male population of the State.

Now, the essential defect in the theory of the present law is, that it attempts, by indirect methods, to enforce the very principle of prohibition of the use, as a beverage, which, in direct terms, is not, and never would be, incorporated into the law, and that the general and absolute prohibition of the use does not rest, as has been said, on the proposition which, if true, would logically support it, viz.: that the use is in itself a sin. This defect is understood by the people. If the police officer, the district attorney, the juror, or the judge, buys liquors for use, as a beverage, and so uses them, conscious that he violates no law, divine or human, it is not surprising that he recoils at the idea of complaining against, prosecuting, convicting, and sentencing, to fine and imprisonment, the man whose only offence may have been to sell these liquors. No sophistry can prevent people from taking this view of the law. The law is unsound in the assumptions on which it rests, and wrong in its punishment of the seller instead of the buyer and the user. If it is wrong to use liquors as beverages, why not punish those who use them. If the law studiously neglects to punish the buyer and the user, is it not strong proof, that in the opinion of those who framed it the use is not wrong? And if the use is not wrong, is there any sense or justice in punishing those who sell for the use?

But many say, that while every man has the absolute right to eat and drink as he pleases, still, that living in communities as men do, he holds his absolute rights in subjection to the general good of the community; that the general good of the community requires that all men should abstain from the use of intoxicating liquors, as a beverage, not because it is sinful in itself, nor because it will injure all men, but because some men will use them improperly and excessively. Even if this proposition were correct, the defect in the law to which we have alluded—the punishment of the seller instead of the buyer—would not be cured, for that objection applies as strongly to this statement of the basis of the law, as to the first proposition, that the

use is generally sinful or injurious. But passing by this serious defect in the method by which total abstinence is to be enforced, we say that it is beyond the legitimate scope of legislative action to attempt, by criminal enactments, to prevent the many from using these beverages, because a few may abuse them. We are reminded that Paul said, "It is good neither to eat flesh nor to drink wine, nor do anything whereby thy brother stumbleth, or is offended, or is made weak;" but it seems to us a strange perversion of the apostle's meaning, to say that the sublime rule of self-denial and self-sacrifice in all things, which he enjoined as a moral precept, to operate upon the heart of the Christian, and guide his individual course in his conduct towards his fellowmen, with its different practical applications, according as circumstances might differ, should be enacted into an arbitrary criminal act, and enforced by severe pains and penalties.

That the excessive use of intoxicating liquors produces deplorable results, and that men should be most urgently counselled to abstain from such excessive use, and should be punished by law if they disturb the peace of the community by reason of their excessive use, we are all agreed. That men inclined to be intemperate may be strongly and beneficially influenced by the example of total abstinence in others, when they see that total abstinence is enforced by the individual upon himself as an act of self-denial, for its benefit as an example, and does not result from a mere lack of desire to drink, or from an act of legislation compelling it, cannot be doubted. But it is not the province of law to undertake to satisfy the heart and mind of the citizen that he should practice temperance or total abstinence, and the law which undertakes to compel total abstinence on all, will simply curtail the rights and liberties of the many who may use liquors without injury, while it will fail to produce the moral change in the few who cannot use them without injury, sufficient to induce them to abstain. For unless that moral change is produced they will not cease to make the excessive use, and so long as the prohibitory law itself provides by its state agency for the keeping of vast quantities of liquors; men with strong appetites will not fail to get them in some way.

We sum up, in three propositions, our statement of the defects in the theory of the prohibitory law:—

1. It is not sinful, nor hurtful in every case, to use every kind of alcoholic liquors as beverages. It is not, therefore, wrong, in every case, to sell every kind of alcoholic liquors to be used as beverages. But this law prohibits every sale of every kind of alcoholic liquors to be used as beverages.

2. It is the right of every citizen to determine for himself what he will eat and drink. A law prohibiting him from drinking every kind of alcoholic liquors, universally used in all countries and ages as a beverage, is an arbitrary and unreasonable interference with his rights, and is not justified by the consideration that some men may abuse their rights and may therefore need the counsel and example of good men

to lead them to reform. But this law does in theory prohibit him from drinking every kind of alcoholic liquors, since it prohibits every sale of every kind of alcoholic liquors to be used as a beverage.

3. Finally, if the use should be totally prohibited, because it is either sinful or hurtful in all cases, or may be in some cases the *use* should be punished. But this law punishes the sale, and does not punish the use.

THE PRACTICAL RESULTS OF THE LAW.

We have endeavoured to show that the law is unsound in theory. We come now to consider its practical workings; how far it has been or can be executed; how far it has checked, or is likely to check intemperance, and what other effects good or bad it has produced.

In most, if not all, of the counties of the State it is practicable to prosecute and convict open violators of the law, though with public sentiment, in most of the cities and very many of the towns, sustaining those who sell, whether hotel-keepers, grocers or apothecaries, this is not always possible. Still, as the State constabulary has been almost doubled in numbers, and as they are very vigilant it is not impossible that they will succeed in prosecuting successfully most of the open places.

But the closing of the open places may not only diminish the number of sellers, but may actually increase them. The evidence before the Committee, though of course to some extent conflicting, tended to show that in all those cities or towns, where the prosecutions against open places had been most active, an extraordinary number of secret places was started, and that more liquor and worse liquor were drunk, and that more intoxication ensued. According to the Report of Deputy Chief of Police Savage, the whole number of places in Boston, in which liquor was known to be sold, was 1,500 in 1854, and 1,515 in 1866. The number of drunken persons taken up by the police in 1854 was 6,983, while in 1866 it was 15,542; the largest number taken up during any year in the history of the city, except 1861 and 1863, two of the years of the war, when the numbers were 17,324 and 17,967, respectively. The number of drunkards in 1866 exceeds that of 1865 by 1,657. Again, the State constabulary, during the months of January and February, 1867, made more efficient prosecution of violations of the law than has ever been made in the city; yet the number of drunken persons taken up in January was 1,462; and in February, 1,570, against 1,118 in January, 1853, and 1,059 in February, 1863, the war year referred to, when the largest number of drunken persons was taken up. If the number of cases for 1867 is calculated upon the basis of the returns for January and February, it will amount to 18,192.

Rev. James A. Healey, pastor of a very large Catholic Church, and visiting extensively among the poor classes, says, "that in almost every house they have liquor and they sell to those in the house." Mayor Norcross says, "that drunkenness increases." Ex-Mayor Lincoln says, "that the sale of ardent spirits and the number of drunkards have increased faster than our population has increased." And without

attempting to give the names even of the numerous witnesses, who testified with regard to the present condition of things in Boston, it can be safely asserted that while the number of open places has undoubtedly somewhat diminished, all of the principal hotels, grocers, restaurants, apothecaries, and wholesale liquor dealers sell openly; an immense and constantly increasing number of secret places and "clubs" has been established, drunkenness has increased almost in a direct ratio with the closing of public places, and there is now more of it than at any previous time in the history of the city.

In Cambridge, Professor Bowen says, "it is as easy to buy liquor now as it is to buy bread, and it can be had even at a greater number of places."

In Lowell the Hon. E. B. Patch says: "I think the sale of liquor was never more free than it is at the present time. I believe that every dealer sells it in the most open manner, as much as they please, and to whom they please."

In Charleston, Judge Warren (formerly Mayor) says: "I should say that intemperance did not diminish. I understood the present United States Collector to say, that two hundred licenses had been granted in Charleston the present year."

In New Bedford, City Marshal Brownell says: "The law has closed up the places of public sale. I think that intemperance or drunkenness is just about the same."

In Fall River, Ex-Mayor Buffington says: "Most of the public places of the better class, that did sell, have been forced some of them to close; and in the winter, when the largest amount of seizures was made, the arrests for drunkenness were the largest of any in the year."

In Worcester, Ex-Mayor Lincoln says: "The law has not substantially suppressed the sale of liquor, nor diminished the cases of drunkenness."

In Lynn, Mayor Usher says: "I do not think there is an open bar in the city. There are said to be secret clubs where they buy liquor by the quantity and resort to drink it."

In Springfield, the Rev Mr. Ide says: "The sale of liquor is about as open as the doors are."

In Pittsfield, Judge Page says: "Intemperance has increased faster than the population."

Upon a careful inquiry into the present condition of things throughout the State, it would probably appear, that in the smaller towns there is hardly any liquor sold, but that in all the larger cities and towns it can be had without difficulty; that in most of them the sales are open, and that whenever by peculiarly vigorous efforts, the open places are closed, large numbers of secret places are established, and the cases of drunkenness largely increased.

The mere fact that the law seeks to prevent them from drinking, arouses the determination to drink in many; the fact that the place is secret, takes away the restraint upon them, which in more public and respectable places, would keep them

within temperate bounds. The fact that the business is contraband and liable to interruption, and its gains hazardous, tends to drive honest men from it, and to leave it in the control of dishonest men, who will not scruple to poison the community with vile adulterations.

Another serious result in the operations of the present law, is, the immoral business practices which it has suggested and sanctioned. A man without violating any law, may purchase liquors to the extent of his credit, and then repudiate the debt. Though the liquors as articles of commerce are worth to him all he agreed to pay, the law permits him to hold them without making payment. Still further, a man may put all his property into liquors and so escape the payment of any of his debts, for his liquors cannot be attached, as the officer will violate the law in selling them upon execution. They cannot be distrained for his taxes, as even the Government officer is liable to prosecution if he sells. These attempts to outlaw a commercial article, whose place in trade has been undisputed for centuries, have had no effect in preventing honest men from paying their debts, but they have held out temptations too powerful to be resisted by swindlers. It is unworthy the good name of the commonwealth, that her laws should protect and encourage a man who has bought merchandise without violating the law, in refusing to pay the price thereof to the seller. It is unworthy of the State, that dishonest men should be enabled to escape the payment of their debts, by converting their property into liquors. It is not less unworthy, that the State herself, should without compensation, seize and sell for her own benefit, articles of merchandise which the citizen has bought in violation of no law.

The Committee believe that the time has come, when this prohibitory law, unsound in theory, inconsistent with the traditional rights and liberties of the people, tempting to fraud, and protecting those who commit it, in many communities not enforced because of thorough disbelief in its principles, in other communities when enforced, driving the liquor traffic into secret places, and so increasing rather than diminishing the amount of drunkenness and other crimes, should be so far modified, as that the rights of the citizen will be respected, while at the same time, the general peace and order of the community will be better promoted.

Let the law cease to attempt to interfere arbitrarily with what a man shall drink, while nevertheless, it places such regulations as experience has shewn to be necessary over the persons who make the sale, and the times and places, when and where, the sales shall be made. Let it be regarded as a fact, that the demand on the part of those who desire, wisely or unwisely, to use liquors as a beverage, has always been met, and always will be met, by men who will sell either under the law, or in defiance of the law, and that wise legislation should recognize and act upon that fact.

The Committee have not undertaken to cure all the evils arising under the present system; but the Bill which they report herewith, seeks to remedy the main defects in the theory and operations of the law. It does not repeal any provisions of

the existing Statute, nor change any of the machinery by which the law is enforced, but it provides for two classes of sales to which the penalties of the existing Statutes shall not apply.

First.—It shall be lawful for any person to sell cider or beer containing less than three per cent. of alcohol (the same not being intoxicating), provided he records his intention to sell with the city or town clerk, and gives the officers of the law opportunity at any time to examine his premises and liquors.

The Committee were satisfied upon the evidence before them, that it was a fatal mistake on the part of the leaders in the so called temperance movement, to attempt to prohibit the sale of cider and light beer. It is probably possible by persistent application, for a man to take enough of either of those liquors to become intoxicated, but it is contrary to all experience to say, that the ordinary use of these liquors produces intoxication. In many parts of the State, cider is generally manufactured and used as a beverage; in other parts of the State, light beers are made and used in large quantities, and the law so far from prohibiting either, ought, in our opinion, in the interests of true temperance, to encourage their substitution for the stronger and more dangerous liquors.

Second.—Licenses may be granted by the County Commissioners in any city or town which shall not otherwise provide upon the recommendation of the local authorities to either one or all of these three classes, viz.:—

1. Licensed hotel-keepers and common victuallers to sell to their guests, the liquors to be drunk upon the premises.
2. Wholesale and retail dealers to sell in proper quantities to persons carrying the liquor away from the premises.
3. Druggists and apothecaries to sell only for use in medicine, cooking, and the arts.

Stringent conditions are to be inserted in the licenses, providing among other things that no public bar shall be kept upon the premises; that no sale shall be made on the Lord's Day, or to minors, or intoxicated or other unsuitable persons; that the premises and liquors shall be always open to inspection by State and municipal officers; and that the license shall be revoked upon breach of any of its conditions. It is believed that the law is so strictly guarded that while it will enable cities and towns to permit liquors to be sold within their limits, it will give them opportunity and power to enforce rigid observance of the terms of the license. The Committee do not claim that the principal result of this law will be to reduce the quantity of liquor sold.

They have no doubt that it will have that effect in some localities; but, as has been said, the quantity sold will always depend mainly upon the demand. But the law will put the sale into the hands of respectable and honest men, and thereby

nsure a better quality of liquors, and prevent the sale of the poisonous stuff which produces most of the present drunkenness.

The law will be sustained by the moral convictions of the people, because it will no longer attempt, though indirectly, to prohibit them absolutely from using every kind of alcoholic beverages.

As good citizens, whose only interest is to promote the highest good of the State, we should not be deterred by prejudice or pride of opinion, or the mistaken judgments of good men, from reforming in season, a law unsound in theory, and bad in practice.

EXTRACT FROM MINORITY REPORT OF JOINT COMMITTEE OF THE
SENATE AND HOUSE OF REPRESENTATIVES OF MASSACHUSETTS,
DATED MAY 14TH, 1867

The law now in force in this commonwealth regulating the manufacture and sale of intoxicating liquors was passed in the year 1855. Numerous unsuccessful attempts have been made from year to year since that time to induce the Legislature to repeal or modify this law. The present attempt has not differed from those which have preceded it, except, perhaps, there has been a more elaborate preparation and presentation of the evidence, and certainly there has been greater learning, ability, and eloquence displayed in the discussions before the Committee. But the essential character of this effort to induce a change in the existing law does not differ from those which have heretofore been so often made without success. The subject to which these positions relate is one which has for *many* years occupied the public attention. It is one with which every intelligent citizen is familiar—one upon which he has clear and well settled opinions—founded upon evidence so ample and substantial, and so entirely within the reach of all honest inquirers after truth, that they are not likely to be disturbed or unsettled by the half resolved and disputed theories of scientific speculators.

To those who know that the prisons of the country, as well as the poor-houses and hospitals, have, from year to year, and from generation to generation, been filled with the victims of intemperance, the speculations of the scientific schools as to whether alcohol is respiratory or plastic food, or, indeed, food at all, seem but learned trifles, when offered as the basis of intelligent legislation. It has appeared to us that the petitioners while pursuing these lines of inquiry into the regions of curious and recondite scientific discoveries or guesses, have quite misapprehended and mis-stated the grounds on which all laws upon the subject under consideration are and should be founded. The late most distinguished Chief Justice Shaw, in giving the opinion of the court in a case which arose under the first Maine Law, as it was called, passed in this State in the year 1852, said: "We have no doubt that

it is competent for the Legislature to declare the possession of certain articles of property, either absolutely, or when held in particular places and under particular circumstances, to be unlawful, *because they would be injurious, dangerous or noxious*; and by due process of law to provide both for the abatement of the nuisance and the punishment of the offender, by seizure and confiscation of the property, by the removal, sale or destruction of the noxious articles."

In another case arising under an earlier statute, upon this same general subject, the same eminent Judge said: "The court rests its decision upon the proposition—That to promote the *peace, order and security* of the community, to prevent the *evils of vice, riot pauperism and the temptation to crime*, Government has the right to regulate and control the sale of spiritous liquors, or the place where it is to be sold.

The late Chief Justice of the Supreme Court of the United States, in giving his opinion on what are called the license cases (5 Howard, 504) says:—"Every State may regulate its own internal traffic, according to its own judgment, and upon its own views of the interest and well-being of its citizens. Although a State is bound to receive, and to permit the sale by the importer, of any article of merchandise which Congress authorizes to be imported, it is not bound to furnish a market for it; nor to abstain from the passage of any law which it may deem necessary or advisable to guard the *health or morals* of its citizens, although such law may discourage importations, or diminish the profits of the importer, or lessen the revenue of the general government. And, if any State deems the retail and internal traffic in ardent spirits, *injurious to its citizens, and calculated to produce illness, vice or debauchery*, I see nothing in the Constitution of the United States, to prevent it from regulating and restraining the traffic, or from prohibiting it altogether."

Justice McLean, in the same cases, says:—"If the foreign article (spirits) be injurious to the *health or morals of the community*, 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.*"

Justice Grier, in the same cases, says:—"The true question presented by these cases is, whether the States have a right to prohibit the sale and consumption of an article of commerce which they believe to be pernicious in its effects, and the *cause of disease, pauperism and crime*. It is not necessary, for the sake of justifying the State legislation, now under consideration, to array the appalling statistics of misery,

pauperism and crime, which have their origin in the use or abuse of ardent spirits, The police power, which is exclusively in the State, is alone competent to the correction of these great evils, and all measures of *restraint or prohibition* necessary to effect the purpose, are within the scope of that authority; and if a loss of revenue should accrue to the United States, from a diminished consumption of ardent spirits, she will be the gainer, a thousand fold, in the wealth and happiness of the people."

These practical expositions of the duties and rights of the Government, given under the high responsibility of official trust, by those whose life-long business it has been to study and expound the Constitution and Laws under which we live, and are now acting, set forth in a clear and forcible manner, the true grounds on which the system of laws we are considering rests; and they stand in striking contrast to the opinions expressed by several witnesses, who appeared before the committee to declare, with but little apparent reflection upon the subject, that a law prohibiting the sale of intoxicating liquors, was an unauthorized exercise of power on the part of Government, and an unjust infringement of private rights. It is undoubtedly true, that the opinions from which the foregoing citations are made, were given in exposition and illustration of the relative powers and duties of the General and State Governments. But they also unequivocally show, that the States have the power, in the exercise of that great conservative right of self-preservation, to pass laws restraining, or wholly prohibiting the sale of "articles of commerce," which are found to be productive of irreparable injury to the community; and if there is a beneficial and an injurious use, which may be made of such articles, then beyond all controversy, the State may permit the first and prohibit the latter; and it would be as clearly a violation of all moral duty on the part of the Government, to license and thus legalize the injurious use, as it would be a wanton and despotic exercise of power to forbid the beneficial use, if the one can be separated from the other; and it is upon this precise distinction that the system of laws under discussion is founded. In this connection, and in reference to the opinions of witnesses, to whom allusion has just been made, we cannot forbear to quote the language of Rev. Dr. Channing, when discoursing on the rights of government, in relation to this class of laws:—"This is a case which stands by itself, which can be confounded with no other, and on which, government from its very nature and end is particularly bound to act. Let it never be forgotten that the great end of government, its highest function, is not to make roads, grant charters, originate improvements, but to prevent or redress crimes against individual rights and social order, for this end it ordains a criminal code. Now, if it be true that a vast proportion of the crimes which government is instituted to prevent and redress, have their origin in the use of ardent spirits; if our poor-houses, work-houses, jails and penitentiaries are tenanted in great degree, by those whose first and chief impulse to crime came from the distillery and dram-shop; if murder and theft, the most fearful outrages on property and life are most frequently the issues and consummation of intemperance, is not government bound to restrain by legislation, the vending of the stimulus to those terrible social wrongs?"

* * * * * They complain that the present prohibitory law, as it is called, is too restrictive, that it transcends the legitimate sphere of government, and invades the rights of the citizen; and they affirm that it cannot be enforced or executed as it now stands.

The law against which these grave charges are made, though called prohibitory, is in fact, a law to regulate the manufacture and sale of intoxicating liquors. It authorizes the manufacture of these liquors and their sale by the manufacturer, in quantities not less than thirty gallons, to be exported or to be used in the arts, or for mechanical and chemical purposes in this State.

It allows their sale by duly appointed agents, in every town and city in the commonwealth, to be used in the arts, or for mechanical, medicinal and chemical purposes.

A chemist, artist, or manufacturer, in whose trade they may be necessary, may keep at his place of business, spirituous liquors for use in such art or trade; and any person may manufacture or sell cider, in any quantity, for other purposes than that of a beverage.

The importer of liquors of foreign production may sell the same in original packages.

And under the provisions of this law, every respectable *druggist and apothecary in the commonwealth can be appointed an agent, with authority to sell the liquors named, for all the legal purposes above enumerated.*

And the law further provides for the appointment of a commissioner, whose duty it shall be to supply all these agencies; and all liquors kept for sale by him, shall be analyzed by one of the State assayers; and no spirituous and intoxicating liquors are to be sold by him except such as one of said assayers, in writing, certifies to be pure. Thus it will be seen that this law, almost universally spoken of as prohibitory, is one of regulation, and contains the most ample and elaborate provisions for the supply and distribution of spirituous liquors in every part of the commonwealth, for all purposes for which science has demonstrated, or the public welfare shown that these articles of commerce can be safely and usefully employed. The provisions of this law, permitting the manufacture of these liquors for exportation, has been commented upon as inconsistent with the principles upon which the law is founded. A moment's reflection will satisfy any fair-minded man that this criticism is unsupported by any just view of the subject. As has been shewn, the law recognizes a great variety of uses to which spirituous liquors may be properly devoted. And it is no more a violation of the principle of the law to allow these articles to be manufactured for exportation to other states or countries, where they may be used in the arts, than to permit them to be manufactured and sold for those purposes within this State. If, after they reach a foreign jurisdiction, they should be employed for injurious, rather than useful, purposes, that is a matter entirely beyond the power or control of Massachusetts law—that must be regulated by the law of the place where the consumption of these articles takes place. Again it is said, that this law trenches upon, or invades, the rights of the citizen. If by this is meant that the law forbids and restrains men from doing some things they might do were no such law in existence, then the charge is well founded. If it means more than this, then it

affirms of this law only that which is true of every penal statute forbidding an act which, without the law, might be legal—as for instance the law forbidding the sale of lottery tickets in the commonwealth, and many other similar statutes which might be named. But precisely the same charge can be made against the law which the petitioners ask the legislature to pass. For under the most liberal administration of that law, not more than one man in a thousand will be able to obtain a license, and the petitioners ask that “the provisions of the existing Statutes shall remain in force against all persons manufacturing or selling contrary to law, whether without license or in violation of their license.” And more than this, by the terms of the proposed law, each city and town is to have the power to determine whether or not to permit the sale of these “articles of commerce” within its own territorial limits. Now, if it is an unauthorized assumption of power, and an unjust interference with the rights, either of the seller or buyer, or both, for a majority of the people of the commonwealth to declare, by a single and direct act of their legislature, that intoxicating liquor shall not be sold in this State, to be used as a beverage, how is it any the less so for that same majority to establish the same prohibitory rule, or law, by voting directly upon the question in the several municipalities of the commonwealth, or according to the provisions of the law proposed by the petitioners? And if it is an act of oppression—an interference with private rights for the majority—to establish such a law for all the towns, it would be equally oppressive for majorities, in half, or one-quarter, of the towns, to establish it as a rule of action for all the citizens of such towns as should adopt the law. The objection we are now considering originates, as before stated, in a total misapprehension of the theory upon which this class of laws is founded—founded, as we affirm, on “*that great conservative police power which lies at the foundation of the prosperity of every State.*”

Society and the State have the right to protect themselves against great and overwhelming evils; and if to prevent these evils it becomes necessary to prohibit the sale of intoxicating beverages, the use of which is the known cause of such evils, even if the prohibition results in depriving the individual citizen of the power, to a greater or less extent, to buy and use those articles, that is a deprivation to which it is his duty to submit, and he cannot call upon the State, or the whole society, to forego the execution of its great right of self-preservation, or its duty “to prevent and redress crimes against individuals.”

Again it is urged, as if it were a valid objection against the law, or system of laws we are now considering, that men cannot be made moral by the act of the legislature. That is true; but then it is clearly within the legitimate scope and duty of legislation to guard against the corruption of morals. Men are not made rich by act of Congress or Parliament, but it is within the acknowledged province of legislation to prevent the causes of poverty, and to make it impossible, or at least unlawful, for any class of citizens to pursue courses of trade or business which cast heavy burdens

of taxation upon the State, and to that extent impoverish and hinder honest industry in the acquisition of wealth. If men cannot be made moral and good by legislation, the legislature has at least the power and the right to forbid and punish a traffic which uniformly makes men criminal and vicious. And it is on this ground that the law forbids and punishes with heavy penalties, the sale of intoxicating liquors, as beverages. It is not simply because alcohol is a poison, or that its use, as a beverage, is an immorality, that the traffic in it is forbidden for such purposes, but for the reason that that traffic, resulting in that use, produces a vast amount of crime, poverty, disease, and general demoralization, followed by what would be otherwise unnecessary taxation to support the pauperism thus created, and to protect society from the disastrous consequences of crime thus occasioned.

It is not from the employment of alcoholic liquors in the arts, but from their use as a beverage, that the evils complained of result; and the difference between the existing law and the one asked for by these petitioners, is just the difference between good and evil, unless "the appalling statistics of intemperance," gathered from numberless sources and over the widest fields of observation, are altogether at fault. The law as it now is permits and authorizes the manufacture and sale of these liquors for all useful purposes; the license law asked for would not only do this, but would legalize their sale for a purpose which, by an inevitable and uniform practice, leads to the disastrous consequences which have been enumerated.

That the common and intemperate use of these liquors is the fruitful source of crime and poverty, and consequent unjust taxation upon honest industry, cannot be doubted by any intelligent man who will bestow upon the question an impartial inquiry. We shall cite only a few of the many thousand witnesses that might be called to the stand upon this subject. The following are the declarations of some of the most intelligent and able judges of the English Courts:—

Judge Coleridge:—"There is scarcely a crime comes before me that is not directly or indirectly caused by strong drink."

Judge Gurney:—"Every crime has its origin more or less in drunkenness."

Judge Patterson:—"If it were not for this drinking, you (the jury) and I would have nothing to do."

Judge Alderson:—"Drunkenness is the most fertile source of crime, and if it could be removed the assizes of the country would be rendered mere nullities." ✓

Judge Wightman:—"I find in my calendar, that comes before me, one unfailling source, directly or indirectly, of the most of the crimes that are committed—intemperance."

To this testimony of the English judges might be added that of the judges of every criminal court in America, and that of every prosecuting officer. And no amount of declamation, no amount of ingenious speculation can reverse the judgment of mankind, that intemperance, occasioned by the use of intoxicating liquors, is

the great and abounding cause of a large share of all the crimes committed in every civilized country on the face of the globe.

Our own Board of State Charities, in their Annual Report for the year 1866, speaking of the criminals who had been confined in the prisons of the commonwealth during that year, use the following language :—

“The nativity of 3,007 prisoners, or a little more than one-fourth, was in Massachusetts, but the number whose parents were both Americans was but 2,589, considerably less than one-fourth. 7,343 or about *two-thirds*, are set down as intemperate; but this number is known to be too small. Probably more than eighty per cent. come within this class. *Intemperance being the chief occasion of crime as it is of Pauperism and (in less degrees) of insanity.*

Judge Sanger called by the petitioners, and who as Judge and District Attorney, has been for many years familiar with the criminal courts of the commonwealth, and especially in the county of Suffolk, was asked if he had any opinion whether the burden of taxation had increased by the present drinking usages? To which he answered: “I have no doubt that it is largely.”

“How much would it be in your opinion in this commonwealth?”

“I could not give the percentage. I think a large portion of the criminal costs of the commonwealth are from that cause. *There are very few cases into which the use of intoxicating liquors does not more or less enter.*”

The Hon. Mr. Evans, a member of the Executive Council, made a most valuable statement before the Committee upon the subject now under consideration, of which the following is a summary :—

For support of inmates of twenty institutions for town paupers, and for prisoners annually.....	\$1,500,000 00
Ten per cent. upon cost of construction of twenty Institutions	236,072 00
Ten per cent. upon valuation of town almshouses....	172,598 00
Ten per cent. on costs of prisons and houses of correction	150,000 00
Five per cent. on costs of court houses, (allowing half the use to be for other purposes than those connected with the administration of criminal law.....	45,000 00
Private organized charities.....	1,000,000 00
Private unorganized charities, (estimated).....	1,000,000 00
Criminal costs above receipts or fines.....	133,000 00
Total.....	\$4,237,000 00

Compare these figures with the statements of the percentage of crime and pauperism occasioned by intemperance, and some idea can be formed of the annual cost to the commonwealth of that traffic, which it is now seriously urged upon the legislature to legalize and license. And in view of these startling statistics it is not strange that one of the most intelligent witnesses called by the petitioners (Ex-Governor Washburn), should feel compelled to admit, as he did in his elaborate statement to the committee: "I do consider the selling of liquor under licenses, to be a moral evil." And in another part of his testimony he said: "If I could prohibit the sale of these liquors as a beverage, I would," and "if I could enforce the present prohibitory law, I would," showing that he, one of the most distinguished citizens, and once the Governor of the commonwealth, and at an earlier period a judge in one of its courts, and now a professor and teacher of law in the leading university of the country, entertains none of those crude and half formed opinions as to the rights of citizens and the powers and duties of government as would make it an unauthorized act on the part of Government to prohibit the sale of intoxicating liquors.

It is due to this witness to say that he also expressed the opinion that it would be a less evil to license the sale rather than to suffer the traffic to go on as he understood it to be conducted at present. That is, the hope was expressed that the evil might be restrained and limited, by licensing it. In other words, a vice or an evil is to be rendered less by throwing over it the protection and respectability which come from governmental sanction and authority. Herein lies the fallacy of the whole license system. For since it has been declared by an older and higher law than any merely human enactment, that it should never be lawful for individuals to do evil that good may come, it is impossible to see how an aggregation or society of men, acting under and through the forms of self constituted government, can rightfully grant to any of their number licenses or indulgences for the doing of evil. It was not in the days of its greatest usefulness and purity that a church which has exercised a controlling influence over more than half the nations of Christendom, shocked and disgusted the moral sensibilities of mankind by the sale of its indulgences, but it was when it had reached the lowest depths of venality and depravity.

But it is said by the petitioners, that the existing statute cannot be enforced, and that therefore it should be repealed or modified. Upon this subject the testimony of one of their own witnesses most competent to speak upon this point, ought to be conclusive against them. Judge Sanger, District Attorney, for Suffolk County, and who as judge and prosecuting officer, has long been familiar with the administration of the criminal law in that county, as well as in other counties of the State, testified before the Committee *that this law can be enforced in Boston; that it is only a question of time.* And certainly if it can be executed in Boston, there will be no serious difficulty in its enforcement in every other part of the commonwealth. Hon. E. B. Gillette, for many years District Attorney for the Western district, called as a witness by the petitioners,

testified that, with the right to challenge given to the Government as it is now possessed by the defendant, this law can be enforced with all other penal statutes. And the testimony of the present efficient State Constable, and that of his predecessor in office, reinforced by what is known of their vigorous and effectual enforcement of this as well as other penal statutes, demonstrate the groundlessness of this objection, that the law cannot be executed.

The following is the statement of Colonel William S. King, the first constable of the commonwealth, upon this subject, and the testimony is all the more emphatic and valuable when it is known, that Colonel King was not a particular friend of the prohibitory law, he says :

“When I entered upon the duties of the office (State Constable), to which on my return from military service I found myself appointed, I am free to confess, that I did not feel hopeful of success in enforcing these laws. Without having given the subject much consideration, I had unconsciously been influenced by the common cry. ‘Oh, it is useless to attempt to enforce these laws in opposition to public sentiment.’ And what is called the prohibitory law, I declined even to attempt to enforce. I had not been long in office, however, before I became convinced, that the sufficient reason why the law had not been enforced, was, that no *real* effort had ever been made in that direction. And I now distinctly state, that in my judgment, by earnest, persevering, hopeful effort, with the requisite authority and means, not only this law, but any and every other law upon the statute book of Massachusetts can be thoroughly enforced; and if I had found it convenient to retain my position, with the means even then under my control, and with a final decision upon the legal question in dispute, I would stake my reputation with my fellow citizens upon the result.”

All the legal questions referred to by Col. King, have been finally decided in favour of the law, by the highest judicial tribunals of the State and of the United States. The State constabulary has been largely increased during the present session of the legislature, and all that is now wanting to complete the work of enforcing this, like every other penal Statute upon all known offenders, is an honest and faithful co-operation by the local police of towns and cities with the State Police, as they are required to do by existing Statutes.

To admit, for a single moment, that the State cannot execute its laws would be a confession of weakness unworthy of a great and powerful commonwealth, and would be a pusillanimous surrender of the authority of government to the power of the vicious and lawless; and to strike a law from the Statute Book on such a plea would deprive the remaining Statutes of all dignity, and of moral force; they would remain only as a monument of weakness of government, and the indulgence of the criminal classes who should forbear to demand their repeal.

It now remains for us to notice more particularly than we have heretofore done, though briefly, the two principal grounds on which the petitioners base their prayer for a license law:—

First—They claim that alcoholic beverages are a good, and not an evil—that they are food, or act as a substitute for food; that when taken in moderation, they sustain and nourish instead of impairing and destroying the animal economy. This, as one of the many debated and debatable questions of science and medicine, we do not propose here to discuss, but shall merely submit the latest, and we believe, the most reliable conclusions of science upon this subject, as expressed by the most eminent chemists and physicians.

1. That alcohol is not food; being simply a stimulant of the nervous system its use is hurtful to the body of a healthy man.
2. That if its use be of service, it is so only to man in an abnormal condition.
3. That ordinary social indulgence in alcoholic drinks, for society's sake, is medically speaking, a very unphysiological and prejudicial proceeding.
4. That this use of fermented and distilled liquors is often noxious; it should always be restrained; it should never be tolerated except in exceptional cases.

It is not denied that conclusions differing from the foregoing have been announced by other eminent scientific and medical authorities. But, suppose we should admit, which, however, we are not prepared to do, that these conflicting authorities in science and medicine as to the dietetic value and character of alcoholic beverages are so equally balanced, that we are unable to determine on which side the truth lies, we are then thrown back upon the common, and safer, and more reliable sources of information to guide us in the discharge of our practical duties as legislators. And here we find the evidence overwhelming, and all leading inevitably to the same conclusions, so that if the dietetic value of these liquors were much greater than it is claimed to be. Still in view of the "appalling statistics of intemperance," it would be the duty of the Government to interfere and prohibit a traffic, which, unless all history is false, results invariably in consequences so disastrous to the peace, order, morals, health, and highest prosperity of society.

Second.—Another ground on which it is claimed, the prayer of the petitioners should be granted is, that a license law would regulate and diminish the sale and use of alcoholic liquors. And this view of the subject is urged with so much earnestness and zeal, the Legislature might perhaps be induced to try the experiment if it had not been tried a thousand times and for hundreds of years before, and invariably failed to accomplish the promised results.

License laws to regulate the traffic in intoxicating liquors were in force in the Province and Commonwealth of Massachusetts for more than two hundred years after the first settlement. And yet the history of that long period shows that the evil of

intemperance continued and increased. New and more stringent, and, perhaps, more judicious license laws were passed from time to time until the year 1787, when a new law was passed by the then recently formed States Government. This law of 1787 with some amendments, which did not change radically its general character, remained a law of the State until the year 1832. The frightful increase of intemperance during the quarter of a century which elapsed between the passage of the license law of 1787, and the organization of the first society in the State for the express purpose of promoting temperance would seem to furnish pretty conclusive evidence that the legalizing of the cause of intemperance is not the best or most effectual means of suppressing the evil.

In the year 1816 a law was passed, for the first time, in this State, and limited at first in operation to the city of Boston, but afterwards extended to all parts of the commonwealth. This law authorized the granting of licenses to common victuallers, with the right to sell intoxicating liquors, as the petitioners ask that it may now be done. And contemporary history will satisfy any honest student that that law was one of the most fruitful sources of crime and vice that ever existed in this commonwealth.

By an Act of the year 1832, county commissioners, as it was then understood, were required to license innholders and others, to a certain extent, with the right to sell intoxicating liquors, and yet the rising flood of intemperance was not stayed. By a law of 1837 the county commissioners were at liberty to grant or withhold licenses as they might judge the public good required. And in six counties in the commonwealth they did refuse, for several years, to grant any licenses for the sale of intoxicating liquors, as beverages. From that time an opportunity was offered to the people of contrasting the benefits and evils of the two opposing theories of license and prohibition in adjoining counties; and in course of a few years, and in the progress of events, and the discussions and investigations which are carried on during these years touching these subjects, the whole commonwealth came at length in 1852 to adopt the prohibitory theory, and have adhered to it steadily from that time to the present. And we are not left to be guided by the light of our own experience alone upon this subject; for if we extend our observations to other and neighbouring States, and to other countries, we shall find the history of license laws authorizing the traffic in intoxicating liquors to be uniform, and shall be taught their utter inefficiency as reformatory measures, or as restraining the unlawful traffic. Hon. Lucius Child, one of the counsel who appeared before the Committee for the petitioners in the year 1838, being then a member of the Legislature, and as a member of one of the Committees, discussing the effect of a license law, uses this significant language: "It may well be doubted whether intemperance would have increased with more rapid strides if no legislative regulation of the sale of intoxicating liquors had ever been made."

Nothing has occurred during the last thirty years in the history or experience of States or communities, where license laws have prevailed, to lead us to revise the

judgment here expressed. And we may add, that the evidence adduced by the petitioners utterly failed to prove that temperance is to be promoted, intemperance repressed, or the unlawful sale of intoxicating liquors prevented, by throwing over the traffic in the hands of a few favored licensees, the direct sanction and protection of government. Moreover, it is difficult to understand how the practice of dram-drinking is made less pernicious by making the sale of intoxicating liquors for that purpose lawful. But why should we discuss these questions further which have been so long, and so thoroughly, settled in the minds of the people of this commonwealth; for we quite agree with the Committee of the Massachusetts Legislature of the year 1861, in that part of their report wherein they say: "It may be taken to be the solemnly declared judgment of the people of the commonwealth, that the principle of licensing the traffic in intoxicating drinks, as a beverage, and thus giving legal sanction to that which is regarded in itself an evil, is no longer admissible in morals or in legislation. The license system formerly in operation was the source of insoluble embarrassments among casuists, legislators, courts and juries. A return to it would re-open an agitation long since happily put to rest; it would invade the moral convictions of great numbers of our people; it would revive the opprobrium which public sentiment always adjudges to the monopoly established by law, rendered all the more intense by the offensive nature of the business thus supported by the sanction and protection of the legislature.

And the sound and forcible reasoning of a distinguished writer upon this subject has lost none of its force or value by the lapse of more than thirty years since he declared that, "What ought not to be used as a beverage ought not to be sold as such. What the good of the community requires us to expel, no man has a moral right to supply. That intemperance was dreadfully multiplied by the number of licensed shops for the retailing of spirits, we all know. And not only should the vending of spirits in these impure haunts be discouraged, but the vending of them by respectable men should be discouraged as a great public evil."

Under the lead of such teachers of moral and social duty the great debate which commenced in this State more than fifty years ago, concerning the use and sale of intoxicating liquors, went on, accompanied by the most thorough investigation of facts, until it resulted in the enactment of the law now standing upon our Statute Book. And believing, as we do, that neither public welfare nor private good, neither public rights nor private rights, require or could be promoted by an essential modification of that law at the present time, we respectfully report that the petitioners have leave to withdraw.