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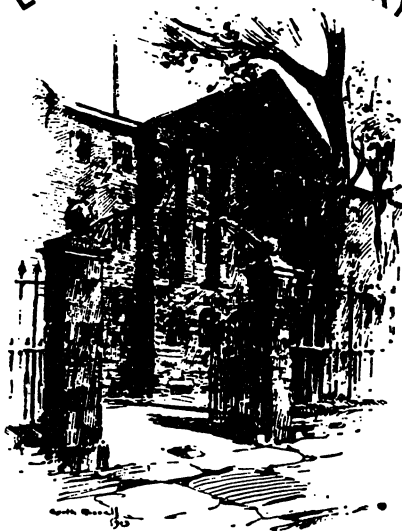
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PROVINCE HOUSE

# REPORT

OF THE

COMMITTEE ON TEMPERANCE,

PRESENTED

AT THE RECENT SESSION

OF THE

HOUSE OF ASSEMBLY,

And Ordered for Publication.

HALIFAX, N. S.,

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## REPORT.

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*The Committee on Temperance have fulfilled the duty imposed on them and report as follows:—*

The task is a responsible and difficult one: On the one hand is the danger of failing to accomplish all that may be attainable; on the other the risk of retarding improvement by premature or impracticable effort.

No visionary or speculative spirit moves us; nor have the intelligent and conscientious advocates of the Total Abstinence cause surrendered themselves to the mere impulses of feeling in the work they have undertaken. They have calmly surveyed the evil that demands redress; deliberately and cautiously examined the means for checking and eradicating it; patiently and maturely pressed onward in the work of practical improvement.

The history of the Temperance movement in Nova Scotia, and the Journals of this House alike attest this truth. Twenty years have passed since the power of union was invoked for the suppression of Intemperance, and individuals for that object first organized themselves into societies. In that time the cause has been urged upon the public with what powers of reason and persuasion the societies could command; and some improvements in the law have been sought from the legislature: now, at the end of so long a time have the organized advocates of Temperance for the first time united to ask for the interposition of a legislative enactment of a radical nature.

Equally in the Legislature has precipitancy been avoided. It is four years since efforts by notice, resolution, or bill, have annually been made in this house for the separation of the retail liquor trade from the sales of groceries and other articles, and the abolition of the law under which, in the city, grocery stores are permitted to be dram shop—for rendering more effective the legal enactments against the illicit retailer—and for pecuniary aid for the diffusion of temperance principles by means of Lecturers. The small measure of success that attended these applications was submitted to with respectful forbearance; and to avoid occasion of personal or party offence, in few instances were the names on the divisions that occurred in this house journalized.

Petitions bearing, as we are informed, from 17,000 to 20,000 signatures have been referred to the consideration of the committee by your Honourable House. As far as we have any knowledge, and our information on the point is not inconsiderable, these petitioners are persons of mature age and competent capacity, and comprise individuals of the highest respectability and intelligence in almost every section of the Province. Among them are a large number of females who address you in a tone of eloquence and feeling well justified by the occasion, and the relation they bear to the subject. For, unhappily, it is one which, if it furnish an extensive field for the deliberations of the moralist and social economist, is one also that touches the affections at their inmost springs; and as none feel the desolations of Intemperance as they are felt by woman, so can no advocate for redress be more appropriate than she.

The petitioners ask you to prohibit by law the importation, manufacture and sale of intoxicating liquors, except for medical, scientific and mechanical purposes.

A petition from citizens of Halifax to this House

praying that no change may be made in the law has also been referred to the Committee. It bears eighty-seven signatures, comprising mercantile houses and others of the highest respectability, whose opinions, as far as individual intelligence and probity extend, are entitled to respectful consideration. The authority of these opinions is lessened by the consideration of the bias inseparable from personal interest which many of the petitioners have in the subject; and the natural prejudices unavoidably engendered by long familiarity with a traffic, assailed on moral principles, after the sanction of ages had given it an universal prevalence.

This petition is chiefly composed of strong assertions of the impracticability of enforcing a prohibitory law; these considerations are involved in the general question, and nothing is offered to elucidate the argument beyond the expression of opinion. We dissent from the assertion that the withholding of license has tended rather to increase than diminish the evil complained of. The contrary we believe to be the fact; although it is doubtless true that in some villages and peculiar localities illegal retail traffic has prevailed—occasioned in a great measure, we believe, by the imperfection of the law or of its administration.

The questions that arise on these several petitions, are—

1. The occasion for so strong a measure as legal prohibition.
2. The legitimacy of such a measure.
3. Its practicability.

To these questions this House in effect demanded our reply when it referred to us these petitions; and in performance of the duty thus imposed, we present the following opinions and reasons:

*First.*—We assume as an uncontroverted fact, that many and great are the evils that result to this Province, from the intemperate use, as a beverage, of intoxicating liquors.

We stay not to calculate the amount of money and time *primarily* expended in this indulgence: we rather would press upon your notice evils, which if more consequential in their nature, are infinitely more injurious in their effects.

*Evils to the body politic* by the perversion of men calculated by their industry and talents to advance the strength, wealth, and general prosperity of their country — into incumbrances, and instruments of want and mischief.

*Evils in the social relations* from the desolation of homes, but for this cause the scenes of comfort—the destitution, poverty and degradation of those whose maintenance and education would otherwise have been well cared for,—the anguish and shame of very many hearts, that else might have been filled with joy and satisfaction.

*Evils to humanity* by brutalizing a rational being and degrading an immortal spirit.

*Secondly.*—We assume that the use of intoxicating liquors as a beverage is a superfluous indulgence, neither required for the healthful existence or the happiness of man. We might go farther, and assert that the use of intoxicating drinks is in itself injurious to the human system; but we desire to advance on undisputed premises, and we presume not one will hazard the assertion that man's physical existence, or his happiness as an intellectual or moral being, are in any degree dependent on the use of stimulating liquor.

*Thirdly.*—We believe that benevolence, patriotism, and religion unite to demand the sacrifice of a super-



fluuous indulgence—if by that sacrifice a just prospect exist of checking and eradicating evils so extensive and momentous as those of intemperance.

*Fourthly.*—We presume that if the men raised to high stations—the men on whom providence has conferred education, refinement, and wealth—still more, if the men separated to teach the truths and obligations of religion; and if they who profess those truths and acknowledge those obligations—were universally to abandon voluntarily the indulgence of intoxicating drinks—the business of the importer and retailer would be so curtailed, and the influences that would encircle the inebriates would be so extended and potential, that comparatively little aid would be required from legislative enactments, and what was required would be accorded without hesitation and would be effective.

*Fifthly.*—Believing that societies and governments should exist for the general good, and that a supreme authority in the state is created for the purpose of prohibiting what is generally injurious, although at the expense of individual interest; and believing that the sale of intoxicating drinks inflicts evils on the common wealth of an extended and serious nature, without returning to society compensating benefits, we see nothing in the right to sell or to drink intoxicating liquors that should form an exception to the general rule.

*Lastly.*—We know of no class of persons entitled to complain of the prohibition, if the propositions we have affirmed are correct. Not they who upon the principles of religion and the obligations of benevolence and patriotism, are required voluntarily to abandon alike the traffic and the use—still less they who are the victims, for whose deliverance this remedy is applied—and, least of all they who make a cruel profit by a traffic that offers

to men the materials for their self-destruction, which too many are ready eagerly to accept.

We, your Committee, therefore, unanimously and unhesitatingly report to your Honourable House our opinion, that the evils of intemperance are of a nature to justify for their repression the highest exercise of legislative power—that it falls within the legitimate and just functions and authority of the legislature of this Province, to prohibit the importation, manufacture and sale, of intoxicating liquors for use as a beverage—and that it consequently becomes its bounden duty to do so, if legislative enactments can be made efficacious for the object.

The most difficult question here arises :

Can legislative enactments for the prohibition be carried into effective operation ?

A wide range is opened by this inquiry. The moral influence of law and the coercive restraints of constituted authority on the one side, and the opposing power of pecuniary interest, animal appetite, and the fashions of society on the other, are to be estimated in their comparative strength and antagonism. How far the former would be weakened and the latter aided, by the indisposition of men to surrender by compulsion for a general good, rights and habits long enjoyed and sanctioned, we admit forms no unimportant element in the argument : nor would any inquiry be brought to a sound and practical conclusion, which had not embraced a consideration of the insular formation which gives to this Province a great extent of coast, increasing the expense, and the obstacles in contending against contraband trade.

Against these considerations, the following reasons may be opposed :

*First*,—While the danger and the mishiefs of smug-

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gling are urged and admitted, it must not be forgotten that the illicit traffic is now carried on ; and that a totally prohibitory law would be less liable to evasion than a system only partially prohibitory. The evidence would be simple, for the offending article in most cases would testify to its own conviction, and the condemnation be easy and certain. Obstacles that now obstruct conviction would disappear ; reluctant witnesses would no longer require to be discovered and forced forward—nor justice be defeated by their evasions, or by refined technicalities on trials.

*Secondly*,—The law would be universal, and would emanate from the highest source, and that a Representative Legislature. Now, neighbouring counties are governed on contradictory principles, enforced by authorities of feebler influence, and over which the masses of the people have little control.

*Thirdly*,—The injurious effects on the popular mind of the license system would be removed—a legal sanction to sell, granted to a few for a pecuniary consideration, must place the trade in a false aspect, and entrench it against assaults aimed at its moral character and effects.

So strongly is this sentiment entertained by some of the committee, as to induce the belief that the experiment can never fairly be tested, of “moral suasion” against the drinking habits, while the license system continues ; and that if moral power and not legal coercion, must be the instrument of conflict, there must be a free field on which the seller of intoxicating drinks shall stand alike unprivileged and unrestricted, as the seller of flour, of opium, or of arsenic.

*Fourthly*,—There seems no alternative but in coercive action. Looking at the progress of the cause for twenty years, while we rejoice that large portions of the

yeomanry, traders, and mechanics of the province have cast from them the pollutions of intemperance, it is yet obvious that influences exist too powerful for the elements of reform that have yet been brought to bear. In support of this view, we may adduce the state of society in the metropolis—the extent of the liquor traffic in all its departments—the numerous and influential names on the petition referred to, and which in effect declares that the present liquor law is incapable of improvement.

We may also refer to the statistics of the revenue for further illustration. These show that last year there was an increase of 3,341 gallons in the amount of Brandy, Gin, Whiskey and Wine entered for duty, over the preceding year—and of 8,893 gallons in that year over the one preceding it, making an increase of 12,234 gallons in two years.

It is true the quantity of Rum entered was 5,378 gallons less last year than the year before, and 11,546 gallons less in that year than in the one that preceded it—making 16,924 gallons in two years. The decrease in that period is, therefore, but 4,690 gallons in the whole; while it appears that the articles used by the richer classes are progressively increasing in no inconsiderable degree; and the decrease in the quantity of Rum entered may furnish but an erroneous criterion, if there be truth in the assertions confidently made, that smuggling in this article—both the provincially distilled and the imported—is carried on to a large extent. And lastly, in the city of Halifax, the licenses granted last year are but thirteen less than those in the previous year. The question then seems narrowed to this point,—The middle and lower classes of the people, to a large extent, have done their duty to free their country from an evil that retards its moral, social, and industrial progress; their strength

proves unequal to the full accomplishment of the task. Shall the work, therefore, be stayed; or shall the legislature interpose, and make at least the experiment of its power to realize a consummation so devoutly to be desired?

Your committee unanimously believe the experiment should be made.

What remains, then, to consider, is a question of time.

We have the success of the measure we commend too deeply at heart, to court defeat by precipitancy.

The measure of legal prohibition, to be successful, must be sustained by the hearty co-operation of the bulk of the people, and must be vigilantly and faithfully carried into execution. It has not yet been discussed in the legislature. It has not been adequately considered and apprehended by the people. It must be weighed in all its bearing and relations—the cost in all its forms, and they are many, must be understood and counted—that when the effort is made, it may be made with a thorough knowledge of its nature and consequences, and with a determination which reverses shall not damp, or temporary successes seduce.

Another motive for delay of great weight is, that the experiment is being tried on theatres better prepared than ours. The State of Maine has made a mighty and noble effort; and Massachusetts and other States of the Union are discussing, modifying, and adopting the example, according to their various circumstances and opinions. Nova Scotia, by delay, may obtain invaluable lessons of knowledge and experience, without the cost that is sometimes paid for experience. Should the principle of prohibition be generally adopted by our people, petitions signed by four-fold the numbers now before the House,

will attest the fact. We wish it were possible to obtain the opinion of not many, only, but of every intelligent inhabitant, through the ballot box.

With these views, we do not recommend the introduction, at the present Session, of a bill based on the Maine Law. But we recommend that the abstract principle be discussed and tested in the House, on Resolution.

Your Committee have considered the petitions referred to them praying a grant of money to engage a Lecturer on Temperance to visit different parts of the Province. We consider the instruction of the people on a point so essential to their well being and the public prosperity, as a most appropriate subject for encouragement from the public funds, and recommend a grant of £300 for the object.

So long as the liquor trade shall be continued, and the license system be persevered in, your Committee recommend those changes in the law that for some years have been fruitlessly attempted. We especially deprecate as injurious, the granting of licenses under which intoxicating liquors may be drank in the shops where they are sold—and we recommend the entire separation of the retail of liquors from the sale of groceries and other articles.

We think it just and reasonable that the venders, by retail, of intoxicating liquors, should be legally answerable for mischievous consequences of the intoxication they have been instrumental in creating.

And that the property of confirmed inebriates should be placed under trust for the benefit of themselves, their families and creditors.

That persons should be appointed in each County officially authorized to prosecute the violators of the laws relating to intoxicating liquors.

And that intoxicating liquors forfeited should be des-

troyed, and a compensation of three pence a gallon paid the seizing officers.

Your Committee in conclusion ask permission to call the notice of your Honourable House to the report of a Committee of thirty-seven members appointed by the House of Commons in 1834, comprising leading members of Parliament, among whom were the late Lord Athrop, Sir Robert Peel, Mr. Buckingham, (the mover,) Mr. Alexander Baring, Sir Andrew Agnew, Mr. Plumtree, and other well known public men, to consider the prevalent evil of drunkenness in the United Kingdom; and many in this House and in the Province will probably be surprised to find as your Committee were, that most of the objects aimed at by the advocates of temperance in this Province, either in their principle or details including the education of the people on this subject, the separation of the sale of groceries from that of liquors, and extending even to the radical reform of entire prohibition, had met the approbation of a Committee on which were such distinguished statesmen.

Although the advocates of total abstinence in Nova Scotia who have been engaged in the support and advancement of this cause have been content with their own conviction that it rested on the certain foundation of religion, reason and benevolence, it is satisfactory to find that objects and principles which in Nova Scotia have been by some deemed visionary and fanatical, had by so high authority been considered subjects of the highest moment, calling for present and prospective legislation.

The following are extracts from that report:—

“That the *right* to exercise legislative interference for the correction of any evil which affects the public weal cannot be questioned without dissolving society into its primitive elements and going back from the combined and co-operative state of civilization with all its wholesome and lawfully imposed restraints to the isolated and lawless condition of savage and solitary nature.

“Section 7.—IMMEDIATE REMEDIES, LEGISLATIVE AND MORAL.

“The refusal of retail spirit licenses to all but those who would engage to confine themselves exclusively to

dealing in that, and consequently the entire separation of the retail sale of spirits from groceries, provisions, wine or beer, excepting only in the fourth class of houses as inns or hotels for travellers and inmates or lodgers.

“The encouragement of temperance societies in every town and village of the kingdom; the only bond of association being a voluntary engagement to abstain from the use of ardent spirits as a customary drink, and to discourage by precept and example all habits of intemperance in themselves and others.

“A national system of education which should ensure the means of instruction to all ranks and classes of the people, and which in addition to the various branches of requisite and appropriate knowledge, should embrace as an essential part of the instruction given by it to every child in the Kingdom accurate information as to the poisonous and invariably deleterious nature of ardent spirits as an article of diet in any form or shape.

*Section 8.*—ULTIMATE OR PROSPECTIVE REMEDIES.

“The absolute prohibition of the importation from any foreign country, or from our own colonies, of distilled spirits in any shape.

“The equally absolute prohibition of all distillation of ardent spirits from *grain*, the most important part of the food of man in our own country.

“The restriction of distillation from other materials to the purposes of the arts, manufactures and medicine, and the confining the wholesale and retail dealing in such articles to chemists, druggists, and dispensaries alone.”

All which is respectfully submitted.

J. W. JOHNSTON, Chairman. JAMES CAMPBELL.

STEWART CAMPBELL.

JOHN HOLMES.

THOMAS COFFIN.

JESSE SHAW.

ADAMS G. ARCHIBALD.

NICHOLAS MOSHER.

[JOHN CAMPBELL—absent—but having concurred before his departure.]







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