

MAINE STATE LEGISLATURE

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

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SENATE.

No. 15.

REPORT

OF THE

COMMITTEE ON THE JUDICIARY

RELATIVE TO THE

SALE OF INTOXICATING LIQUORS.

STATE OF MAINE.

IN SENATE, February 29, 1856.

THE Joint Standing Committee on the Judiciary, to whom was referred so much of the Governor's annual Address, as relates to the manufacture and sale of intoxicating liquors, have attentively considered the subject referred to them, and have made careful comparison of the existing and recent laws upon that branch of the penal jurisprudence of the State, with a view to determine what legislation thereon may be suitable and necessary at the present time. For the purpose of making known distinctly the grounds upon which new legislation is now proposed, the following statement is presented of the views, which are entertained, in substance, by the majority of the committee, upon the subject in question.

The present statute law of this State prohibits the sale of intoxicating liquors for drink. The sale for medical and mechanical uses is permitted, but no question arises at this time in regard to these uses. The manufacture of such liquors is also prohibited, with a trifling exception.

Some persons defend these prohibitions upon the ground that the acts prohibited are wrong in themselves. The more common and apparently easier defence is, that the actions referred to, being necessarily connected with natural rights, are not essentially wrong, but that, in these cases, as in so many others, civil society is justified, for the sake of the general advantage, in withdrawing natural rights from the individual, and forbidding their exercise by penalties.

The general doctrine, which declares this power of civil government, is perfectly familiar and sound.

Has this power of civil government any limits? May the government, at its pleasure, withdraw *all* the natural rights of the subject? Are there any natural rights, which are justly and absolutely reserved?

If the rule has no limits, then all government, of every form, has the essential elements of despotism, and necessarily tends that way. Constitutional restrictions amount to nothing, if the governing power for the time being, may unlimitedly restrain the natural liberty of the citizen, according to its own measure of a supposed public advantage to be gained, or an evil to be corrected.

The present purpose does not require a determination of all the boundaries of this rule. It is enough to find a limitation that applies to the present case.

Until recently, it would have been conceded by all, that in any just government, the free, adult citizen may determine for himself, as a part of his natural liberty, what he shall eat and drink. If this is not a right, which may justly be reserved from the control of government, is there any such right?

The prohibitory law of Maine undertakes to declare what the citizen of this state shall not drink. It undertakes to prohibit

him from drinking that which has been an article of drink in all ages, in all countries, under all governments until now.

This restraint has been imposed upon a people, who, were not surpassed in the amount of freedom they enjoyed, and in the degree of sobriety they had practiced for many years, by any other community in the world.

If such a people have not the absolutely reserved right to determine what they shall drink, have they any?

The constitution of Maine expressly and formally declares, that certain rights are "*retained by the people.*" These "retained" rights are older and stronger than the constitution itself.

It is claimed, that the statute in question does not prohibit drinking of liquors, but only the "sale" of them.

This has not the merit of a fallacy. It is a mere attempt to conceal the obvious purpose of the law.

The manufacture of liquors, and the sale for drink, are peremptorily forbidden. No person, therefore, can lawfully procure or have these articles for drink, unless he obtains them from without the state.

Whatever facilities a few may have, the body of the people, cannot buy the article in places without the state, except by incurring inconveniencies and expenses, which were designed to be a part of the hindrance and prohibition.

The intention of the thing may be determined from its natural and necessary effect. A man shall be held to have intended that which is the natural and necessary consequence of his acts. A legislative act must be conceded to have designed that result, which unavoidably follows from its provisions.

The statute in question was designed to *prevent* drinking, by *prohibiting* the manufacture and sale within the statute,—in briefer terms, the statute was designed to *prohibit drinking.*

The *method* of prohibition is indirect. It is by penalty upon the manufacture or sale, but the intended prohibitory *effect* is upon him who would buy.

It is plain therefore, that the legislature, which enacted this law, intended to prohibit the citizen from exercising, in this particular, his natural right, and one which was always before conceded to be one of the "retained" rights.

To say that this is done, because to drink intoxicating liquors will injure the drinker, is only another way of saying that the legislature may prohibit the citizen from all exercise of his own natural freedom upon this point.*

To say that it is done, because, by drinking, he may go to excess, and injure others, is to confound his free right with his liability for abuse of his right. When he exceeds or abuses his right, he may lawfully be restrained, but not while within his right. To anticipate that he will abuse it, is, in fact, to deny his right altogether.

Prohibitions of this kind are at variance with all our history, and with the habits and principles of our government and people. In respect to rights and duties of far higher import, we have been the subjects of regulated freedom, not of prohibition.

The inhabitants of this soil have never before been governed in this way. In every generation, our people have shown their competency to act for themselves, within their retained natural rights, by their practical and successful ability to carry on the civil polity, and to maintain and vindicate the public rights of the State. Our fathers were men of sufficient wisdom and virtue to lay the foundations of solid government; they endured

* A tract has recently been circulated, entitled "The Scientific Basis of Prohibition." This "basis" appears to be, that alcoholic liquors, in all cases, affect *the brain* injuriously, and thereby impair the physical health, the intellectual ability and the moral perceptions; that therefore, the government should *prohibit* its people from doing themselves such injury, and should pass prohibitory laws, &c., &c.

This is a frank avowal, that the laws are intended, as directly as possible, to *prohibit drinking*, and, of course, that the people are not to be entrusted with the care of their own brains, but must submit their entire intellectual and moral faculties to the care of the political power—which is a simple "theory" of despotism. The more sensible theory of a free government is, that the brains of the people are to control the governing power—not, to be controlled by it.

the hardships of the wilderness; they overcame the violence of savage conflict; they conquered independence. Following them, we have developed and strengthened republican rights and privileges; we have organized a new State, and taken the power of a sovereign into our own hands; we had carried on the public affairs, not unsuccessfully, for more than thirty years, when the discovery was made, that we could not be permitted to choose for ourselves, whether or not to drink intoxicating liquors.

The individual citizen may regulate his own life, in other most important branches of personal conduct; he may select his profession—may train his children in his own way—may keep and bear arms—may choose his religion, and exercise it freely—may vote for all offices of government—may himself hold any office of the most solemn trust—as the governor, he may be clothed with the executive power of the State—as a judge he may decide the deepest problems of the law—as a juror he may pass upon property and life,—yet the recent legislation calls in question his fitness to be entrusted with the simplest right of his personal nature.

To impose upon our people such restraints, in their personal conduct, is to deny their capacity for self government in public affairs.

The fact that we do govern ourselves—that the State goes on—that its people stand erect, and conduct their affairs in prosperous freedom, and in orderly submission to just law, shows that long before these restraints were thought of, we had recognized the principles and acquired the habits of virtuous liberty, and that such restraints are as unnecessary as they are unwarrantable.

One of the most plausible theories of the prohibitory law is this: that the State must prohibit all its people from drinking, in order to keep liquors out of the way of those who are addicted to intemperance, and who, if the means are within their reach, will bring upon themselves and others, the admitted unhappiness and suffering which that vice entails.

This theory is the more plausible, because it bears some resemblance to the true and proper theories of moral influence, independent of law. Undoubtedly the sympathy and example of the temperate tend greatly to restrain and improve the intemperate, and to guard those who are in danger of falling into this vice. The virtuous man may well make voluntary concessions of his own right for the good of others.

But the statute law, which prohibits the well-behaved citizen from drinking, so that the ill-disposed and vicious may not have access to liquors, not only denies the right of the virtuous man to choose for himself, but puts his right and the wrong of the wrong-doer upon the same level. It confounds virtue and vice together. It puts the same restriction upon the obedient citizen and upon the law-breaker, and prohibits a thousand persons from the exercise of their clear natural right, upon a point of personal conduct, which is manifestly within their own control, if they have any rights whatever, in order to prevent a few vicious individuals from abusing their personal freedom.

It is enough to say, that the world cannot be governed in that manner. Keeping the question to its proper statement—a question of dealing with such a right as that of what a free adult man shall eat or drink—no example can be found in the history of the world, where legislation has gone so far as this, and been permanently and successfully sustained. All the moral sense of men who have any intelligence, and all the political instincts of men who have any freedom, unite in denying that legislation shall so prohibit such a right of the multitude, for the sake of reaching the wrong of the few.

So far as the law is concerned, the wrong-doers must have their own restraints, and the virtuous must have their own freedom.

It may be sought to evade these propositions by resorting to the words, rather than the effect of the present laws, and asserting that they are necessary, because if persons are permitted to "sell" liquor for drink, they will sell to the intemperate, and sell with a design to promote intoxication.

But this is only bringing forward another class of wrongdoers, who should be dealt with for their own wrongs, in such manner as not to involve the rights of others. Persons who shall sell liquors, in such manner, and with such intent, should be punished for the offense. As, under the present law, the agents, who should sell for intoxication, would be removed from their trust and visited with penalties, so under any law, which should permit the sale of liquors, the seller, who should seek to enhance his gains, by selling to the intemperate, and with design to make a benefit from drunkenness, should be rigorously restrained and punished.

Another statement frequently made in support of the prohibitory laws is this: that alcoholic drinks are never useful; that they are always hurtful to the person drinking; that, therefore, the legislature may prohibit their sale for drink. This, of course, means that the legislature is to be the judge—not the citizen himself—as to what kind of drink will be hurtful, and is, of course, only another way of saying, that the citizen must not be allowed to judge for himself, but must submit to the preventive and prohibitory judgment of the legislature for the time being. In other words, the citizen is to have no liberty of choice; the statute law must determine what he shall drink.

The proposition that alcoholic drinks are generally hurtful in their effects, is a very suitable one to be addressed to the reason and sense of responsible, self-governing men. Convinced of the truth of that proposition, great multitudes of free men have adopted voluntary abstinence as the rule of their life. Vast numbers of young persons have been wisely and benevolently trained to the voluntary and cheerful adoption of the same rule. Yet, the other proposition, that such drinks are never useful, but always hurtful, as a proposition of absolute truth, suitable to be enforced by statute law, with penalties direct or indirect, has never received the assent of even an insignificant minority of the human race. In every age of the world, and in every nation, the great majority of mankind have held a belief on this question, with which the law-making power

has very rarely, and never successfully interfered. In this state, at this time, there are many thousands of persons, who, upon whatever other grounds they might be induced to submit to the restraints of the law, will never surrender to the legislature their liberty of choosing for themselves, as to the personal benefit or hurtfulness of this or any other drink.

One reason why the law-making power should not interfere to determine what the people shall drink, is this; that from the very nature of the case, as the world is constituted, and because there is no standard of absolute truth upon the question, different legislatures will adopt different and conflicting determinations. These differences, though they may not affect the general outward characteristics of the legislative restraints, will go to the alleged principle of the thing, and bring its consistency into contempt.

Illustrations of this, trifling in themselves, but highly significant in displaying the absence of a sound and reliable principle are found in our recent legislation on the subject.

By "the liquor law" of 1851, as interpreted and sought to be enforced by its friends, the sale of fermented cider was forbidden in this State. Consequently no person could lawfully buy it, and that legislature did all it could, to prohibit the people from drinking it.

By the law of 1853, all restrictions upon the manufacture and sale of this article were taken away. The people were then permitted to drink cider.

By the law of 1855, the manufacture of cider is permitted, but only the manufacturer is allowed to sell it. Whoever therefore can buy of a manufacturer of the article, may now drink cider in Maine. Whoever cannot get it from the manufacturer, cannot lawfully buy it, and is thereby prohibited from drinking it.

By the laws of 1851 and 1853, the manufacture and sale of wine for drink were prohibited in this State, and this, of course, was intended to prevent its being drunk.

By the law of 1855, the "manufacture of wine from currants or grapes for the domestic use of the manufacturer" is permitted. Whoever, therefore, in this State, has the means to produce or purchase the requisite fruits, may make wine and drink it at his pleasure. Whoever has not such means, is prohibited from making or buying, and consequently from drinking wine.

Following out the provisions under this head, a more serious but equally significant illustration occurs. Such native-made wine, is permitted to be sold by the manufacturer to city or town agents, to be by them sold for "sacramental" purposes. By the laws of 1851 and 1853, wine was not permitted to be sold for that purpose. Such churches, therefore, in Maine, as can obtain wine from "agents" who themselves have bought it, from persons who manufactured it, within this State, from currants or grapes, are permitted to use such wine at the Lord's supper. No others can obtain it in this State without a violation of the statute law; and the prohibition must necessarily reach the large majority.

Inasmuch as the christian churches in Maine, have not advanced any general complaint, on account of these interdictions and discriminations, the case is not here brought forward, for the purpose of making an objection to this part of the law, but as an illustration of the binding and dispensing power thus claimed by the legislative over the conscience, the reason and the rights of the citizens. Upon the same subject, the papal church has also legislated—sometimes in one way, sometimes in the other. Her present decrees are, that the cup is permitted to the priest, but forbidden to the people. So in Maine, the legislature permits a portion of the christian people of the State, to obtain wine for the sacrament; but if others, desiring to celebrate this rite, with similar freedom, should procure wine to be brought from the vineyards of "Cana, in Galilee," with intent that it should be sold in Maine for sacramental purposes, it would be liable to be confiscated and poured into the public sewers.

The considerations presented thus far, have related to the issue raised between the law-making power and the citizen, as a matter of civil and political right—or, more exactly, a matter of natural right, as affected by the civil relation between the State and the citizen. Obviously, the subject could not be exhausted, without much consideration of its relations to the principles of moral science and practical ethics. If the present law had a just ethical basis, it might demand more hesitation as to its political propriety. But as a measure to be relied on for the advancement of the ethical virtue of temperance, the law goes against all experience, against the uniform judgment of the world. The reformation of the depraved appetites of men has rarely been accomplished by penal restraints—seldom in the case of the individual man—never in the case of the masses. As a measure designed also to prevent the growth of false appetite in those who are yet undepraved, it has no effect except by mere physical hindrance. A person who cannot by possibility obtain intoxicating drinks, may remain for the time, an abstinent. But no such impossibility exists in fact, or can exist. Notwithstanding the intent of the law to the contrary, alcoholic liquors are attainable by the inhabitants of this state, and the law is devoid of moral power upon the citizen in determining whether he shall use them or not, for the reason, amongst others, that it acts by no moral incentives, and upon no moral sense, but only by restraint, and by penalties imposed not upon the individual who drinks, but only upon the person who sells the material for drink. It confounds all distinction between the person who drinks for refreshment, and the person who drinks for intoxication. It denies that the motive of the former is any better than the motive of the latter, and thus, by separating the act from the motive, and undertaking to apply its restraints alike to both classes of persons, it fails to meet the moral sense of the virtuous man, and in reality, affords him no moral assistance whatever. If he stands, he stands by his own self-governing, moral powers; if he is in danger of falling,

the law affords him no safety, except by the mere temporary hindrance which it puts in his way.

The act of selling liquor also, must be judged for its moral character, by the motive of the seller. They who maintain that it is impossible to drink alcoholic liquors with innocent motive, may also deny the possibility of good motive to the seller. Hence, without regard to motive, or, what is the same thing, assuming beforehand that all motive in the case is bad, the law embraces all and every act of sale, for drink, within the State, under the same severe measure of interdiction and penalty.

The inconsistency of visiting all sales with the same penalty, is the more manifest from the undeniable fact, that no actual harm is done by the sale, unless the buyer drinks to greater or less excess. The real mischief is not accomplished by the sale unless the buyer drinks the liquor. It is the person who buys and drinks excessively, whom the moral sense condemns. But he enjoys immunity from the penalties of the statute, while the seller, who may have been wholly free from a motive to do or permit a wrong, is visited with punishment. In this condition of things, so long as the moral sense remains in the breasts of men, and so long as men retain the power and the right of judging actions by motives, they cannot but refuse assent to any legislation, which denies all distinctions of motives, and confounds the good and the bad together.

Many of the advocates of the liquor law, aware, that so long as the question should be left open for determination by individual judgment upon the ordinary grounds of moral propriety as affected by motives, they could not grasp the absolute prohibitory power, which they desire, have sought a deeper foundation for the law, than any merely political or ethical basis. They have sought to foreclose the question of morality, by putting forward absolute theological dogmas, to cover the whole ground, and to shut out, in fact, all question in the premises. There are many persons, doubtless, in our own state, who hold these extreme views, and with as much honesty, as similar views are

usually entertained upon kindred subjects. The dogmas referred to are brief and simple, and can be expressed in very few words. To drink alcoholic liquors of any kind in any amount is wicked—religiously wrong; therefore it is wicked to sell such liquors for drink; therefore it is wicked to permit such liquors to be sold for such purpose, and the righteous legislator must prohibit that sale, by laws of whatever severity may be required to accomplish that object.

If these propositions are ascertained and settled truths, of course there is nothing to be said about natural rights, or political liberties, or about any moral distinctions in the case. But as the judgment of the whole human race in all former ages of the world, has been against any such propositions—as there are now, in fact, but a few thousand persons, in all mankind, who hold these doctrines—as the maintenance of such propositions requires wholly new interpretations of the scriptures, if not a denial of their authority upon the point, and is wholly inconsistent with the natural and political rights supposed to be recognized by the constitution of the state, it is unnecessary to controvert these propositions by argument.

There are some persons, who imagine that new discoveries are constantly to be made in the domain of absolute ethical and theological truth; but the wiser opinion is, that at this age of the world, in these fields of human inquiry, whatever is brought forward as fundamentally new, is fundamentally false.

These propositions, however, are now incorporated into the statute law of Maine, to all the extent that the persons holding them have, at present, been able to go. The present law is ardently supported by these persons, because it upholds their dogmas by the power and terror of the criminal law. If it were possible to reason with theological extremists, while their ultraism is merely a matter of personal opinion and conviction, they are utterly insensible to reason, after they have gained political power to their aid. By a necessary proclivity of human passion, they immediately put their reliance upon power,

and proceed to vindicate their supposed religious purposes by force. With such propensities, with such disordered conscientiousness, religious bigotry in possession of political power has no means or ability of self-correction. It rapidly passes to greater and greater inconsistencies, more and more deludes itself, multiplies its exactions and its penalties, and, if not restrained from without, quickly runs down to the most degrading despotism.

This is history, and the same course will be run in every age and in every state, if the governing power, affecting to accomplish moral objects, is permitted to deny all liberty of individual judgment, upon acts and things which are not wrong in themselves, and is allowed in its own pleasure, and to its own extent, to withdraw from the subject his reserved natural rights.

There are many persons, whose religious convictions upon this subject assume the milder form of a benevolent sense of duty. Intemperance, they say, is the source of crime and suffering; it fills our jails; it fills our alms-houses; it destroys the peace of families; it wastes the substance of households; therefore we should enact laws to prevent all drinking, by prohibiting all sale for drink, in order that there may be no intemperance.

Other persons, looking at the same class of facts and hazards, defend the prohibitory laws on the ground of public economy and preventive police.

But both these motives of benevolence and regard for public economy, must be consistent with the first principles of the government. The actual inconsistency of these laws which go to prohibit the rights of the multitude, for the sake of repressing the misconduct of the few, have before been pointed out. If it were true, indeed, that the idea of benevolence and economy towards the endangered class, could not be practically and reasonably carried out, without a general prohibitory law against drinking,—if there were no other means of preventing the tendency to pauperism and crime, we might concede something to the necessity of the case.

But the history of many well-regulated states, and the facts of human nature itself, refute the idea of any such necessity. It may be stated as a proposition of wide general accuracy, that wherever, throughout the world, there is the greatest amount of regulated freedom, there is the least amount of pauperism; where there is the greatest number of restraints upon individual liberty, there is the greatest number of paupers and criminals. Constitutional freedom, we have been accustomed to hold, as the central dignity, support and glory of our institutions and our polity. It has achieved for us all our political success, and has secured to the inhabitants of Maine, an amount of general improvement and happiness, which no people, not self-governing, could ever attain. Add to this instrumentality, the attendant influences of education and of christian truth, which do their work best, in harmony with individual and public freedom, regulated by just laws, and then, if pauperism and crime grow and multiply and spread in our midst, we may well suspect ourselves to be ignorant of the true power of our instruments, or heedless and sluggish in the use of them. If we cannot work this machine of government, having the three-fold motive power of liberty, intelligence and christian truth, so as to save our people from pauperism and crime, without calling in the aid of statutes which deny natural liberty, and falsify the distinctions of morality, we had better consign ourselves to the care of some enlightened and benevolent despot, and make an end of our experiment.

Undoubtedly we have among us, as in every state, a class of persons peculiarly exposed to intemperance. It is common to say of them, "they are poor and vicious because they drink." If we would deal honestly with the facts, the statement should be the other way, in multitudes of cases. They drink because they are in abject condition; because through misfortune or perverseness, of themselves or others, they have not been reached by the elevating influences of education, religion and freedom; because their low condition awakens but low desires. Many of them resort to sensual gratification because they have no

knowledge of intellectual pleasure, or of the happiness of moral purity. They drink, because they know of nothing better than drinking. They resort to the drinking house, because their homes are places of discord, ill temper and unhappiness.

It may be that the unopposed class of our people—they who because they can govern themselves are able to govern the state—have not taken hold of this matter at the right end. We have a cherished system of public instruction—yet, there are great numbers of our people who never get so much education as to be of any influence in purifying, and elevating their lives; we appear to have a widely diffused religious system throughout the state; there is an indefinite plurality of churches in every considerable town—yet, there are large numbers who never enter the churches, who are not expected to enter them, who are under no direct influence of christian truth, from any source, and who are wholly destitute of all that safe-guard against a vicious life.

It may be that the governing classes of the state, are reposing upon the general freedom, instead of wisely and skillfully making that freedom a vigorous and effective instrument to elevate the lowest of our people; it may be that the public provision for education is yet all too stinted and inefficient; it may be that christian influences are too much encumbered with formalities, or distracted with sectarianism, to permit that benevolent and united activity, which would rescue the most abject from his low condition, and thereby lift him out of its perils.

The suppression of intemperance, and the prevention of intemperance, will be best accomplished under all conditions, by setting in action those moral causes, which tend to the promotion of temperance.

The true theory of laws on the subject of the sale of liquors, would seem to be—not, that drinking and selling for drink are, under all conditions, immoral and wrong, or that government has the right to take away all individual liberty on the subject, but simply that the nature of the article in question requires

the sale to be limited and regulated as a measure of public safety. The fact is notorious, that the unlimited sale of alcoholic liquors, leads to drunkenness, dissipation, vice and poverty. For hundreds of years, therefore, the state has imposed checks and limitations upon the traffic as a hazardous trade. The laws for this purpose, stand upon the same footing as the gunpowder laws, with the important difference, that the unlawful keeping of gunpowder exposes the lives of the most innocent, without any power on their part to protect themselves. But the sale of liquors can do no harm, to a rational person, unless the buyer voluntarily commits a wrong, after the sale, by excessive drinking.

Because there are many persons in the community, who are required to be under disabilities, being admitted to be incapable of entire self-government, or required by special circumstances of public policy, to be for a time without the liberty which belongs to the general mass of the citizens, the state, for the purpose of affording statutory protection to these persons, and protection to the public against their errors, has the power to limit the number of persons, who may sell liquors, and to control the sales by them made, so as to reach the desired object of protection and safety.

The state has the right to forbid the sale of liquors to soldiers in the public service; to jurors engaged in the trial of causes; and to others in like public employment, because they are under statutory contract with the government, which, for the time being, suspends a part of their individual freedom. It has the right also, to forbid the sale to minors, to Indians, to paupers, to drunkards, to prisoners in the prisons, to patients in the hospitals, and other like classes, because these persons are under conceded disabilities, and subject to the governing power in a wholly different relation from that of the free, adult, well-behaved, self-supporting citizen.

To the last named class, the state has also the right to prescribe, that they shall not drink at places established as common resorts for drinking, and to prescribe that such places may

be suppressed, because experience shows that they tend to excess, and increase the exposure of the classes requiring protection.

The state has also the right to require that the manufacture of alcoholic liquors shall be confined to a limited number of persons; that it be carried on only at permitted places, and under such regulation and control that it shall not have a tendency to aid the unlawful sale.

The state having, in such manner, confined and restrained the action of its people upon this subject, but forbearing to prohibit drinking, and allowing its well-behaved citizens to choose for themselves whether to drink or not, the plain and just distinction is presented between limitation and prohibition—between restrictive laws on the one hand, and prohibitory laws on the other, as applied to the natural rights of the people. The governing power may limit or abridge the natural right of the virtuous man; it cannot take it away altogether. The one system, as applied to the drinking of alcoholic liquors, permits the self-governing man to drink, if he chooses, but not everywhere, nor to obtain the article at all places. As to the place where he shall procure liquors, or the place where he shall drink, his natural right may justly be restricted and abridged to that extent. The other system denies any natural right to drink at all, and therefore seeks to prohibit drinking, manufacture and selling for drink altogether.

The administration of these two systems, presents widely different distinctions. The limitation policy being consistent with fundamental natural laws, and in harmony with the principles of the constitution, can be administered by the methods and rules of the ordinary penal code, as laid down in the constitution and the standing laws. The prohibitory policy, being in conflict with "retained" natural right, and therefore unwarranted by the reason of men or the constitution of the state, requires for its enforcement, a resort to strange and doubtful procedure, to new and arbitrary rules of evidence, to excessive forfeitures and penalties, and to such a constant invention of

new devices, as the ingenuity of despotism relies upon to keep down the tendencies of natural and rational freedom.

The penalties required for the enforcement of the limitation laws are to be measured not merely by the supposed immorality of the different forms of violation, but by regard to the primary object of the system—the public safety—and they are to be enforced also, with all the strictness and severity which that object may require, and no more.

There is a deeper and more important distinction, than any which has yet been pointed out, in the practical operation of the two systems. It is in the appeal which they make, or do not make, respectively, to the moral sense of the people, both with reference to the promotion of virtuous habits in the individual man, and to the general advancement of temperance in the community.

Under the one system, the individual being left, in a proper degree, to his liberty, remains subject to moral influence, and to motives addressed to his reason and moral sense.

To deny that such influences and motives are sufficient to keep temperate men temperate, is to falsify the history of the race, and contradict the nature of things.

Under the other system, the attempt is to accomplish all, by absolute interdiction and prohibition, having no reference to the moral perceptions, convictions or aspirations of the virtuously disposed man, and therefore doing nothing, except by mere force, to uphold his habit of virtue. If this were successful, it would be fatal. Having nothing to do in the government of himself, he would soon lose the power of governing himself, and thereby lose all his worth and merit as a man. If by change of place, or the casual relaxation of the authorities in enforcing prohibition, he should be brought within the reach of temptation, he would fall like a child, because nothing had been done to cultivate in him the moral strength of a man.

In strict accordance with this view of the case, as regards individuals, has been the course of things among us, with reference to general influence upon the community. What was

properly called the temperance reformation, had free course in the state of Maine and was glorified. We had made most effectual and fruitful trial of the power of voluntary association, of combined sympathy, of the self-determined and fraternal pledge of abstinence. The seed that was sown in this way for twenty years prior to 1846, had borne a noble fruit, and was tending to its own perpetual reproduction. No community in the world stood better than our own people in this cause. The great middling class in Maine, being the immense majority of our number, were actively pervaded with sound views and purposes upon this great social interest. Every village had its temperance society; every department of life among us recognized the value of this virtue. The ignorant received a friendly light; the young, a cheerful encouragement; the exposed, a helping hand.

Whether it was a necessary course of things or not, it is undeniably true, that since the introduction of the prohibitory laws, this form of action and influence upon the subject of temperance, has nearly or quite ceased to exist. Why should it not? The prohibitory laws discard the power of moral influence—why then seek to exert it, or to appeal to the moral sense? If the best work which the “friends of temperance” can do, is to work the machinery of a prohibitory law, to compel men to be abstinent, why attempt to aid their virtue, or awaken virtuous impulse, by exhortation, argument and appeal? Actually, therefore, the former methods of proceeding in this cause, are displaced, while the admitted want of thorough efficiency in the prohibitory system, together with the hostile feeling which those laws have aroused, is rapidly bringing us to a condition of more exposure and danger than we were ever in before. Multitudes of men of undeniable virtue refuse to co-operate with the new system of compulsion; the young are not attracted by anything suited to their natures, and the exposed classes are constantly inflamed and exasperated by the exactions and indignities that the law seeks to fasten upon

them. We have come very nearly to the point and the fact, of having no general and combined influence against intemperance among us, except the terrors of a severe criminal law, and that sustained, chiefly, by the dangerous cupidity of mere political partizanship.

It is commonly said by the advocates of the prohibitory laws, that the license laws were a failure.

If the fact were so, the reason is plain. During the last several years, before the final repeal of those laws by the new policy, the most ardent opposers of drinking in this state, were gradually adopting the doctrine, that liquor drinking was an immorality in itself; and that therefore the license laws, which permitted the sale for drink, were morally wrong, and that magistrates ought not, as conscientious men, to grant licenses. This idea prevailed extensively. It led to an entire refusal to license, in many cities and towns, so that, for a series of years, throughout a large proportion of the state, it was quite impossible to buy liquors, lawfully, for any purposes whatsoever.

It was not therefore a failure of the license laws, but their willful transformation into prohibitory laws, of the most sweeping tenor. This was against the judgment of a large part of the community, and in conflict with the necessities of all. A wholly unlicensed sale, therefore, sprung up, in many quarters, and led to excesses. The persons, who had caused this condition of things, of course found themselves wholly powerless to enforce a law, which they had nullified and denounced as wicked, and thereupon availed themselves of the abuses and excesses, which grew out of their own action, as a pretext, for demanding a law to prohibit the sale for drink.

The test of a well framed license law should be: Does it, when administered honestly and carefully, according to its own intent, accomplish to a reasonable degree, the object of public safety, for which it was made?

Other objects, which lie before and around and beyond, such as the reformation of the intemperate, the prevention of inju-

rious appetite not yet formed, the confirmation of virtuous habits not yet impaired, the promotion of temperance generally,—these are to be effected by influences outside of the civil law.

To inquire whether the recent and existing prohibitory laws in this state have been successful, might lead only to a conflict of interested judgments. Some things, however, are obvious to all. The prohibitory law consists of two parts — that which is declaratory, showing what may and what may not be done, and that which embraces the modes and penalties for enforcing it. The methods and apparatus of the law, are, of course, as essential as what is called its principle, because if machinery cannot be devised to work out the principle, steadily and successfully, the principle has no practical value. Within four years, from 1851 to 1855, we had three several statutes, of this kind, each one professing, as to the part of principal importance, to be complete in itself, and each successive one repealing its predecessor. What is called the principle remained substantially the same in all of them, but the apparatus was regularly changed in material parts. The law of 1851 lasted one year and eleven months. The law of 1853 remained in force for an equal period. The law of 1855 had not stood upon the statute book sixty days, when the Supreme Court had occasion to point out a defect in its provisions, which its friends may perhaps claim was a mere oversight, but which very materially weakened its efficiency.

These rapid changes have usually been accounted for by the friends of the system, on the ground of their intention to make the law continuously more and more stringent. It is known, however, from the records of the courts, and of the legislature, and from inspection of the successive transformations, that each one was, in fact, intended to supply a defect, or remove an excrescence in its predecessor. The work was successively ill done, and has not yet been well done. The mere practicability of the whole thing, therefore, still remains a problem, unless we determine, as we should in ordinary cases, that, where three statutes of this magnitude have been required in four years,

upon one subject, and the last one so largely inoperative, there is an inherent weakness and impracticability in the whole thing proposed.

As no statute of this kind was ever before enacted in the annals of time, it may be that the projectors of these measures have not yet gone deep enough to find a sound principle to stand upon—or, it may be, that these rapid mutations and alterings of the plan are an involuntary confession and demonstration that the system is in direct conflict with some first principles of legal and moral truth.

That a large body of our citizens have been committed in favor of these measures is evident; many have taken this position with honest and well-meant purposes; it is notorious also, that a political party, having the ordinary stakes of partizanship at risk, has assumed the championship of these laws. We are plainly, therefore, in the midst of a struggle, which may be exceedingly unfavorable to the investigation of true principles, and for a time, most hazardous to the cause of temperance among us, but which must result, sooner or later, in the general acquiescence upon that which is sound and true. There are many men, who prefer to reach a demonstration by experiment, rather than by reason. If the prohibitory laws have not yet shown to their partizan supporters, that the system is impracticable as well as unwarrantable, the people of the state will have to endure further conflicts upon this issue. If, by possibility, the persons who have adopted the prohibitory law as an article of the partizan creed of an ordinary political party, could be induced to waive that dangerous pretension, and allow the question to stand as an open question before the people, we might sooner and more easily reach a true solution of the case, resting upon admitted principles, and satisfactory to all honest men.

But this may be too much to expect, and the case may have to be worked out, in the face of this great disadvantage. It may, indeed lead to an ultimate advantage and benefit, for, the sharper the conflict, the more clear may be the results of the

trial. As in a thousand cases before, between the principles of popular right and the principles of arbitrary power, the violence of the struggle may bring a deeper and firmer settlement upon the questions of natural right, of constitutional limitation, of the moral power of self-government, and of the extent of popular privilege in a free state.

In accordance with the views entertained by a majority of the committee on the general subject referred to them, they have agreed to report a bill, under the title of "An act to restrain and regulate the sale of intoxicating liquors and to prohibit and suppress drinking-houses and tippling-shops," which is herewith submitted.

In behalf of the committee,

P. BARNES, *Chairman.*

ERRATUM.

Page 3, fifth line from bottom, for "*statute*" read "*state*."

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND FIFTY-SIX.

AN ACT to restrain and regulate the sale of intoxicating
liquors, and to prohibit and suppress Drinking Houses
and Tippling Shops.

*Be it enacted by the Senate and House of Representa-
tives in Legislature assembled, as follows:*

SECTION 1. No person shall be allowed, at any
2 time, to sell, by himself, his clerk, servant or agent,
3 directly or indirectly, any intoxicating liquors, except
4 as hereinafter provided.

SECT. 2. No person shall be allowed to manufac-
2 ture distilled spirits within this state, unless he shall
3 first give a bond in the sum of one thousand dollars,
4 with good and sufficient sureties, payable to, and to be
5 filed with the treasurer of the city or town, within
6 which such manufactory shall be established, and to be
7 to the satisfaction and approval of the aldermen of such
8 city, or the selectmen of such town, conditioned that
9 he will in all things conform to the requirements of

10 the thirty seventh chapter of the revised statutes ;
11 that he will not sell any spirits or spirituous liquors
12 except of his own manufacture ; that he will not by
13 himself or another, in any mode adulterate such
14 spirits, either by coloring matter, or any other drug
15 or ingredient ; that he will not sell any spirits or
16 spirituous liquors in quantities less than ——— gallons,
17 delivered in a single vessel, and carried away at
18 one time, and that he will not sell any spirits or
19 spirituous liquors to any person to whom the sale of
20 intoxicating liquors is forbidden by the laws of this
21 state.

SECT. 3. Any person, who shall manufacture
2 within this state, any distilled spirits, without first
3 giving the bond provided in the foregoing section,
4 shall forfeit the sum of one thousand dollars, to be
5 recovered by indictment, to the use of the state. And
6 if any person, who has given such bond, shall com-
7 mit any breach of the conditions thereof, it shall be
8 the duty of the aldermen and selectmen, respectively,
9 of the city or town within which such manufactory
10 shall be established, to cause the same to be put in suit,
11 and prosecuted to final judgment and satisfaction.

SECT 4. The provisions of this act respecting the

2 sale of intoxicating liquors shall not extend to wine
3 or spirituous liquors, which shall have been imported
4 into the United States from any foreign port or place,
5 when sold in quantities not less than are prescribed
6 by the revenue laws of the United States for importa-
7 tion, and delivered and carried away at one time, in
8 the packages in which the same were imported; nor
9 to the manufacture or sale of cider, or of wine made
10 from fruit grown within this state.

SECT. 5. Physicians, apothecaries and druggists,
2 chemists, artists and manufacturers, may sell alcoholic
3 liquors when combined with other ingredients in the
4 necessary proportions to form such compounds as
5 are sold in the proper exercise of their art, trade or
6 profession, and all persons may sell in the ordinary
7 course of trade such articles compounded in part of
8 alcohol, as cannot be used for drink.

SECT. 6. The aldermen and city clerk in any city,
2 the selectmen, treasurer and clerk in any town, and
3 the assessors treasurer and clerk in any plantation
4 may authorize persons to sell intoxicating liquors
5 within their respective cities, towns and plantations,
6 not exceeding the numbers of such persons hereinafter
7 prescribed, if application shall be made by suitable

8 persons, in writing, therefor. In every city, town
9 and plantation, at least one person and not more than
10 two shall be so authorized ; in every city and town
11 having more than three thousand and less than eight
12 thousand inhabitants, such authority may be given to
13 two additional persons ; and in every city and town
14 having more than eight thousand inhabitants, one
15 person additional may be so authorized for every
16 additional three thousand inhabitants ;—the enumera-
17 tions aforesaid, being ascertained, in all such cases,
18 by the last preceding census. All such authority
19 shall be limited to, and shall expire on the first day
20 of May next after the granting of the same. But no
21 person authorized under this section, shall sell any
22 such intoxicating liquors to be drank in the place
23 where sold, or in any place in the vicinity thereof,
24 which is under the control of the person so selling.

SECT. 7. Innholders, duly licensed as such, may
2 also be authorized, in like manner, within their re-
3 spective cities, towns and plantations, to sell intoxi-
4 cating liquors to their guests and lodgers, who are
5 not inhabitants of the city, town or plantation, in
6 which such innholders may respectively be established.
7 But no such innholder shall be allowed to keep a bar

8 for selling such liquors, or to sell the same in any
9 other manner than is in this section provided. The
10 authority granted under this and the preceding sec-
11 tion shall be limited to such place or building as shall
12 be specified in every case, for the sale of such liquors,
13 and the person so authorised shall not be allowed to
14 sell the same, directly or indirectly, in any other place,
15 or building.

SECT. 8. No person, authorized as aforesaid to sell
2 intoxicating liquors, shall sell such liquors to any,
3 minor without the direction in writing of his parent,
4 master or guardian, to any Indian, to any soldier in
5 the army, to any drunkard, to any intoxicated person,
6 or to any such persons as are described in the seventh
7 section of the one hundred and tenth chapter of the
8 revised statutes, as being liable to guardianship, know-
9 ing them respectively to be of the condition herein
10 prescribed; nor to any intemperate person, of whose
11 intemperate habits he has been notified by the rela-
12 tives of such person, or by the aldermen, selectmen
13 or assessors, respectively of any city, town or planta-
14 tion. And proof of notice so given by aldermen,
15 selectmen or assessors or by their authority, shall be
16 conclusive of the fact of the intemperate habits of

17 such person, in any prosecution or suit under this act;
18 and notice so given by the relatives of such person
19 shall be presumptive evidence of such habits.

SECT. 9. It shall be the duty of the aldermen,
2 selectmen and assessors aforesaid, whenever they shall
3 be informed by the relatives of any person that he is
4 of intemperate habits, and shall be satisfied that such
5 is the fact, forthwith to give notice thereof, to all per-
6 sons authorized to sell intoxicating liquors within their
7 respective cities, towns and plantations, and in such
8 adjoining places as they may deem expedient.

SECT. 10. No person authorized to sell intoxicating
2 liquors as aforesaid, shall make any sale under such
3 authority, unless he shall first give bond in the sum of
4 four hundred dollars, to the city, town or plantation,
5 wherein he is so authorized, with two good and suffi-
6 cient sureties, to be approved by the aldermen, select-
7 men and assessors thereof, respectively, conditioned
8 that he will not violate any of the provisions of this
9 act.

SECT. 11. Any person, authorized as aforesaid, who
2 shall violate any of the provisions of the seventh and
3 eighth sections of this act, shall be punished, on con-
4 viction therefor, by fine not exceeding twenty dollars

5 for every such offense ; and shall also be liable, not-
6 withstanding such conviction and punishment, to a
7 suit upon his bond given as aforesaid; and it shall be
8 the duty of the aldermen, selectmen or assessors,
9 respectively, of the city, town or plantation to which
10 such bond was given, to cause the same to be put in
11 suit and prosecuted to judgment and satisfaction to
12 the use of the city, town or plantation. The court
13 by which judgment shall be rendered upon any such
14 bond, or upon any bond required to be given by this
15 act, shall have such chancery powers therein, as the
16 supreme judicial court now has in cases of forfeiture
17 of penalties to the state. And whenever any such
18 conviction shall be obtained or judgment recovered
19 as aforesaid, all the authority of such person to sell
20 intoxicating liquors shall be absolutely vacated; and
21 it shall be the duty of the aldermen, selectmen
22 and assessors respectively, to revoke such authority
23 whenever they shall be satisfied of any violation of
24 the conditions of the same.

SECT. 12. No person shall procure and furnish any
2 intoxicating liquors for the use of any of the persons
3 to whom the sale of such liquors is forbidden by law ;
4 and for a violation of the provisions of this section,

5 the offender shall be punished by fine not exceeding
6 twenty dollars.

SECT. 13. If any person not duly authorized as
2 aforesaid, shall sell, by himself or his agent, any intox-
3 icating liquors, he shall be punished by a fine not
4 exceeding twenty dollars.

SECT. 14. Any person against whom three several
2 unlawful sales of intoxicating liquors, within the time
3 laid in the indictment therefor, shall be proved under
4 such indictment, shall be held to be a common seller
5 of intoxicating liquors, and may be convicted thereof
6 upon indictment. And in the trial upon such indict-
7 ment, proof of any former conviction for any sale
8 against the provisions of this act, shall be evidence
9 of such unlawful sale. Any person convicted of being
10 a common seller, as aforesaid, shall be punished by
11 fine not exceeding one hundred dollars, or by impris-
12 onment not exceeding six months.

SECT. 15. No person shall keep a drinking house
2 or tippling shop within this state.

SECT. 16. The offense of keeping a drinking house
2 or tippling shop consists in selling intoxicating liquors
3 in any place, except an inn, the keeper of which is
4 duly licensed as an innholder, and authorized under the

5 seventh section of this act, and allowing the same to be
6 drank in the place where sold, or in any place in the
7 vicinity thereof, which is under the control of the per-
8 son so selling.

SECT. 17. Any person convicted of keeping a drink-
2 ing house or tippling shop shall be punished by fine
3 not exceeding two hundred dollars, or by imprison-
4 ment not more than one year.

SECT. 18. No person shall keep or have in his pos-
2 session any intoxicating liquors, with intent to sell the
3 same in this state, contrary to law ; and any person
4 violating the provision of this section shall be subject
5 to be proceeded against, and be liable to forfeit such
6 liquors in the manner hereinafter provided.

SECT. 19. Upon complaint made on oath by any
2 two of the aldermen, selectmen or assessors, respect-
3 ively, of any city, town or plantation, or by any two
4 credible persons, before any justice of the peace or
5 judge of a municipal or police court, that they have
6 reason to believe and do believe, that the person
7 against whom they complain has deposited in his store,
8 shop or place of business, in the city, town or planta-
9 tion where the complainants reside, intoxicating liquors .
10 with intent to sell the same in this state, contrary to

11 law, such magistrate may issue his warrant for the
12 arrest of such person, and for searching his store,
13 shop or place of business, and for seizing all such
14 intoxicating liquors found therein, with the vessels in
15 which they are contained. But no such warrant shall
16 issue, without a special designation of the place to be
17 searched, and the liquors to be seized, nor unless the
18 magistrate shall be satisfied that there is probable
19 cause to believe the facts alleged in such complaint.

SECT. 20. The person against whom such com-
2 plaint may be made, shall be prosecuted according to
3 law, for keeping said liquors for such purpose, and if
4 it shall appear on trial, that said liquors were kept by
5 him with intent to sell the same in this state, contrary
6 to law, he shall be adjudged guilty, and shall be sen-
7 tenced to pay the costs of prosecution, and the said
8 liquors, with the vessels containing the same, shall be
9 declared forfeited. He may appeal from such judg-
10 ment to the court next to be holden within said
11 county, having jurisdiction by appeal from justices of
12 the peace, and if such appeal shall be taken, the said
13 liquors and vessels shall be kept by the officer having
14 them in custody, until judgment shall be rendered on
15 said complaint. And if the final judgment shall be

16 against the person complained of, he shall be sen-
17 tenced to pay the costs of prosecution, and the said
18 liquors and vessels shall be declared forfeited; and in
19 that case, as well as upon conviction before a magis-
20 trate without appeal, shall be delivered by order of the
21 magistrate or court, to the aldermen, selectmen or
22 assessors, respectively, of the city, town or plantation
23 in which the offense was committed, to be by them
24 disposed of for the benefit of such city, town or plan-
25 tation, or the said liquors may be destroyed, as they
26 shall deem the public interest may require. And
27 they may sell the same to any person authorized under
28 this act to have, sell or use such liquors; but no such
29 sale shall authorize the purchaser to sell the same
30 again contrary to the provisions of this act. The
31 magistrate before whom any complaint may be made,
32 under the provisions of the eighteenth section, shall
33 have power to hear and determine all cases arising
34 under the same, irrespective of the value of the prop-
35 erty seized. If any person, who has taken an appeal
36 from the judgment of the magistrate shall fail to pros-
37 ecute his appeal, he shall be defaulted on his recogni-
38 zance, and the court shall adjudge the liquors remain-
39 ing in the custody of the officer to be forfeited, and

40 shall order them to be delivered to the officers of the
41 city, town or plantation, as aforesaid, to be disposed
42 of as above provided.

SECT. 21. No action shall be maintained upon any
2 claim or demand, promissory note, or other security
3 originating, in whole or in part for intoxicating liquors,
4 sold in violation of the provisions of this act ; but
5 the provisions of this section shall not extend to ne-
6 gotiable paper in the hands of any holder for a valu-
7 able consideration and without notice of the illegality
8 of the contract.

SECT. 22. It shall be the duty of the aldermen,
2 selectmen and assessors, respectively in every city,
3 town and plantation, to prosecute for all violations of
4 this act.

SECT. 23. If any person authorized under this act
2 as aforesaid, to sell intoxicating liquors, shall sell the
3 same to a drunkard, or to any one while intoxicated,
4 knowing them to be such, or shall sell any such
5 liquors to any person after having been notified as in
6 section eighth of this act is provided, he shall be
7 liable for all the injuries, which such drunkard, or in-
8 toxicated person, or person to whom liquors are for-
9 bidden to be sold as aforesaid, shall commit, while in

10 a state of intoxication, arising from drinking the
11 liquors sold as aforesaid, in an action on the case, in
12 favor of the person injured.

SECT. 24. If any person, not authorized as afore-
2 said, shall sell any intoxicating liquors to any person,
3 he shall be liable for all the injuries which such per-
4 son may commit while in a state of intoxication aris-
5 ing from drinking the liquors aforesaid, in an action
6 on the case in favor of the person injured.

SECT. 25. No person shall sell within this state, any
2 intoxicating liquors which are impure, fabricated or
3 adulterated. If any person shall violate the provis-
4 ions of this section, he shall be punished by fine not
5 exceeding one hundred dollars.

SECT. 26. If any person shall appeal from a judg-
2 ment of a justice of the peace or judge of a municipal
3 or police court, upon complaint for any unlawful sale
4 of intoxicating liquors, and shall be convicted at the
5 same term of the appellate court upon three such
6 complaints, he shall be deemed a common seller of
7 intoxicating liquors, and shall be punished by fine or
8 imprisonment, as provided in the fourteenth section of
9 this act.

SECT. 27. Any person who shall lease or let any

2 building to another, or make any contract for the use
3 and occupation of any building by another, knowing
4 that intoxicating liquors are to be sold therein, con-
5 trary to law, shall be punished by fine therefor, not
6 exceeding five dollars, for every day that such liquors
7 may be sold therein, to be recovered by complaint or
8 indictment.

SECT. 28. If the tenant or occupant of any building,
2 under any lease, or contract for use and occupation,
3 made subsequently to the time this act shall take
4 effect, shall sell any intoxicating liquors therein, con-
5 trary to law, his estate in the premises shall thereby
6 be determined, and the owner of the building may
7 recover possession thereof, according to law, without
8 any notice to quit.

SECT. 29. Justices of the peace, and judges of mu-
2 nicipal and police courts, shall have jurisdiction by
3 complaint, of all prosecutions under this act, where
4 the penalty provided for the offense, cannot exceed
5 twenty dollars, and may try the same and pass sen-
6 tence thereon. But where the punishment may be
7 by fine exceeding twenty dollars, or by imprisonment,
8 the prosecution shall be by indictment, and the mag-
9 istrates aforesaid, shall have power upon complaint,

10 in such cases, to examine and bind over, as in other
11 cases of offenses which are subject to indictment.

SECT. 30. No prosecuting officer shall discontinue
2 any legal process commenced under the provisions of
3 this act, except by the direction of the court, before
4 which such process may be pending.

SECT. 31. Any intoxicating liquors belonging to
2 cities, towns and plantations, at the time this act shall
3 take effect, and then remaining in the hands of their
4 agents, may be disposed of under the direction of the
5 aldermen, selectmen and assessors, respectively, for
6 such purposes as were before that time authorized by
7 law ; or the same may be sold to persons who shall
8 be authorized under this act to sell intoxicating liquors.
9 But all such agencies shall be closed, and the said
10 liquors remaining in the hands of agents, disposed of
11 within sixty days after this act shall take effect. All
12 such agents shall be held to adjust and settle their
13 accounts with their respective cities, towns and plan-
14 tations.

SECT. 32. The act approved March 16th, 1855,
2 entitled "an act for the suppression of drinking houses
3 and tippling shops," and all the sections hitherto un-
4 repealed, of an act approved August 7th, 1846,

5 entitled "an act to restrict the sale of intoxica-
 6 ting drinks," and all other acts and parts of acts
 7 inconsistent with this act, are hereby repealed. And
 8 this repeal shall not be held to revive any acts or parts
 9 of acts, which were before repealed.

SECT. 33. This act shall take effect from and after
 2 the ~~——~~ day of April next.

STATE OF MAINE.

IN SENATE, February 29, 1856.

ORDERED, That 2,500 copies of the report of the Joint Standing Committee on the Judiciary, on that part of the Governor's annual Address which relates to the manufacture and sale of intoxicating liquors, together with the bill submitted by the committee thereon, be printed for the use of the Legislature.

N. C. REED, *Secretary pro tem.*