

# THE EXAMINER:

A WEEKLY JOURNAL OF POLITICS, LITERATURE AND NEWS.

EDWARD WHELAN

This is true Liberty, when Free-born Men, having to advise the Public, may speak free.—EURIPIDES.

[EDITOR AND PUBLISHER

Vol. IV.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, MONDAY, MAY 28, 1855.

No. 46.

## Cleanings from late Papers.

### THE PROHIBITORY LIQUOR LAW.

The following humorous and effective speech on the Liquor Bill was delivered by Mr. McNaughton in the New Brunswick Assembly, 21st ult:

Mr. McNaughton said he was rather disposed to look upon the bill favorably at first, but the more he heard about it, the worse he liked it. He did not agree with the views taken of the subject by his hon. colleague; he thought there was no need whatever to speak of the temperance societies in harsh terms, or to compare their acts to the religious persecution that took place two or three centuries ago; neither would he follow his hon. colleague in quoting Scripture, as he considered such a course uncalled for. The less of Holy Writ there was dragged into the House, he thought the better. There was one fact which could not be disputed; the Sons of Temperance, by their exertions for several years past—by their example as well as by precept—had done a vast deal of good; they had effected a great moral revolution. (Hear, hear.) Twelve or fifteen years ago he resided in Canada, and when he spoke of the habits of the people there, he presumed that the fashions of society were the same in this Province. At that period, then, no visits were given or received without liquor being introduced; mechanics could not work a day without so many glasses of rum a-day; whenever two friends met, the first question asked was, "what will you drink?" and lips and glasses very often met. Reverend Pastors took a little of the best liquor for their stomach's sake, and even ladies, when they met, could take a glass of one of the lighter kinds of provocatives to volubility. (Laughter.) If a man got wet, he must take a glass of grog to prevent him from taking cold; if he entered a warm room, he must take another to neutralize the effects of a too sudden change; in fact, the barometers showed how many glasses a man ought to drink; (laughter;) why, in those days a man who got a sheet in the wind got into a room, and got a black eye, was reckoned an ornament to society. (Rounds of laughter.) Times had changed, however, and no man was now reckoned respectable who drank ardent spirits. (Hear, hear.) Let him ask to whom were they indebted for this great moral change? It had been brought about by the efforts of the Sons of Temperance, whom his hon. colleague had stigmatized as conspirators. (Hear, hear.) He felt bound to say thus much in vindication of the Sons of Temperance, as he was a member of the society, and he knew what their efforts had been, and the eminent success that had attended their labours. Having done what he considered his duty towards the society, he would address himself to the bill. He did not believe it would produce the effect its promoters desired, but that, on the contrary, it would destroy all the good the Sons of Temperance had hitherto effected; the principles of coercion and moral suasion would never work together. (Hear, hear.)

By the 18th section, a peace officer would have full power to decide when a man was drunk and when he was not. All he would say was this,—there were men in his own country whom he would not like to trust with such great power. It would enable a constable, if so disposed, to gratify his malice, should he bear any personal ill-will,—it would enable him to arrest whomsoever he chose, and confine him as long as he chose. (Hear, hear.) When he heard an hon. member speak of taking up the question of temperance, he could not help asking himself what was meant. Perhaps it meant drinking one's brandy without any water in it. (Laughter.) Surely there was nothing temperate about this bill. If any state of anarchy was worse than another, it was a law on the statute book that was treated by the people with disrespect or contempt, or resisted. (Hear, hear.) If this bill became law, it would not be carried out, unless the members of temperance societies took an active part in it,—they would be recreant to their duty if they did not. (Hear, hear.) Now he would ask the Sons of Temperance if they wished to become spies, and informers, and tasters, and breath-mellers? (Much laughter.) Heaven forbid! He was opposed to extreme measures; they would stir up strife and bickerings and ill-feelings among the people, and be productive of no good. If the bill should pass he would still abstain from strong drinks, but he would immediately retire from membership with the Sons of Temperance,—he would be no party to the carrying out of such a measure; (hear, hear;) or rather he would never have anything to do with a measure he was certain could not be carried into effect. Why, there was the County of Gloucester, which he had the honor to represent; it had over one hundred miles of coast, and he had seen fifty American schooners lying on the coast at one time. How could they prevent the e schooners smuggling in as much liquor as they chose? There was no coast guard, and he would ask the supporters of the bill if they were prepared to establish such a coast-guard as would effectually prevent smuggling, and to charge the cost upon the revenues of the Province? The hon. member for Kent (Mr. Cutler), had praised the institutions of the United States. He acknowledged the United States was a great country, but he would rather see this Province remain as it is than partake of the greatness of that country, with all its ills. It had been said that the passing of this bill here would give great pleasure to the State of Maine. He had no doubt of it. Most hon. members in the House had, he presumed, read a fable which he thought quite appropos to the occasion, and by permission of the House he would read it. (The hon. member then read the fable of the fox that lost his tail, and called a counsellor of the tribe and proposed to them all, that they should have their tails cut off.) This he applied to the State of Maine having got out of a predicament, wished to see New Brunswick in the same position.

THE MILITARY STRENGTH OF THE UNITED STATES.—Capt. Marryatt, speaking of the military strength of the United States, said that twenty thousand regulars could march from one end of the Union to the other without much serious resistance; but he added a most important hint, and it was, that he doubted whether a single one of the twenty thousand would ever get back! His idea was that, being without a standing army, the country taken by surprise, with no time to concert plans of resistance, the twenty thousand regulars might, by a rapid movement, traverse the whole length of the Union; but, in attempting to return, they would find the aspect of things changed. The whole land would be literally bristling with bayonets.—The captain took a correct view of things. The republic is got up on the principle which distinguishes the mysterious architecture of an eel trap—very easy to get in, but mighty difficult to get out of. If you doubt this, consult those who undertook to subdue New Orleans.

THE RAILWAY.—We are gratified to be able to state that letters received by the last mail brought the pleasing intelligence that the slight misunderstanding concerning our railway matters—which some of our contemporaries have taken such pains to magnify—are removed, and that no difficulties need be apprehended. Mr. Giles returns by the next Halifax steamer, and it is our opinion that shortly after his arrival the whole road will be let out to sub-contractors in 20 mile sections, to be finished within the time fixed in the contract. Of one thing the public may be assured, that our railway affairs are, all things considered, in the most satisfactory position, and that the road will be completed within the time specified in the contract.—*St. John Freeman.*

THE NEWFOUNDLAND SUB-MARINE TELEGRAPH.—Mr. Fields, the managing director of the Company for laying down a sub-marine telegraph wire between London, Newfoundland and New York, has just returned from Europe, where he is said to have made a very favorable contract for the sub-marine cable to connect Newfoundland with Cape Breton. This cable is to be seventy miles in length, and is to be ready for shipment on the 1st of May. The Company confidently expects to have telegraph communication established between New York and St. John's, Newfoundland, by the 1st July. It may not be generally known that when this telegraphic communication is completed, it is intended that the Collins steamers shall call at St. John's on both their outward and inward voyages. The enterprise is one of the utmost importance to the neglected, but extensive and important Colony of Newfoundland.—*Quebec Chronicle.*

REVOLT AT SEA.—The ship *Cynosure*, from Liverpool, arrived at New York on the 22d ult., with seven of her crew in irons, for an attempt at revolt when three days out. They refused to do duty, and the captain, second mate, and physician, fired upon them with their revolvers. One received five bullets—one in the mouth, and another in the region of the heart, and was removed to the hospital. Several others were wounded.

THE EMPRESS AND THE TROOPS.—As the French Empress, unaccompanied by the Emperor, was walking on Saturday afternoon, in the Bois de Boulogne, with the carriage in waiting, the drums of a battalion of the Voltigeurs of the Guard, that happened to be on its way from St. Cloud to Paris, was heard; her Majesty entered the carriage, which appeared to move out of the way, but the moment the troops saw the Empress they drew up in line, and she passed slowly in front amid the most enthusiastic shouts. The officer commanding the column approached the carriage door, took the Empress's hand, and pressed it to his lips. At this act the shouts were again renewed. The Empress appeared much affected at the manner in which she was received, for to all appearance the meeting was most unexpected.

A TOTAL WRECK.—On the 1st January, 1851, a gentleman doing business in this city was worth, with what he had invested in business, \$100,000. At the same time he was blessed with a lovely and intelligent wife, beautiful and blooming children. He was surrounded by friends who esteemed and respected him. His business was lucrative, and promised to continue so. Indeed his position as well as his prospects were, seemingly, all that he could desire to render his happiness perfect. How complete the wreck which the year closed upon! The first misfortune was the transfer of merchandise to the amount of \$18,000 to a California dealer, for which not one cent was ever received. The next were two successive robberies, by means of which \$55,000 were lost. After this, the unfortunate man made an investment in real estate to a large amount. The next and crowning misfortune was a trip to Europe with his family. They embarked, on their return, with \$38,000 in goods, on board the luckless *Aretic*, and all shared her fate. In settling up his affairs, his estate was sold under the hammer, at a sacrifice of \$40,000, making the aggregate loss to his property during the year \$118,000—\$38,000 more than his assets. His friends were obliged to make good the deficiency. Was ever destruction more complete! Father, mother, children, fortune, all gone—swept from the face of the earth—nothing left to show that they ever existed. We doubt whether among the many wrecks which the past year has witnessed there has been one more melancholy than this.—*N. Y. Courier and Enquirer.*

Two shocks of an earthquake were felt at Cairo, Ill., on the 30th ult. The interval between the shocks was about five minutes. Their duration was about five seconds each, and the vibratory motion being sensibly felt, and the rumbling sound distinctly heard.

The last official estimate stated the strength of the Roman Catholics in China as follows: 326 churches, under 84 European and 135 native priests, with 315,000 native Christians.

Boston issues 113 papers, with an annual circulation of 54,000,000; New York 104 papers, circulation 78,000,000, and Philadelphia 51 papers, circulation 48,000,000.

A counsellor-at-law was fined in Boston, last week, two dollars for smoking a cigar in the streets of that city.

The *Burlington* (Iowa) Gazette of the 24th ult., states that the cholera is again making its appearance among the emigrants on the Mississippi river steamboats. No resident of Burlington has yet been attacked, but the Gazette urgently suggests the adoption of precautionary measures.

Breadstuffs continue pretty high. The quantity of flour forwarded on the New York Central Railroad for four months up to the 1st of May, was 75,557 barrels. Total forwarded by Central and Genesee Valley Railroad during April, 30,125 barrels.

The Roman Catholic Bishop of Covington, Ky., has interdicted processions with instrumental music by his people on the Sabbath day.

At a review of the fire department in Detroit, about one-half of the companies were disbanded, in consequence of the passage of an ordinance prohibiting the running of engines upon sidewalks in paved streets.

Two agents of the English government, who have been endeavouring to enlist recruits in New Orleans, for the army in the Crimea, were arrested in that city on the 27th ult.

ANOTHER PLANET.—An astronomer named M. Chacornac, discovered in the night of the 6th instant, at 55 minutes after 10, a new planet, 13 deg. 40 min. right ascension, and 7 deg. 20 min. southern declination.

## Colonial Legislature.

### THE MAINE LIQUOR BILL.

WEDNESDAY, April 4.

(Continued from our last.)

Mr. CLARK.—Mr. Chairman, I must say that I consider many of the arguments I have heard advanced against the law are perfectly futile. The Hon. Treasurer and Mr. Whelan have said that the law is inoperative in Maine, but I require some better authority than their assertions, respectable as they are, before I can believe that to be the case. Can it be believed that if the law were inoperative the people would put an annually increasing majority of the friends of the law into office? The people are the best judges of the working of the law, and the reports of competent parties shew a large decrease of crime and pauperism, as the natural effects of the law. Such documents afford too strong proofs of the benefits which have resulted from the law, to allow me to take the assertions of the Hon. Treasurer and Mr. Whelan as of any weight; and really, Mr. Chairman, some of their arguments are too miserable to be brought forward. As to the revenue suffering, it is strange to hear gentlemen in their position arguing the propriety of deriving a revenue from a traffic which demoralizes the community. Wherever liquor is used it is abused, and I believe if all the drunkards were driven out of the country, unless this law were passed, you would have more in a week. The moderate use leads to the abuse, and I cannot see that the revenue will suffer. Liquor creates no wealth; on the contrary, it destroys the constitution of those who use it, wastes their property, and diminishes the legitimate sources of revenue. The money now wasted on it would be applied to other and worthier purposes; the time lost would be beneficially employed—habits of industry would be formed, and increased consumption of dutiable articles would be the necessary result. As to the argument that it would lead to lying and fraud, the same might be urged against the Revenue Bill, because under that Act it is necessary that importers should take an oath to the truth of their statements. No doubt some importers do take false oaths, but every law is liable to some partial infringement. In my observations and the vote I shall give on this question, I am not influenced by the number of names signed to the petition, for it is a part of my political creed that the Legislature should lead public opinion, should shew a proper example, and legislate for the benefit of the people; and if a measure be deemed sound in principle, and required for the moral elevation of the community, it is the duty of the House to sanction it. I believe that there is a majority against the Law, and that the resolution of the hon. member for Charlottetown will not pass, and I also believe a majority of my own constituents differ from me on this question, yet believing it to be based on sound principle, and required for the moral and social improvement of the people, I shall vote for it, even at the risk of my seat. As to the alleged infringement of the rights of individuals, I will read the opinion of Chief Justice Taney, one of the most eminent Judges in the United States. There have, I admit, been judges in the States who have been opposed to the law, but they were not like Judge Taney, (Laughter.)

"If any state deems the retail and internal traffic in ardent spirits injurious to its citizens, and calculated to produce idleness, vice or debauchery, I see nothing in the constitution of the United States to prevent it from regulating or restraining the traffic, or from prohibiting it altogether, if it thinks proper."

I will also read the opinion of Judge McLean—

"A license to sell an article, foreign or domestic, as a merchant, or inn-keeper, or victualler, is a matter of police and revenue, within the power of the State."—5 Howard, 589. And again: "It is the settled construction of every regulation of commerce, that under the sanction of its general laws, no person can introduce into a community malignant diseases, or anything which contaminates its morals, or endangers its safety."—Ibid. "If the foreign article be injurious to the health or morals of the community, a State may, in the exercise of that great and comprehensive power which lies at the fountain of its prosperity, prohibit the sale of it. No one can claim a license to retail spirits as a matter of right."

Besides these, we all know that there are many other judges in favor of the Bill. Some have condemned the laws as unconstitutional.

Hon. Mr. WHELAN.—No part of Her Majesty's dominions has adopted the principle.

Mr. CLARK.—I may mention that last year a namesake of my own was elected Governor of the State of New York on the Temperance ticket, though opposed by Mr. Seymour, a gentleman of great influence. He has recommended the adoption of the Maine Liquor Law. The State of New York contains a hundred times more inhabitants than this Island, and the Bill will pass there. It passed the Canadian House of Assembly by a majority of two or three to one. It has recommended the sanction of the Nova Scotia House, and has been arrived through both branches in New Brunswick, and in a short time it will be the law of this Island, because it is founded on a just and righteous principle. The opposition to-night will not prevent the agitation of the measure.

Hon. Mr. WIGHTMAN.—Mr. Chairman, this question is one of such importance that I cannot give a silent vote on it. It met the approval of this House last year, and I was given to understand that a much greater number of petitions for the law would come before the House this Session. That great exertions have been made to obtain signatures, is proved by the size of the document before us. We have been told that the petition bears the names of men, women and children, and that one sheet of names is affixed to obtain signatures to petitions for any object. In my opinion, Sir, the day has not arrived for the enactment of the law prayed for. I will not, therefore, support it at present, but when there is sufficient pressure from without—when public opinion is manifested by twenty or thirty thousand people asking for the law, then I shall be prepared to go for it. I should like to know how the loss to the Revenue, if the traffic in liquor is prohibited, is to be met. The only way will be by laying additional burdens on the people, who are taxed quite enough already. I am opposed to coercion, which would trammel the constitutional rights of the subject; and it is not a British principle to allow those rights to be trampled on. We know the Government must have a revenue to meet the exigencies of the public service, and if we deprive ourselves of the large amount derived from liquors, where is it to come from, except from additional taxation, to which I am strongly

opposed? I know that the measure has done good in many places—it has brought peace and happiness to many families, but I cannot see the propriety or policy of passing the law in the present state of public opinion in the Island.

Hon. Mr. LORR.—Really, Mr. Chairman, I think the hon. member has adduced the best argument in favor of the measure he says he intends to vote against it. I should like to know what stronger reason can be found for passing the law, than that it will bring peace to families? I supported the Bill last year, and I will go for it now. When I was asked at the hustings if I would support the Bill, I said that I would, and distillers and tavern-keepers voted for me notwithstanding. As to the political action of the Sons of Temperance, if any one has cause to complain of that, I have. Last year on the eve of the general election, an emissary of the Sons went into my district with a document signed by their G.W.P., as they call him, telling the people to vote against Lord and support Dr. Conroy, although I had voted for the law and Dr. Conroy had opposed it. The majority of the Sons at Tryon and Bedeque voted against me last election, but it was of no avail; and now, Sir, although I received the active opposition of that body, I stand here as supporter of their views. In giving my support to the resolution of the hon. member for Charlottetown, I can only regret that I have not the powers to express my sentiments as I could wish. The evils of intemperance are universally acknowledged. Why, Sir, the list of parties fined for assaults last year shews that three fourths of the offences were committed under the influence of drink. There is one case of a poor widow's son in jail at present for a disturbance he occasioned while intoxicated. A Magistrate kindly interposed to save him, and for so doing he was fined very heavily. We require a law to prevent the common use of ardent spirits, and there is no use in having such a law on our Statute Book unless it is properly enforced. At present the law is a mere dead letter. Low drinking houses are to be found all over the country. They should be put down. As to the anticipated loss to the revenue, it is true a large sum is derived from liquors, but if the Bill should pass this year, it need not come into operation for a couple of years, which will give ample time for all engaged in the business to dispose of their stock and direct their capital into other channels, which may produce as much or more revenue.

Hon. Mr. MONTGOMERY.—I consider, Mr. Chairman, that it is the duty of every hon. member to express his opinion on a question of this nature. The subject has been frequently brought to the notice of the House, and the number of those who petition for the law, is constantly increasing. The names signed to the petition now before the House is nearly double the number of last year. That shews that public opinion in favor of the law is increasing, and although I was on previous occasions opposed to the law, yet I will waive my objections in deference to the will of the people, and shall support the resolution of the hon. member for Charlottetown, believing that the law will confer great benefits on society, and that it is only the practicable means to get rid of the evils of intemperance. If other arguments were wanting, the statement of the hon. member, Mr. Wightman, would induce me to vote for the law. If it has brought peace and happiness elsewhere, it must have the same effect here, and I must say, Mr. Chairman, that it does appear strange that, after making such a statement, he should sit down declaring his intention to vote against it.

Hon. Mr. MOONEY.—It seems, Mr. Chairman, that it is the size of the petition which has converted the hon. member, Mr. Montgomery, for last year he voted against the law. My speech printed in *Hazard's Gazette* for 1852 might serve for me to-night. I am sorry I did not get a copy of it and read it, as reading speeches is the order of the day. (Laughter.) It is truly amusing to listen to the hon. member, Mr. Clark. He says he knows the majority are opposed to the law, yet he is prepared to legislate against the wishes of the people. If he is sincere in his opinions, how can he act as Collector of Excise? How can he give a man a permit to land liquor, as he does from day to day? He is just giving permission for parties to go to the devil and shake themselves. (Laughter.) I approve of the resolution of the hon. member, Mr. Laird, and I agree with him that under that introduced by the hon. member for Charlottetown, people will get punchons of liquor duty free, and then tax the poor man's tea and tobacco to make up the loss of the revenue. Next, we have the hon. member, Mr. Lord, who says he will support the bill, but hopes it will not go into operation for two or three years. Now, Sir, I say, if it is a good measure, let it come into operation at once. The people were not fairly dealt with last year. The Maine Liquor Law should have been made the political platform at the elections, but it was not made a test. My hon. colleague voted for it last year, yet the Sons voted against him and supported Dr. Conroy, who was opposed to it. I do not believe that there are a hundred and fifty signatures to the petition which are not the names of parties opposed to the present Government. As to myself, I was never questioned as to my vote on this matter, save by one young man. And when I told him my views, and that I should act according as I thought right, he said, "Then I cannot vote for you." I replied, "then you are right too. Do as you think fit, and I will do the same." I have never been opposed to the Sons of Temperance; they have done much good. When I say this I do not refer exclusively to what takes place in the Temperance Hall, because preaching toryism and teetotalism together, is not exactly the thing, but they will do good by teaching the youths of Charlottetown and other places, to avoid the evils of intemperance. Liking a moderate glass myself, I am not inclined to interfere with the rights of others, and I think you might just as well say what a man is to eat or wear as what he shall drink. God Almighty gave man free will, and intended him to exercise it.

Mr. CLARK.—Mr. Chairman, the hon. member for Flinty Glen has, as usual, made an attack upon me, but I do not deem it necessary to reply to mere noise, further than to let him know that it is my duty as a public officer to carry out the law, as much so as it is his duty in the office he holds; and I assure him that I shall not ask his opinion as to the performance of my duties, as it is not worth a straw.

Hon. Mr. MOONEY wished to know where was the consistency of the hon. member in supporting a measure to which he admitted that the majority were opposed?

Mr. COOPER would withdraw his resolution.

Hon. COL. SECRETARY.—Mr. Chairman, I do not intend to give a silent vote on this question. The hon. member for Charlottetown, in introducing the subject, stated that there was a majority in the House in favour of the measure last session. I ask where are those men now? It was supposed last year as a good source of political capital, and it is well known that individuals of the hon. member's party were