

**THE MAINE LAW IN THE
BALANCE, OR, AN INQUIRY INTO
THE THEORY AND WORKING
CAPACITIES OF THAT MEASURE**

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BY
A CITIZEN OF MAINE.

FESTINALENTE

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INTRODUCTORY REMARKS.

If an intolerant spirit towards those who differ with us in sentiment and in substantials is universally condemned, a similar spirit towards those who agree with us in these respects, and differ with us only as to outward form and mere instrumentalities, would seem to deserve a still deeper condemnation. And yet it is just here that the spirit is most rancorous. It is just here that it seems to take a pleasure in exhibiting itself as offensively as possible. The same man who boasts a toleration wide enough to embrace every diversity of creed and opinion, is ready to lead to the stake those who agree with him as to what ought to be done, but do *not* agree with him as to the manner of doing it; and the surest way to affront him is not to oppose the system or measure which lies nearest his heart, but to advance it — in any other way than that which he approves. Opposition he does not object to, for it adds increased lustre to his triumph; coöperation, except in the manner he has himself prescribed, he detests, for it robs him of laurels he had intended should adorn his own brow only, and shows him that there is something of virtue, something of wisdom, something of knowledge, outside of that little cell at home where he would willingly have men suppose this wealth had all been concentrated. Upon the same principle is it that dire alarm would seize him upon the slightest apprehension that the evil against which he is contending was about to disappear. Complete success to his enterprise is utter ruin to himself. Should, for instance, an instantaneous remedy be found for the evil of slavery, there are not a few whose craft would be injured much more than the slaveholder's; and should intemperance cease from the earth, many would take precedence of the rumseller in the procession of mourners.

These remarks are not introduced here without an object. The author wishes thus early, not merely for his own justification, but for a more comprehensive purpose, to protest against a logic more than ever fashionable in these days, which, to be sure, is not liable to the charge of confounding all distinctions, but which knows and makes one distinction only—do you pull by my rope, or another; a logic which makes the advocate of colonization, rather than immediate emancipation, a pro-slavery man more hateful than the slaveholder himself; which sinks the advocate of temperance far below the “common sinner,” unless he happen to be of the “Maine Law” faction. Let it be once settled that this kind of logic is to prevail—that is one step towards despotism; not the despotism of an individual, but of a party, which is far worse; and then let it be settled that this kind of logic is to be crammed down our throats by secret societies formed for the purpose—that is the other step. It only need be added, that those individuals who count all men “rummies” who are not in favor of the “Maine Law” had better look to it, lest, by the failure of the law, which desires to banish all other instrumentalities, thus leaving the cause of temperance without other support, they lay themselves open to the same charge, and much more justly.

The law for the suppression of intemperance now known, the world over, as the “Maine Law,” indicates confessedly one of the most important measures ever undertaken by a legislative body in this or any other State. The very magnitude of the evil whose cure it seeks to effect gives to it a consequence not easily over-estimated. Having had its origin in the State which has given to it its name, it has, with unimportant modifications, been extensively adopted by other State legislatures, awakening wherever it has gone a most lively interest, in many instances creating intense excitement, and encountering everywhere a most determined opposition. But, notwithstanding the acknowledged importance of the act, and notwithstanding the wide contrariety of sentiment with which it has always been regarded, its discussion thus far has been confined almost entirely to the newspapers of the day; there having been no attempt, so far as the writer is informed, to bring it before the public tribunal in any

more formal, continuous, and comprehensive manner — an omission which, in these days of book-making, would seem not a little surprising, were we not in possession of facts which explain the anomaly. To supply fully this omission by a discussion of *all* the points involved in the question, would require a formidable volume, quite beyond the ambition, as it is also beyond the design, of the author of this tract. The title-page indicates, to a considerable extent, what that design is. It is to inquire, as far as may be, into the law in question, — to pry more or less inquisitively into its earlier and later history, — to ascertain what it proposes to accomplish, what success has thus far attended it, and how far a similar, or greater, or less success, may be counted upon in future, — in a word, to test its claims, so far as our time, and space, and ability, will allow.

That the question is in itself worthy of, and that an absolutely thorough investigation of it demands, these three conditions, in a much larger measure than he who now undertakes the task possesses them, none know better than himself; so that, did there seem to be a reasonable ground for hope that the work would ere long find some other exhibitor more bountifully gifted in these particulars, the author of the following pages would have willingly remained silent. There seems, however, to be very small ground for any such hope. So industriously has been circulated the idea that opposition to the Maine Law is opposition to temperance, — so deeply has the idea become rooted in the minds of a vast multitude, and so do many excellent men in the community, who at heart disapprove of, or at least distrust this law, reluctant to exhibit their doubts or their disapproval, lest, by a misconstruction very naturally fallen into, they should prove prejudicial to the cause of temperance, — and so do other kindred considerations operate as a sort of gag law upon this subject, that there seems but little likelihood that the omission above alluded to will be, for the present, at least, supplied. The motive for this shyness and timidity is doubtless a pure motive; but whether any cause is more likely to triumph in the end by smothering, for the sake of apparent policy, the inmost convictions of the heart, we leave for those who adopt such a course themselves to determine. The originators and friends of the measure never tire

of reiterating the sentiment that opposition to the law is identical with opposition to the cause of temperance at home, and is especially unfavorable to its advancement in the other States. Here, we are told, the measure originated. Here it has been longest tried. Here it has been most deliberately and carefully considered, and here its capacity to do what it promises to do has been most severely tested. If we, who know it best, reject it, or exhibit even a lukewarmness in its support, the other States will take counsel of our apathy; and if, on the other hand, we extol it as beyond all praise, and remain mum as to any weaknesses pertaining to it, there is the benefit of our example to be conferred upon our neighbors, who, it is contended, will be encouraged to take the law upon trust, seeing that it has wrought such wondrous results for humanity here at home. Now, all this, and much more we hear to the same purpose, is a plausible kind of reasoning, and most unobjectionable too, on the supposition that the law is what it is claimed to be by its friends. But that is the identical point in controversy. If the fact were first established that the law was certain to effect all the magnificent results attributed to it, or even the half of them, the writer would unhesitatingly become a docile disciple in the mum school himself; and he might go so far as to acknowledge himself a convert to the doctrine, that a city of twenty-five thousand inhabitants might put up with an individual for mayor, even though for the specific duties of his office he should be to some extent incompetent, provided that, owing to certain of his antecedents, his election to the office would give to the cause of temperance that kind of aid above indicated. On the grounds of a comprehensive philanthropy, such a city might very properly sacrifice to some extent her individual interests, for the sake of the greater general good such a sacrifice might be the means of securing.

But suppose the law, after all, prove a failure? Suppose those who by our example and our encouragement have been betrayed into its adoption, find it, upon trial, only a broken reed, to pierce those who lean upon it? Where lies the responsibility? Clearly at our door; so that the same reasoning which compels the friends of the measure thus to recommend it, on the other hand rests

no less imperatively upon those who believe it will indeed prove a broken reed. The obligation resting upon us to warn others against leaning upon a staff whose rottenness we believe will be the means of plunging them into a ditch, is not less than that which makes it our duty to recommend a sound and reliable staff to those who stand in need of it.

A few words as to the manner in which the argument will be conducted. The question it has to do with is not one of the past. It is not an effete, withered, thumbed and threadbare dogma of the schools, having an existence entirely above and dissociated from all that really concerns humanity. It is not a dead limb of a tree which is also dead. It is emphatically a living question. It is of this present generation, of this very day and hour, dwelling close at the side, nay, in the very heart, of every man. To always preserve to the argument of such a question a purely abstract form — to comply with the rigid, methodical requisitions of an arbitrary system of logic — would be as difficult, as it would be injurious to the argument itself, which, if it be not in part made up of, must at least borrow its illustrations from, facts and circumstances of recent occurrence, fresh in the minds of all. There will thus unavoidably occur what, without their being so intended, will have the appearance of unprovoked personalities, which can hardly fail to give more or less offence; and, to escape the necessity of constantly recurring disclaimers throughout the ensuing pages, the writer wishes to say, once for all, that all reference to individuals, directly or indirectly, will be studiously avoided, so far as is possible without interfering too greatly with a fair exposition of the question; and still further to say, that general expressions will often occur, which are not intended to have a general application. That a majority, and a very large majority, of the advocates of the Maine Law, are actuated not only by innocent, but by highly honorable and praiseworthy motives, is not for a moment questioned; and the author desires thus early to rob of its power any and every sentence which may inadvertently escape him, that may bear a different construction. He well foresees that, by *any* execution of the task he has undertaken, however strictly conformed to the rules of the severest etiquette, he