

State Prohibition Organ.

READ AND CIRCULATE.

RALEIGH, NORTH CAROLINA, MONDAY, JULY 18th, 1881.

The Prohibitory Bill.

The following is the Prohibitory Act as it passed both Houses of the Legislature, with all the amendments inserted at the proper places. It is an exact copy of the bill as enrolled and ratified:

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF SPIRITUOUS AND MALT LIQUORS.

The General Assembly of North Carolina do enact:

SECTION 1. That any persons who shall manufacture, buy or sell, either directly or indirectly, any spirituous or malt liquors, except wines and cider, or by any shift, subterfuge or device, spirituous liquors or any liquors of which spirituous liquor is a material or constituent part, in any quantity in this State, otherwise than by this act provided, shall be guilty of a misdemeanor and upon conviction thereof in any court of record having jurisdiction of same shall be fined not less than one hundred nor more than one thousand dollars, and be imprisoned in the discretion of the court.

SEC. 2. That spirituous liquors or liquors of which spirituous liquors are a material and constituent part, may be kept and sold as by this act provided and in no other way or manner, only for medical, chemical and mechanical purposes, and for these purposes, only by a druggist, apothecary or physician, who shall have obtained a license in pursuance of the provisions of this act, allowing him to sell the same for such purposes; and any druggist or physician who shall have obtained such license shall not keep at any time a greater quantity of such spirits on hand than thirty gallons; and shall not sell to any person a greater quantity, at one time, than one gallon.

SEC. 3. The County Commissioners of the several counties in the State may, upon application made to them, only in the way in this section provided, by a druggist, apothecary or physician, grant a license to last one year and no longer, to sell such spirituous liquors as are mentioned in this act only for medicinal, chemical and mechanical purposes, and in the way and manner in this act directed, and no other; but before granting any such license they shall ascertain and find by the oath and examination of two or more sober and respectable citizens of their county, that such applicant is a sober, reliable and trustworthy person; and they shall record the names of the citizens so by them examined and the facts so found by them upon the minutes of their proceedings in connection with the orders and proceedings granting such license; and any druggist, apothecary or physician desiring to obtain such license, shall apply for the same by petition setting forth that he is a druggist, apothecary or physician in the county where such application is made—the place where he sells drugs and medicines or regularly practices medicine—that he desires to keep and sell such liquors only for medicinal, chemical and mechanical purposes; that he will not knowingly keep or sell such liquors otherwise, nor in greater quantities than as by this act allowed, and that he will well, truly and faithfully keep and observe the provisions of this act so far as the same are applicable to him; such petitioner shall subscribe and swear to his petition, and the same shall be filed and preserved among the papers and records of the County Commissioners before whom it shall be presented. But no druggist, apothecary or physician shall be licensed to sell any of the spirituous or malt liquors herein mentioned, until he has executed and given to the Board of Commissioners of the county wherein the liquors are proposed to be sold, a bond with good and sufficient security, to be duly justified in a sum of not less than five hundred dollars and not more than five thousand dollars, conditioned that he will faithfully comply with and perform all the requirements and conditions of this act. The said bond shall be recorded and filed as in cases of official bonds and whenever the said commissioners shall have reason to believe that the party so licensed has violated any of said conditions or promises they may put the same in suit and prosecute to judgment and in addition thereto they may for good cause revoke said license first giving to the holder thereof at least two days' notice of the time when a motion to revoke will be made.

SEC. 4. A druggist, apothecary or physician having a license to keep and sell such spirituous liquors as by this act provided, shall not sell the same to any one person, at one time, a greater quantity than one gallon, nor in any quantity, unless the person applying to purchase the same shall present and deliver the certificate of a sober and respectable practicing physician, not a licensed dealer under this act, given upon his honor, to the effect that such spirituous liquors so required are in fact required for medical purposes; or a like certificate of a sober, respectable chemist or artist, that such spirituous liquors are required in fact for chemical purposes; or a like certificate of a sober, respectable mechanic that such spirituous liquors so required are in fact required for mechanical purposes; and if any physician, chemist, artist or mechanic shall make any such certificate falsely stating or suggesting the purpose for which such spirituous liquors specified by him are required, every such physician, chemist, artist or mechanic making such false certificate, shall be deemed guilty of a misdemeanor, and upon conviction in any court of record having jurisdiction thereof, shall be fined not less than one hundred nor more than

five hundred dollars, and may, in the discretion of the court, be imprisoned.

SEC. 5. Every druggist, apothecary or physician who shall have a license to sell such spirituous liquors as provided for in this act, and shall violate the provisions of the same in any respect, directly or indirectly, or by any shift or subterfuge, shall for every such violation thereof be deemed guilty of a misdemeanor, and upon conviction in any court of record having jurisdiction shall be fined not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the discretion of the court; and moreover shall forfeit his said license to be cancelled by the court; and if any clerk or employee of such druggist, apothecary or physician shall in any way violate the provisions of this act under pretense of selling such spirituous liquors for his employer or otherwise, he shall for every such offense be deemed guilty of a misdemeanor, and upon conviction in any court of record having jurisdiction shall be fined not less than fifty dollars nor more than one hundred dollars, and be imprisoned at the discretion of the court.

SEC. 6. That this act shall have no force nor effect until the first day of October, A. D., 1881; and on and after that day it shall have full force and effect.

SEC. 7. That an election shall be held by the qualified electors in the State on the first Thursday in August next to take the sense of the electors of this State upon the question of prohibition; those desiring prohibition shall vote a printed or written ticket with the words: "For Prohibition" on it; those opposed to prohibition shall vote a written or printed ticket with the words: "Against Prohibition" on it. The election herein provided for in this election shall be held under the same rules and regulations and the returns to be made as are now provided by law for the election of Judges of the Superior Court, and the Board of County Commissioners of the several counties of the State shall in the manner therein prescribed appoint registrars and judges of said election: Provided, That if at the said election a majority of the votes so cast be "Against Prohibition," then and in that case no person shall be prosecuted or punished for any violation of this act. And it is further provided, That upon the counting of the ballots as aforesaid the Governor of the State shall issue his proclamation declaring the result thereof.

Prohibition Constitutional.

The constitutionality of prohibitory laws has been settled by the highest tribunals. The following extracts are from the records of the Supreme Court of the United States:

Chief Justice Taney said: "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."—5 Howard, 577.

Justice McLean said: "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 articles be injurious to the health or morals of the community, a State may, in the exercise of that power and comprehensive police power which lies at the foundation of its prosperity, prohibit the sale of it."—Ibid. 592. "No one can claim a license to retail spirits as a matter of right."—Ibid. 597.

Justice Daniel said of imports that are cleared of all control of the government which permits their introduction:

"They are like all other property of the citizen, and should be equally the subjects of domestic regulation and taxation, whether owned by an importer or his vendor, or may have been purchased by cargo, package, bale, piece, or yard, or by hogsheads, casks, or bottles."—5 Howard, 614. In answering the argument that the importer purchases the right to sell when he pays duties to the Government, Justice Daniel continues to say: "No such right as the one supposed is purchased by the importer, and no injury in any accurate sense is inflicted on him by denying to him the power demanded. He has not purchased and cannot purchase from the Government that which it could not ensure to him—a sale independently of the laws and policy of the States."—Ibid. 616.

Justice Woodbury said: "After articles have come within the territorial limits of States, whether on land or water, the destruction itself of what constitutes disease and death, and the longer continuance of such articles within their limits, or the terms and conditions of their continuance, when conflicting with their legitimate police, or with their power over internal commerce, or with their right of taxation over all persons and property within their jurisdiction, seems one of the first principles of State sovereignty, and indispensable to public safety."—5 Howard, 630.

Justice Grier said: "It is not necessary to array the appalling statistics of misery, pauperism, and

crime which have their origin in the use and abuse of ardent spirits. The police power, which is exclusively in the State, is competent to the correction of these great evils, and all measures of restraint or prohibition necessary to effect that purpose are within the scope of that authority; and if a loss of revenue should accrue to the United States from a diminished consumption of ardent spirits, she will be a gainer of a thousand-fold in the health, wealth, and happiness of the people."—Ibid. 592.

It is reported that a single liquor dealer of Philadelphia, will put \$25,000 into the State, to prevent the passage of the prohibition law. What interest has he, an outsider, in the affairs of North Carolina? We thought one of the principal arguments of the liquor men was that the "industries" of North Carolina were to be effected by the prohibition of the manufacture of liquor in the State. Yet here comes a man, who can give \$25,000 to prevent prohibition, because his profits are so large upon liquors sold in North Carolina, which are manufactured outside of the good old Commonwealth.

Tell the People.

WHAT GOVERNOR JARVIS SAID.

"I should be false to the 1,400,000 people of North Carolina if I remain silent and I must take my position. * * * Knowing what is best for North Carolina, and North Carolinians, I declare for the Prohibition movement, and for prohibition I intend to go. * * * My observation leads me to know and assert that for every dollar received as taxes from the sale of liquor, ten dollars go out of the public purse."—Tucker Hall Speech, April 27, 1881.

WHAT JUDGE MERRIMON SAID.

"Prohibition is a question for every man, in every condition of society. I should hate to think that any public man in the State would be against prohibition. * * * The only way to regulate this evil (of intemperance) is to exterminate it. This is a patent fact, and we owe it to ourself and to society to stamp it out. It is a disgrace to the country that the laws tolerate the sale of liquor."—Tucker Hall Speech, April 27, 1881.

WHAT DR. SATCHWELL SAID.

"A thousand diseases follow in the train and are concomitants of the use of intoxicating drinks. * * * So deadly is this poison liquor, that the legislature which orders skull and cross bones to be placed on every bottle of poison might well order the same emblem to be placed upon every bottle of barrel of liquor. * * * As president of the State Board of Health, it is my duty to warn the people of this State of the awful dangers of drink, bodily and mentally."—Tucker Hall Address, April 27, 1881.

WHAT JUDGE AVERY SAID.

"The principle of prohibition is one that I have long upheld, and shall continue to uphold."—Tucker Hall Speech, April 27, 1881.

Prohibition is not in any sense a political question. The attempt to give it a political significance for party purposes will result in failure. The colored people are thinking for themselves in this matter. The majority of them will vote for Prohibition and yet retain their allegiance to the Republican party.

It is claimed by the opponents of Prohibition that all the negroes will vote whiskey. They evidently believe that the colored people will surrender everything, even their religion, to the whiskey bottle. Colored men and women of North Carolina, are you content to allow this assertion, or assumption, to go uncontradicted? Are you willing that it should go forth to the world that we are the slaves of the habit of all evils? Let the colored people of North Carolina lock this matter squarely in the face and decide whether or not they will suffer the reproach sought to be brought upon them.—The Banner.

Prohibition Not a Democratic Trick.

Bishop J. W. Hood, of the African M. E. Zion church, talks sound sense to the colored people as follows:

"The most effective misrepresentation is that this is a trick of the Democrats to defeat the Republican party. I am aware that with many this is simply an excuse for voting for whiskey, yet there are some who have honest doubts respecting their duty. To such I especially address this communication.

I am fully satisfied that there is not a particle of politics in this movement except what the whiskey interest and those who are always looking out for political advantage are trying to force into it. It did not originate with politicians, nor would the subject be now before the people if politicians could have helped it. They were shy of it and tried to put it aside, but it was forced upon them; it is before us in spite of their opposition. Now that it is up, the rum-sellers have started all sorts of misrepresentations. Democratic rum-sellers say that it is a trick of the Democrats to split the Democratic party, and many Democrats are shy of it. Republican rum-sellers say that the Democrats got up this issue to defeat the Republican party. Now both of these statements are not true, and

any one who will give himself the trouble to learn the facts will find that neither is true.

Opposite as these statements are, they have a common origin; they came from the same source; the same interest gave birth to both, for whatever splits, rum doesn't. Democratic and Republican rum are united in eternal wedlock. Rum-sellers would sink all the parties in the universe in the interest of their wicked traffic. They vote the straight rum ticket no matter who is on it. Rum makes strange bed-fellows; it forms most unseemly connections and associations; men who would not sit at the same table with a black man will drink rum out of the mouth of the same bottle.

Our people have been in the habit of doing like the Boston man who waited to see which way the Democrats voted, and then voted the other way. However wise this may have been in some instances, it won't work in the present case. Democrats will vote on both sides, and so will Republicans. Whichever way you vote, you will vote with Democrats and against Democrats. This ought to make it plain that this is not a party issue between Democrats and Republicans. In this matter old party lines are blotted out, and new ones have been formed. The prohibitionists have organized and put forth their platform, and the anti-prohibitionists have done the same. Read for yourselves these platforms and the strength of the former and the weakness of the latter must strike the most casual reader.

I repeat we shall vote with both Democrats and Republicans on either side; with which shall we unite, the best or the worst? The struggle is between liberty and slavery, happiness and misery, prosperity and wretchedness, God and the Devil. The prohibition side is the Lord's side, anti-prohibition is the Devil's side. Which side will you take? There are many reasons why we colored people should support prohibition, prominent among which is the fact that prohibition has already done for us what church and politics had failed to do. It has secured to us manhood recognition. Mr. Bynum in defending the action of his church in appointing a colored man as representative to the Episcopal convention, refers to the fact in the prohibition convention the color line was blotted out; that white men and black men sat in that convention together on terms of equality. And I may add white men who never made that concession before, who never before believed that any good thing could come out of Africa.

Facts bearing directly on North Carolina, our own State.

COME TO GRIEF.

The attempt of Cooper, Cannady and Mott, to commit the Republican party in North Carolina to the whiskey interest has come to grief gloriously.

The leading Republicans in different parts of the State have stepped forward with commendable promptness to let these gentlemen know that they were too small to turn the crank of as big a machine as that. In addition to their reputation at home, the Washington correspondent of the Charlotte Observer furnishes the following information from the Capital:

Cooper, Cannady and Mott have jumped into some notoriety here by putting the Republican party against prohibition. They are denounced on all sides of Republicans. Commissioner Rawn telegraphed Mott, forbidding him to take contributions from his subordinates to carry on a campaign against prohibition. Secretary Windom says if he does he will turn him out of office. The administration is with the prohibition people. The President and cabinet, and the leading Republican journals, denounce the action of Cooper, Cannady and Mott.

And finally Hon. W. A. Smith lays on the last straw that breaks the backs of the three camels:

PRINCETON, N. C.; June 20.

HON. H. A. GUDGER, Chairman.

Raleigh, N. C.:

DEAR SIR:—My opinion is that the Republican Executive Committee has neither the power nor the authority to bind Republicans to vote for or against prohibition. Republicans and Democrats voted for the prohibition bill regardless of party in the Legislature, and will do the same in the coming election. And now for the Republican Executive Committee to issue a bill against prohibition, thinking it can gain a temporary advantage by joining the devil against the Democratic party, is a copartnership that older heads would never have consented to. Any attempt that the Republican committee may make to prove the Democratic party a temperance party will be a failure, as it has a national reputation to the contrary, and no one in the country will believe such glorious news even from the Republican committee. I for one am opposed to the Democrats having the honor of being the father of the prohibition bill, and wish the honors to be divided evenly upon this question. It is not a party question, and cannot be made so. Yours truly,

W. A. SMITH.

Poor fellows! we are sorry for them, for they thought they were doing a smart thing.

"The best laid schemes Of mice and men Gang of a-glee."

JUDGE DICK ON PROHIBITION.

In his speech at Concord recently, Judge Dick said to the colored men present that he was a Republican. In 1867 he was one of the men who met in Raleigh and organized the Republican party, and recognized the colored people in their councils. I did not deceive or mislead you then, nor would not, nor will not now, but I tell you that if you vote against this measure you are voting for your own destruction. Whiskey is the greatest enemy of your race—it makes trouble for you with your employer; it brings you into strifes and frays; you never have trouble when you are sober, and do right, with sober men. The great question for you is to rise above this slavery of strong drink, and make yourselves free men and bear your share of the honor for the victory of this great moral question.

And he also has this to say about the action of the Republican State Executive Committee: "The enemies of prohibition call this a party measure. Four or five men went to Raleigh last week and pledged the Republican party against prohibition. What right had they to do it? no right whatever. The constitution of the Republican party is plain against the usurped authority of those men, and if the Republican party cannot exist and succeed without strapping to its wheels anti-prohibition, then let it perish!"

THOSE PETITIONS.

Here is what the News and Observer of Raleigh said about them:

"The movement in favor of prohibition has proceeded in North Carolina until its proportions are beyond any reasonable anticipations. Similar exertions in behalf of temperance have been made elsewhere, but in no other State have we known such monster petitions to be presented to the Legislature as in North Carolina. On yesterday one petition presented in the House was alleged to contain 35,000 names, and another in the Senate 25,000. The others presented had in the aggregate 6,000, making the total of petitioners on yesterday 66,000. And yet some legislative wag is credited with saying that yesterday was not a good day for the temperance people either. The aggregate number of petitioners thus far cannot fall short of 200,000. We have heard it estimated at more, but we will stop at that. There are probably but few petitioners under the age of fifteen, and as a considerable number of the people cannot write, it would seem that about one-half of those capable of doing so have signed these petitions praying for prohibition."

THERE happened to be in the city the day the Convention met just four drummers for Baltimore houses (a thing that occurs very frequently) and they went to the Convention to see what was going on.—State Journal.

Just so, neighbor. And "there happened to be in the city the day the Rep. Ex. Com. met just FOUR" committee-men who voted for whiskey, and these "FOUR" men attempted to bulldoze the whole Republican party. And so, after all there really was a few carpet-bag liquor men in the Whiskey Convention. Wonder if they were "special agents" with proper "credentials," with instructions "to urge our customers to do their duty at the polls?" But they just "happened" to be here on that PARTICULAR occasion, you know. Ta, ta.

"The abuse of liquor must be remedied and corrected by moral influence and police control, and not by legislation."—J. J. MOTT.

Oh, yes; that's the way to do it, is it? Build churches, supply preachers, and then flood the land with whiskey to corrupt and destroy. Give one dollar to redeem and spend ten to corrupt. At this rate when will the Millennium be?—Our Rights.

Declaration of Principles.

1. It is neither right nor politic for the state to afford legal protection and sanction to any traffic or system that tends to increase crime, to waste the national resources, to corrupt the social habits, and to destroy the health and lives of the people.

2. The traffic in intoxicating liquors, as common beverages, is inimical to the true interests of individuals and destructive of the order and welfare of society, and ought, therefore, to be prohibited.

3. The history and results of all past legislation in regard to the liquor-traffic abundantly prove that it is impossible satisfactorily to limit or regulate a system so essentially mischievous in its tendencies.

4. No consideration of private gain of public revenue can justify the upholding of a system so utterly wrong in principle, suicidal in policy, and disastrous in results as the traffic in intoxicating liquors.

5. The legislative prohibition of the liquor-traffic is perfectly compatible with national liberty and with all the claims of justice and legitimate commerce.

6. The legislative suppression of the liquor-traffic would be highly conducive to the development of a progressive civilization.

7. Rising above class, sectarian, or party considerations, all good citizens should combine to procure an enactment prohibiting the sale of intoxicating beverages, as affording most efficient aid in removing the appalling evil of intemperance.