

To the extent then of this 40,000 acres, the State when it resumes, becomes a trustee for the city of Lyons, and to any disposition made of said lands other than the construction of the road from Lyons to Clinton the city of Lyons should give its consent, and if it is admitted that the State having the power might arbitrarily dispose of the lands without regard to the wishes of the city of Lyons, the State would upon so disposing of the lands be equitably the debtor of the city of Lyons to the amount of the value of said lands, unless said road were constructed. This I believe to be an equitable construction of the acts above cited, at all events it is the best I can do for the question.

Very respectfully, &c.,

HENRY O'CONNOR,  
*Attorney General.*

REPORT OF COMMITTEE

ON THE

**SUPPRESSION OF INTEMPERANCE.**

DES MOINES:

F. W. PALMER, STATE PRINTER,  
1898.

MAJORITY REPORT.

---

The committee on the suppression of intemperance, to whom was referred Senate File 136, being equally divided, (Senator Mathies absent), the undersigned members of the committee report the same back with accompanying substitute, and recommend the passage of the substitute.

G. G. BENNETT,  
A. M. LARIMER,  
ADDISON OLIVER.

## MINORITY REPORT.

The undersigned, a minority of the select committee on the suppression of intemperance, to whom was referred, with other bills, Senate File No. 108, "a bill for an act to amend Chapter 64, Article 3, of the Revision of 1860," not being able to agree with the majority of said committee, do respectfully ask the privilege of submitting the following report:

All agree that intemperance is the source of more and greater miseries to our citizens than any other sin in all the catalogue of crime; that it is the cause of nine-tenths of our pauperism; four-fifths of our murders; a large proportion of our insane; three-fourths of all who are sent to the penitentiary; that it ruins the health of many, and brings them to premature graves who are considered only temperate drinkers; causes a large number of our lawsuits, and directly or indirectly, is the cause of a great proportion of our taxes. Its evils can not be told, neither can we compute in dollars and cents the damages done to society, for money can not pay for widows' tears and orphans' moans, the peace of families and the loss of immortal souls, all of which are caused by the demon of intemperance. While all acknowledge these things to be true, there many good citizens who say "we can not help it," "we are not responsible for what our neighbors drink." Thus folding their hands and looking unconcernedly on while our friends are being destroyed all around us. The time may come when the Judge sitting on "the Great White Throne," will, with a look that shall pierce the heart, say, "ye knew your duty, but ye did it not."

There is a remedy — it is a prohibitory liquor law. Experience teaches us that while intoxicating drinks are sold as a beverage, and while human nature remains depraved as it is, that there will be drunkards. The intemperance of some of our most eminent

men, men with talents of the highest order, shows the lamentable fact that the appetite for intoxicating drinks, when once acquired, is too strong to be successfully resisted, even by those of the strongest mind. Nothing, then, but a law that will make it unpopular, because illegal, to sell or drink anything that can intoxicate, will save too many of our young men from becoming drunkards. No wise, humane, or moral legislature should legalize or permit such a popular school of vice and crime to remain in any portion of our loyal State, as a place for the sale of intoxicating drink as a beverage. We can not sufficiently characterize with our disapprobation the man who wantonly and deliberately, in this advanced age of civilization, intelligence, morality, and christianity, engages in the manufacture or traffic of intoxicating drinks, either from the love of gains, ease, indolence, or any cause whatever. It is a traffic which is carried on at the sacrifice of every manly feeling; of the best interest of society; of the good of our race; brutalizing and degrading all engaged in it. There is no lower depth to which a human being can sink. Are we not sent here to make good and wholesome laws for the commonwealth? and have we not an undoubted right to protect the community from the evil and dangerous influences of men so abandoned and corrupt as to engage in this traffic? We do not deem the liquor trade a legitimate business, for we hold that no man has a right to carry on any business, the continual tendency of which is to endanger and destroy the peace, the property, the character and the lives of others, and is only evil, and that continually.

We believe that a stringent prohibitory liquor law, restraining bad and abandoned men from sowing broadcast, vice immorality, and crime, is our imperative duty, eminently lawful and constitutional.

Prohibition is as old as law itself. It is a principle recognized by all law, humane and divine. Prohibitory legislation may be divided into different kinds — laws to prohibit theft, swindling, forgery, and counterfeiting; laws to prevent the sale of diseased meat, milk, vegetables, or any unwholesome food, known to be such; laws prohibiting the sale of obscene books, acts of blasphemy, or any kind of impiety; laws prohibiting riots and all other disorderly acts — all of these are laws of prohibition. Such laws have

been recognized as right and proper in all ages among civilized society, and none would be willing to repeal all such laws from our statute books. The traffic in intoxicating drinks being more injurious than all the other things that we have referred to as being prohibited, should, therefore, be more positively forbidden.

Individual rights must be given up for the good of the many. No man has a right to drive his horse faster than at a certain pace, in some thoroughfares, because by doing so he would endanger the lives of others. A railroad company is limited in the rate of speed with their cars in cities, because it would be dangerous to the citizens. A man has no right to sell arsenic except under certain restrictions, because it is a poison and kills those who take it. A man is prohibited from selling gunpowder in certain places, because it would endanger the property and lives of the community. We have the same right to prohibit the sale of intoxicating drinks, for it does more injury to the community than all the others mentioned. A prohibitory liquor law is the same good old rule that one must give up some of his individual rights for the good of the many.

But we assert, and we think the assertion can not be successfully contradicted, that we have the clear and unquestionable right to prohibit the sale of intoxicating drinks as a beverage, "our enemies being judges." If we have a right to license, we have a right to prohibit. If you can say to one man he may sell whisky, and to another he shall not sell, then we may say to all they shall not sell.

The bill of which we are speaking, (Senate File No. 108,) restores the law that was adopted by the citizens of this State in 1855, and we have good reason to believe that if the voice of the people could again be heard on this subject, they would once more declare in favor of the law. We believe the people are tired of the present law because it is *not* prohibitory.

For these reasons, and many others that might be given, we respectfully recommend the passage of Senate File No. 108, so that the prohibitory liquor law may be restored and placed where the people of the State placed it in 1855, when they voted directly upon it.

Respectfully submitted,

J. A. PARVIN,  
ROBERT SMYTHE.

## MINORITY REPORT.

The majority of the committee to whom was referred the bill for the regulation of the sale of spiritous liquors, report adversely to the license system, and in favor of the present prohibitory law.

As a member of the committee, and strongly opposed to the restriction law now in force in this State, and earnestly in favor of a license system, it is proper that I should briefly state some of the reason that induce me to oppose the one and favor the other.

It is not necessary to refer in detail to the several sections and point out the objectionable features of the law now in force, as its provisions are generally well understood; and it is therefore to the principle of the law and its operations that we direct our attention.

If the liquor law of Iowa was enacted for the purpose of gratifying the hated passions and fanaticism of a certain class of infatuated individuals, it has met with most surprising and wonderful success. But if the object of the law was really to suppress intemperance, it has been a humiliating and disgraceful failure.

During the thirteen years of experience under the prohibitory law intemperance has not only maintained its ground but has fearfully increased. We presume there is no one so reckless as to deny this assertion. In fact, the law has so utterly failed as a temperance measure that it should no longer be retained. Beside, this experience teaches that great moral reformation can not be obtained through force.

The professed friends of temperance in Iowa have committed a great mistake in procuring and enacting laws, fashioned to suit their own ideas only, and utterly obnoxious to the views of those they wish to reform and ameliorate.

These mistaken advocates of temperance have failed and cast aside the white banner of moral suasion, and now endeavor to

enforce their ideas of morality through the instrumentality of grand jurors, courts, and the aid of secret temperance societies; but just so long as man shall continue to be a free, moral, accountable agent, just so long reformation on the subject of temperance must be produced by moral agencies; and until the system of man is changed, his natural rights abridged, and his mind and most cherished liberty be alike subjected to the will of the law-making power, prohibitory legislation on this subject must fail to produce salutary results.

Suppose there was no constitutional provision on the subject of an established religion in this country, in the absence of such a provision, it would be just as practicable for the legislatures to declare what the orthodox religion of the State should be, and pass laws for its observance, as it is to declare the sale of liquor a crime, and enact laws to enforce temperance upon citizens against their inclinations; the principle is the same, and its application also the same.

In the first place, it was through the influence of that unfortunate class of men, who desecrate the Sabbath and insult religion by the preaching of a political radical gospel, that the odious prohibitory law was engrafted in the statutes of the State.

And still they clamor for more prohibition. Nothing will satisfy their morbid and fanatical desires short of the complete overthrow of the liberties of those who differ with them in opinion, and the successful aggrandizement of their own political and moral sentiments, unwilling to trust their own intelligence and ability to defend their principles on common equal ground. They bring their religion into the political mart and barter it at the hustings for votes, in consideration that their ideas of morality may be adopted and enforced by law. And then the question of religion and temperance, questions in which mankind are so immensely interested, are equally brought into contempt and made the subject of derision.

In monarchical governments, laws are made for the purpose of terrifying the people and to tyrannize over them. In the enactment of such laws, the wishes of the monarch, and not the interest of the people, are consulted.

In the enforcement of the laws, servile courts, the sword and bayonet, are the instruments made use of to execute the will and

behests of the loyal power. Parliament and royal assemblies with unblushing effrontery, declare *privileges* which the people have long enjoyed, to be crimes. These liberties abridged, and with solemn mockery, sacred rights are pronounced "misdeemeanors" by statute.

It is wonderful with what exact nicety the worst features of despotic government are initiated in the modern legislation of this country; and what is more annoying, this wrong is perpetrated by the very party that makes loud and boisterous pretensions for an "enlarged" liberty.

In justice we should say, that the more enlightened governments of Europe are rapidly ameliorating their criminal code. England quite recently tried the experiment of enforcing virtue and morality upon the people, by creating one hundred and sixty-three capital offenses with which to punish them with. The only effect this measure had, was to make the people more vicious, and Parliament soon profited by this experiment, and learned a wise lesson.

That laws, in order to be respected, should have for their object the general happiness of the people, and not designed for the special benefit of a certain class. When will our radical friends learn that legislative acts will not change men's opinions. Already they know this, but refuse to grant a remedy through fear of losing political caste with the bigots with whom the compact was first made, by which a few ministerial fanatics, engaged to preach politics in the interest of the radicals, provided the Republicans would give them a prohibitory law, in order that they might gloat over the misfortunes of others and seek their hate on a class they despised.

This government as established by our revolutionary fathers was controlled by the Democratic party for more than half a century on the broad principle that all political power is inherent in the people; and class legislation strictly prohibited. On these principles, no government on earth ever rose so rapidly to greatness. No people were ever so happy and prosperous. But the very moment the Republican party changed this rule and resorted to State legislation, procuring prohibitory and other kindred laws, and enacted crimes by statute in order to inflict fines and enforce imprisonment upon them, whose sense of morality differed with them, the prosperity of the country changed, and the people

unfamiliar with tyranny and opposed to despotic power became dissatisfied and restless. And this opposition, which appeared first in murmuring whispers, has now assumed a tone bold and defiant, and will grow bolder until this stigma is wiped out of the statutes.

If it is really a crime to sell spiritous liquors, it is equally criminal to drink liquor, and the Republican party and the loyal Congress is engaged in the most stupendous frauds and iniquity, that ever was perpetrated by licensing distilleries, and supporting the Government on a revenue imposed upon illicit traffic, because if it is an offense to sell liquors, it is a misdemeanor to drink it, and of course a greater crime to manufacture it.

We loath and despise the cant and hypocrisy with which this prohibitory law is upheld, for just as long as the right to make liquors remains, it is right to sell it; and legislators are in honor bound and common fairness commands them, to prohibit the manufacturing of articles, or else repeal the prohibition of the sale of it.

It is dishonorable in any government to receive a revenue from the manufacture of an article which is made a crime to sell after manufactured.

As a temperance measure it will not be seriously denied that the prohibitory law is worse than a failure. The operation of the law is humiliating to any one possessed of a spark of humanity. At certain periods grand jurors are instructed to use the star chamber for the purpose of influencing men to become temperate, fines and imprisonment fails. Men still believe themselves to be men notwithstanding the law.

Then what should be done?

I submit that our duty is a plain one, and that this legislature should adopt a judicious license law at once. If this session refuses to do so, a subsequent legislature will repeal this odious prohibitory act. While the legislators in making large appropriations to be footed by the tax-payers, it is our duty to use all honorable means to lighten the burden of taxation; a license law will greatly add to the resources of the counties of this State; hundreds of thousands of dollars have been lost by reason of this

iniquitous prohibitory law, and not one man in all the State has been reformed by it. How useless it is to longer retain it. I, therefore, respectfully appeal to Senators to vote for the license system, and if the majority members refuse to do so, then I appeal to the friends of license in the State to stand firm, and a subsequent session of this body will yield to right and justice.

JOSEPH HOLLMAN.

*Member of the Committee on Suppression of Intemperance.*