

[From the London Chronicle, November 10.]

The Maine Law in the United States and Canada.

It is stated that the new Canadian Parliament has signalized itself by passing a bill, by the enormous majority of 90 to 5, for prohibiting the manufacture and sale of intoxicating liquors.—And the fact is not improbable, since, in the last Parliament, a similar measure was only defeated by a narrow majority, and it is well known that the teetotal party made a great effort at the recent elections. Canada is the second English colony which has given in her adhesion to the principle of the Maine liquor law of 1851; and it is significant that she has gone beyond New Brunswick in the severity of her penal prohibitions.

The New Brunswick law of 1852 permits the sale of malt liquors and cider; but the Canada law—by interdicting, in the most general terms both the manufacture and sale of all intoxicating beverages—confiscates both brewery and distillery, and shuts up the alehouse as well as the dram-shop. There can be no question that this event, assuming the above statement to be true to the letter, is of considerable importance. It marks a distinct era in the so-called abstinence movement; and it is the first experiment on a really large scale of legislative interference with what we are accustomed to consider the rights of individuals in this matter. Considered both in its economical and social aspect, the fact is of large importance.

It is easy enough to understand the immediate motives for such a measure. The precedent of the Maine law, which substantially prevails in four other States of the Union—while its principle has, to a greater or less extent, been adopted in no fewer than eight—was likely enough to find friends and imitators across the Canadian frontier. But the mere fashion of adopting the institutions of the United States would scarcely account for the Canadian bill, still less for its alleged all but unanimous success.

Political motives and deference to a popular cry, we suspect to be at the bottom of the affair. But the phenomenon still remains to be accounted for. Here is a community enjoying very liberal institutions—its Parliament, especially at this moment, necessarily reflects the popular feeling—yet it interferes, on the very largest scale, with personal liberty. Sumptuary laws have always been considered the expression of a despotic and unconstitutional form of government; but since the days when royal proclamations regulated the length of peaked shoes, and the cut of the beard; nothing so tyrannical as the present measure has ever been thought of. The Czar Peter's reforms, in all the plenitude of Russian autocracy, were less severe than these voluntary rigidities of Canada and New Brunswick. Of course, it may be said, that the whole thing is only the revival of the old New England Puritanism; but what we have no account for is this revival.

Strictly speaking, the affair cannot be regarded as a triumph of abstinence principles. Rather the reverse. Religion owned its inability to convert the world when it took to the inquisition and the rack; and prohibitory laws, directed against intoxicating liquors, are a practical confession that moral arguments have failed. The whole array of lectures, leagues, pledges, and tracts, acknowledge their weakness when they resort to the last and most persuasive rhetoric of fine and imprisonment. The change is from moral force to physical force; and the earnest advocates of temperance have little reason to congratulate themselves on the Canadian law. It proves, at any rate, their weakness.—For ourselves, and for all who are earnestly concerned in checking intoxication, and in protesting against drunkenness on moral and religious grounds, we are disposed to regret this success if it be so called. A fatal reaction is sure to follow—at any rate, it always has followed, even in the New England States, every attempt to compel external decency by severe legislative restrictions on personal liberty. The old Puritan regulations against drunkenness were twice as severe as those recently embodied in the Maine law; and yet in spite of them—or at many times in consequence of them—the

New England States became conspicuous for immorality and intemperance.

After all, these prohibitory laws are, and ever must be, of unequal incidents. Even now, in Maine itself, every man who can import a hog-head of brandy or a pipe of wine, can get as drunk as he pleases at home. And if, for social purposes, we are resolved to make drunkenness impossible in the poor man, we ought to guard against its possible commission by the rich man. It may be true, and in one sense it is, that drunkenness is a grave social offence; but unless we treat intoxication as equally criminal in every class of the community we are legislating unjustly. If it is the duty of the State to interfere on behalf of a moral virtue. It must do its work thoroughly; and great as may be the benefits of compelling sobriety, the compulsion must be total. In other words, the social advantages of lessening drunkenness are more than counterbalanced by the immoral spectacle of a law which permits exceptions to its principles in the case of all who are rich enough to afford the luxury of setting it at defiance.

Further, the law in taking the place of moral sanctions, ought not merely to be equal but consistent. Not only must it prohibit intemperance in the matter of drinking, but in that of eating. Paley tells us that the quantity of corn consumed in distilled liquors is a sufficient reason for prohibiting its use in the form of alcohol.—On the same principle the state is bound to see that there be no waste not only in the matter of grain consumed in distillation, but in flour profigately expended in pastry and other luxuries. If it is a robbery of the national storehouse, and if it unnecessarily enhances the price of corn, to permit a single bushel to find its way to the distiller's, second courses and soups are equally an unjustifiable waste of the common stock of beef and mutton. We must have sumptuary laws against the table as well as against the bottle. We must interfere with the dish as well as with the glass—with tobacco no less than with rum. Velvet and satin are equally an offence with port and sherry. Nor can we stop here. Temperance is only one of the majestic circle of Christian graces or moral virtues. But if the Legislature is bound to step in between a man and his conscience in one case, why not in all? Drunkenness is the ruin of families. It is a profligate waste of health and means—it entails not only on the sinner, but on all connected with him, an incalculable amount of poverty and misery. We admit all this to the full. But so does idleness—so do incontinence and adultery,—so does living beyond one's income. Are we to have a Maine prohibition specially directed against every branch of the moral law? If not, why against intemperance alone? Moralists and thinkers will perhaps add that after all, special prohibitions do not touch the root of the evil. Intemperance is only the accidental sign of general moral corruption. A man who is a drunkard does not labor so much under a specific and local weakness as under a total abeyance of moral restraints; and the experience of six thousand years proves the inability of merely secular prohibitions to cure this inveterate evil. Barbarism and vice, in their most hideous forms, may, and do exist in communities where intoxication is impossible.

On general grounds, therefore, we more than question the policy of the recent Canadian measure; while, as a tyrannical interference with the freedom of manufactures and trade, it runs directly counter to all recent experience and to the accredited laws of industry. It is a mere sophism to say that the Maine law only expands the principle embodied in our excise laws. We do not make the manufacture and consumption of ardent spirits expensive on moral grounds, but on purely fiscal ones. The object of taxation is to make those contribute to state purposes who have the means of so doing. The fact that a man spends money on wine and spirits is an available proof that he has money to spend—that he indulges himself with luxuries is a distinct evidence that he has the wherewithal to contribute to the public treasury. We enhance the price of his liquor, because he is a taxable subject; and we interfere with distilleries and dram-shops, not to discourage the manufacture of ardent spirits, but only to take care that every drop of liquor shall pay its meddlesome tax to the

revenue. The moral purpose of the Maine and Canadian liquor law is, at all events an innovation. It may be for good or evil, but it cannot be seriously defended by an appeal to the principle already accepted in our excise regulations; and we state this because a recent Edinburgh reviewer has, not a little to our surprise, vindicated such legislation by this strange argument.

Extracts of Late British Papers.

REMOVAL OF THE DUKE OF WELLINGTON'S REMAINS—The coffin of the deceased warrior has been removed from the centre of the Cathedral to a position which is in the middle of a square chamber about forty feet to the east; in this compartment of the crypt no interment had previously taken place. The resting-place of the Duke will thus form a centre round which other soldiers may be most honourably placed. The tomb, which has been designed by Mr. Penrose, will be executed in black marble and red polished granite. The coffin rests in the centre of the stone, about three feet from the ground.

THE CLERKS IN THE BANK OF ENGLAND.—There are in the bank upwards of eight hundred clerks, at salaries ranging from £25 per annum to £800; the patronage is in the hands of the directors, of whom there are twenty-four, each having a nomination to admit one clerk, provided he be found qualified on examination. The vacancies are not, as in most public offices, filled up as they occur by deaths, resignations, &c., but by electing from twenty-five to thirty junior clerks every four or five months; it is also usual to admit one-fifth of this number from the sons of clerks already in the service. The scale of pensions for length of service is the same as in the Government. The late governor, with much kindness and consideration for the comfort of the clerks, instituted a library and reading-room, which bids from the handsome donations from time to time made by the directors, to rival the best of our secondary metropolitan libraries.—The Bank Annuity Society, for the benefit of widows of clerks, is also being remodelled, in order to combine the principle of life assurance with the granting of annuities. This society is under the management of the clerks themselves. The subscription of unmarried clerks is compulsory.

The gun-trade of Birmingham, is in a critical state, Government, in consequence of the delays at Birmingham in turning out guns, having given an order for 20,000 at Liege. It is feared that the formation of a Government factory for small arms will be the next step.

A new diving-bell, the invention of Don Antonio Tarsia, one of the engineers of the Neapolitan navy, was tried at Naples on the 16th ult. It remained three hours under water a depth of fifty feet, with three men inside, who regaled themselves with a breakfast during that time.

INCIDENTS OF THE WAR.

NARROW ESCAPE OF THE 88TH.—A large puff of smoke ascended from within our lines, and excited some alarm. That it could not have been an explosion in a battery we easily perceived, for the guns continued their fire without interruption. It was ascertained later that the explosion had proceeded from an ammunition waggon, which had been left in a ravine, the horses dragging it having been either killed or disabled. In this ravine, not twenty paces from the waggon, had been concealed since daylight a covering party, composed of three companies of the 88th, under Major Maxwell. The position occupied by this party had been most exposed, and many casualties (six killed and eleven wounded) had occurred from the enemy's shell falling repeatedly amongst them. An order at length arrived, directing the three companies to take up a position in a less exposed spot, and the men in consequence ran up the ravine one by one, and scrowed themselves in a quarry which presented itself. Major Maxwell had scarcely left the ravine when a shell struck the ammunition case, and the explosion took place. This accident, from which the 88th escaped by a miracle, was attended with the loss of only one man who, being missed, is supposed to have fallen a victim to the explosion.