

difference between the "prohibition and regulation" of the liquor traffic.

Prohibitory laws are the legitimate power community has to protect itself, or any of its members from evil. That society has the right to protect itself is a self-evident fact. The right of protection is involved in the right of organization; just as the right to self-defence is involved in the right to life. That society is also bound to protect any of its subjects from injury, threatened from others, is equally evident; for it is a duty growing out of the design of organization, which is mutual protection. If any therefore persist, in spite of the power of individual influence, in inflicting injury upon others, then the obligation is imperative upon society, to enact and enforce such laws as are adapted to the reparation of the injury, and the prohibition of the cause. This from the nature of the case.

Another fact, showing the necessity of prohibitory law, is, that all legislation which stops short of prohibition of the traffic, defeats its object. Our former license laws have had the effect, to legalize the evil under certain restrictions. "It is much to have the sanction of law, and the moral force of law in favor of any course of human conduct." It is equivalent to making that course morally right with many persons. Conscience scarcely rebukes them in an employment, legalized by license; above all, when the traffic can have the baptism of authority, by making it a source of revenue to government. Much is done to countenance and uphold the evil, when government shall only check by taxation, and then make supplemental provisions for it, by providing for its cast off victims.—There seems no safe medium between prohibition and unauthorised sale. For any system of licensing is a legal sustenance of the evil.

We allow that any prohibition which shall intrude upon any man's rights as a citizen, can never be sustained in a virtuous and intelligent community. It is not such laws, we are contending for. Such never have been,—never can be sustained by the law of God. This charge is made, but cannot be proved, against the anti-liquor law of Massachusetts.

It takes away no right from any man to use all he can get,—it only takes away the legal power from one man to destroy another. And when or where is the man that ever had the right to injure another? It is said, that the legal right to sell is gained by the importer when he pays the duties prescribed by the General Government. We deny this. The laws of Massachusetts for the last 20 years have denied this. The system of licensing has from its commencement decided that the importer gained no right to sell intoxicating liquors, until the license granted it to him. This decision is sustained by the justices of the Supreme Court of the United States.

Judge Daniel says:—"The importer purchases no right to sell where the State may prohibit it."

Judge M'Lean decided:—"That no person has a right to introduce into community any thing which is injurious."

And to show that the decision of what is injurious is the prerogative of the State, and not of the importer, we adduce the late decision of Chief Justice Taney:—"If the State shall deem the trade in ardent spirits injurious, it may prohibit it."

That this prohibition does not transcend the authority God has delegated, to human government, it may be well to look at the analogy afforded by the Divine government.—We premise that as God has delegated to human government, the right to legislate for its own protection, if the same principles of law are found in the Divine, which govern the human enactment, it is proof of the correctness of the human. Without particularizing, it is enough to show that God always prohibits the wrong, by pains and penalties, while he encourages the right by promises of reward. He makes no law to regulate evil. He prohibits and condemns it. "They who practice iniquity in any form, can never take refuge under his statutes; can never claim that what they do is legal under his administration; can never appeal to the sanction of his laws against those moral influences, which may be employed to induce them to abandon their course of life, or the business in which they are engaged." "Thou shalt not" is the formula of his prohibitory enactments.

In addition we give the annexed paragraph, from the Rochester Temperance Journal, which gives a not altogether "new reason for the Maine Law."

We have heard and talked hundreds of times of the great variety

of evils—drunkenness and its consequences—growing out of the use of liquor, and have proved it an all-sufficient reason for the interposition of law, to suppress its sale; but we assert that there is one independent of simple drunkenness, pauperism, crime and taxation, that would not only justify its sale being prohibited, but which imposes it as a duty, upon those who have the power to do so. The sale of unwholesome meats is carefully prevented by law. Why? Have not purchasers noses, to enable them to decide whether they are wholesome food or not? Why not, then, leave people to judge and act for themselves in this matter? Simply because its use is injurious to health.

Now, then, the various kinds of intoxicating drinks are not only, in their intoxicating properties, a poison,—for it is a matter settled that alcohol is a poison—but leave out that consideration, it is known to every liquor dealer that the principal profits to the trade is the increasing the quantity by the addition of known and acknowledged poisons. We say that every dealer knows that he is selling to his fellow men poisons,—absolute, acknowledged poisons—poisons as deadly as arsenic or poison hemlock.

And the taste of the drinker cannot readily detect them—they are concealed; but bad meat is readily detected by the smell, and yet the law views the sale as a misdemeanor, and imposes on it pains and penalties. Putrid meat does not make maniacs and mad-men of those who use them—does not lead to breaches of the peace, or to pauperism, or impose a tax on the community. All these, however, are the known and every day effects of intoxicating liquors—even murder, suicide, and death, in a thousand forms; and yet we have never heard the suppression of their sale urged for these reasons. But were men to act as rational beings—were our courts to be governed by common law principles—were our legislators to be governed in their enactments with a view to protecting the people against the most deadly, and prolific, and widely extended of all evils, they would place the sale of these adulterated, intoxicating beverages far, very far higher in the scale of crime, and visit it with a penalty ten times more severe than that of selling putrid meat. We would barely ask what would be the indignation excited against licensing the sale of these meats? We ask our readers to look at this matter. We defy them to show that our reasoning is not correct.

We commend these Streams to the friends of sober reasoning, and consistent truth, and hope all will help to bring about the good time wished for.

Temperance Jottings.—No. 12.

It is strange, passing strange, that so many professed Christians should stand aloof from the Temperance enterprise. Many have joined, and are found among the number of its best supporters; but there are many more who withhold from it their names, and their active energies. Several of such we have heard object to *The Pledge*; not so much, however, to the object and details of the declaration made, as to the principle of binding one's self to the course therein prescribed. With a view to meet this objection, and to lead to conviction and practical results, let us notice a few particulars bearing on this subject.

They will say, they can abstain from intoxicating liquors without signing the Pledge. This is quite possible. Who ever disputed it? We have met with many who have professed to abstain from such drinks, who yet never appended their name to the pledge, or connected themselves with a Temperance Society. On the same principle they may do many things without making promises, or ratifying those promises by written documents, or public engagements; but in the present state of Society, promises in word and ratifications of them in writing or otherwise, are deemed expedient, however good our intentions, and correct our principles.

Some will tell us they do not like the idea of being bound by a pledge, and thus restrict their liberty; and yet they give pledges, and make declarations in other things, by which they effectually bind themselves. What do they mean then by ob-