

These practical expositions of the duties and rights of the Government, given under the high responsibility of official trust, by those whose life-long business it has been to study and expound the Constitution and Laws under which we live, and are now acting, set forth in a clear and forcible manner, the true grounds on which the system of laws we are considering rests; and they stand in striking contrast to the opinions expressed by several witnesses, who appeared before the committee to declare, with but little apparent reflection upon the subject, that a law prohibiting the sale of intoxicating liquors, was an unauthorized exercise of power on the part of Government, and an unjust infringement of private rights. It is undoubtedly true, that the opinions from which the foregoing citations are made, were given in exposition and illustration of the relative powers and duties of the General and State Governments. But they also unequivocally show, that the States have the power, in the exercise of that great conservative right of self-preservation, to pass laws restraining, or wholly prohibiting the sale of "articles of commerce," which are found to be productive of irreparable injury to the community; and if there is a beneficial and an injurious use, which may be made of such articles, then beyond all controversy, the State may permit the first and prohibit the latter; and it would be as clearly a violation of all moral duty on the part of the Government, to license and thus legalize the injurious use, as it would be a wanton and despotic exercise of power to forbid the beneficial use, if the one can be separated from the other; and it is upon this precise distinction that the system of laws under discussion is founded. In this connection, and in reference to the opinions of witnesses, to whom allusion has just been made, we cannot forbear to quote the language of Rev. Dr. Channing, when discoursing on the rights of government, in relation to this class of laws:—"This is a case which stands by itself, which can be confounded with no other, and on which, government from its very nature and end is particularly bound to act. Let it never be forgotten that the great end of government, its highest function, is not to make roads, grant charters, originate improvements, but to prevent or redress crimes against individual rights and social order, for this end it ordains a criminal code. Now, if it be true that a vast proportion of the crimes which government is instituted to prevent and redress, have their origin in the use of ardent spirits; if our poor-houses, work-houses, jails and penitentiaries are tenanted in great degree, by those whose first and chief impulse to crime came from the distillery and dram-shop; if murder and theft, the most fearful outrages on property and life are most frequently the issues and consummation of intemperance, is not government bound to restrain by legislation, the vending of the stimulus to those terrible social wrongs?"

* * * * * They complain that the present prohibitory law, as it is called, is too restrictive, that it transcends the legitimate sphere of government, and invades the rights of the citizen; and they affirm that it cannot be enforced or executed as it now stands.