

Canada Temperance Advocate.

MONTREAL, JULY 1, 1852.

Legislative Protection.

If the question were asked, what is the chief difference between the state of barbarism and that of civilization? the proper answer would seem to be, that in the latter, society is protected against the rapacity and selfishness of individuals. In a condition of barbarism every one does what seemeth good in his own eyes; yet it will be observed by the student of history, that except in the very lowest stages of savage life, there is even among barbarians an unwritten acknowledgment of rights that is not to be violated with impunity. Civilization unfolds itself in the recognition and enforcement of human rights. Ignorance and weakness are defended against the machinations of the cunning and the strong. Law, issuing from an authoritative source, is supposed to be the expression of a nation's will, and in every case presupposes the possibility of an infringement of human rights. The law itself, in consequence of the ignorance and shortsightedness of both rulers and ruled, has often been found at variance with the first principles and undoubted rights of humanity, and since error cannot perpetuate itself, there will arise contentions and struggles for the restoration of powers or privileges of which the many or the few may have been deprived. In due time, and when the highest state of civilization shall have been attained, there will be an adjustment of conflicting views and claims, and then will be the reign of temperance and peace. We may be far off from this happy epoch in the progress of humanity, but there was never a period in the history of man when more generous and systematic efforts were made to remedy existing evils and correct the errors of former times. It is felt, however, that evils transmitted from former generations, and which have come to us robed in the habiliments of venerable legislation, are hard to remove. We are unwilling to question the wisdom of our ancestors. We are shy of revolutions, because they have been accompanied with destructive elements. The cleansing of the statute book from gross mistakes is considered a questionable undertaking, because the effects and consequences of error are not fully felt, or they have been mitigated by superior elements of moral force, or in the lapse of time and by a combination of circumstances they have become involved with all our habits and associations, so that an evil effect is not seen in relation to its cause, or, what is really a sad state of things, reason seems to approve what religion disavows. Considering these things, we are not surprised at the mode of argument pursued by those who are opposed to legislation against the liquor traffic. It is quite clear that some of them have been brought up in a part of the country whose atmosphere is terribly tainted. They have contrived to live there, and they imagine that nobody need be afraid of disease where they breathe freely, whereas a discerning physician, acquainted with the whole science of life, will pronounce it an impossibility to live long or perpetuate a healthy race in the midst of so much miasm and noxious effluvia. Our present license laws are the source of moral malaria to our country. This cannot be doubted. The law itself is opposed to human rights, and originates innumerable wrongs. On our mind there rests no doubt as to what a Canadian Legislature should do at its very next session. We regret that any of our countrymen should waver on this subject. We are grieved at apologies for laws that eat out the very life of progress and prosperity. We are mortified that there should be in some quarters, querulous quibbling at the details of a proposed law, which would be nugatory and totally ineffectual without such details. Is then that which we ask altogether unheard of before? Have we

not abundance of legislation in which is embodied precisely the same principle? Are not the details of these very laws quite as arbitrary as the most hot headed moral reformer ever dreamed of? Is civilization to stand still? Or are its proposed advocates to allow the life to be choked out of it by unjust and oppressive acts, authorized, it is true—but not less immoral on that account? Fine friends of freedom are those, who at this time of day, aver that if our present license laws were understood—we should “hear no more about the Maine law.” The people of Upper Canada have a much better law than those of Lower Canada. Candidly, we believe they understood it—yet every county in Upper Canada will petition for the Maine Law. In Lower Canada less must not be done.

Be it remembered that prohibitory legislation in reference to the liquor business is no novelty. The majority are now prohibited from engaging in it. A committee of the British House of Commons in 1834, recommended “*absolute prohibition*.” The Report of that Committee in full is now before us. The evils of intemperance are fully shown therein. We give an extract or two on the remedies to be applied, and earnestly entreat all parties to give them an attentive perusal. We number the paragraphs as they are in the report.

21. “That the remedies to be applied to the cure of evils so deeply rooted, so long established, so widely spread, and so strongly supported by selfish indulgence, ignorance, prejudice, custom and pecuniary interests, are twofold—first, legislative; and secondly, moral; and these again divide themselves into immediate and prospective.”

22. “That the right to exercise legislative interference for the correction of any evil which affects the common weal cannot be questioned, without dissolving society into its primitive elements, and going back from the combined and co-operative state of civilization, with all its wholesome and lawfully-imposed restraints, to the isolated and lawless condition of savage and solitary nature.”

23. “That the power to apply correction by legislative means cannot be doubted, without supposing the sober, the intelligent, the just and the moral portion of the community unable to control excesses of the ignorant and disorderly, which would be to declare our incapacity to maintain the first principles of Government by insuring the public safety.”

24. “That the sound policy of applying legislative power to direct, restrain, or punish, as the cases may require, the vicious and contaminating propensities of the evil-disposed, cannot be disputed, without invalidating the right of government to protect the innocent from the violence of the guilty, which would in effect declare all government to be useless, and all lawful authority to be without any intelligent object or end,—an admission that would undermine the very first principles of society.”

From among various suggestions under the head of “Immediate Remedies, Legislative and Moral,” we subjoin the following:—

40. “The encouragement of temperance societies in every town and village of the kingdom; the only bond of association being a voluntary engagement to abstain from the use of ardent spirits as a customary drink, and to discourage, by precept and example, all habits of intemperance in themselves and others.”

41. “The diffusion of sound information as to the extensive evils produced to individuals and to the State, by the use of any beverage that destroys the health, cripples the industry, and poisons the morals of its victims.”

42. “A national system of education which should insure the means of instruction to all ranks and classes of the people, and which, in addition to the various branches of requisite and appropriate knowledge, should embrace as an essential part of the instruction given by it to every child in the kingdom, accurate information as to the poisonous and invariably deleterious nature of ardent spirits as an article of diet in any form or shape; and the inculcation of a sense of shame at the crime of voluntarily destroying, or thoughtlessly obscuring that faculty of reasoning, and that consciousness of responsibility, which chiefly distinguishes man from the brute, and which his Almighty Maker, when he created him in his own image, implanted in the human race to cultivate, to improve, and to refine,—and not to corrupt, to brutalise, and to destroy.”