

it is competent for the Legislature to declare the possession of certain articles of property, either absolutely, or when held in particular places and under particular circumstances, to be unlawful, *because they would be injurious, dangerous or noxious*; and by due process of law to provide both for the abatement of the nuisance and the punishment of the offender, by seizure and confiscation of the property, by the removal, sale or destruction of the noxious articles."

In another case arising under an earlier statute, upon this same general subject, the same eminent Judge said: "The court rests its decision upon the proposition—That to promote the *peace, order and security* of the community, to prevent the *evils of vice, riot pauperism and the temptation to crime*, Government has the right to regulate and control the sale of spiritous liquors, or the place where it is to be sold.

The late Chief Justice of the Supreme Court of the United States, in giving his opinion on what are called the license cases (5 Howard, 504) says:—"Every State may regulate its own internal traffic, according to its own judgment, and upon its own views of the interest and well-being of its citizens. Although a State is bound to receive, and to permit the sale by the importer, of any article of merchandise which Congress authorizes to be imported, it is not bound to furnish a market for it; nor to abstain from the passage of any law which it may deem necessary or advisable to guard the *health or morals* of its citizens, although such law may discourage importations, or diminish the profits of the importer, or lessen the revenue of the general government. And, if any State deems the retail and internal traffic in ardent spirits, *injurious to its citizens, and calculated to produce illness, vice or debauchery*, I see nothing in the Constitution of the United States, to prevent it from regulating and restraining the traffic, or from prohibiting it altogether."

Justice McLean, in the same cases, says:—"If the foreign article (spirits) be injurious to the *health or morals* of the community, a State may, *in the exercise of that great and conservative police power which lies at the foundation of its prosperity, prohibit the sale of it.*"

Justice Grier, in the same cases, says:—"The true question presented by these cases is, whether the States have a right to prohibit the sale and consumption of an article of commerce which they believe to be pernicious in its effects, and the *cause of disease, pauperism and crime*. It is not necessary, for the sake of justifying the State legislation, now under consideration, to array the appalling statistics of misery,

pauperism and crime, which have their origin in the use or abuse of ardent spirits, The police power, which is exclusively in the State, is alone competent to the correction of these great evils, and all measures of *restraint or prohibition* necessary to effect the purpose, are within the scope of that authority; and if a loss of revenue should accrue to the United States, from a diminished consumption of ardent spirits, she will be the gainer, a thousand fold, in the wealth and happiness of the people."