Abolish All

PROHIBITIVE LIQUOR

LAWS.

Appleton Morgan in the Current Number of the Popular Science Monthly

(Continued from last week)

But, from whatever source or sour ngrafted upon a long-suffering community, no honest student of these laws can deny that they have had one of three cts, if not all three of them-namely, (1) to increase the demand for, while deteriorating the quality of, the supply of liquors; (2) to stimulate the ingenuity of the subject in evading the law itself, it to produce the appetite for liquor drinking where it existed not before (3) to give to the visionary or crank class in a community political balance power—that is, an absolute even if a temporary power. In other words, pro-hibitory liquor laws are dangerous to the physical, moral, and political health of a community; to the physical health, by inducing vendors who cannot afford to sell pure liquor at the risk of the penalty. but who cannot well resist the tempta tion in view of the enormous profits selling cheap and vile mixtures at the en hanced prices for pure liquor, to keep their poisons on sale; to the moral health, king honest men law-breakers (with the dangerous tendency of the law-breaker in petto toward law-breaking in extenso hich the writers of moral poet Dr. Watts up, have versified about antil the memory of man ranneth not to the centrary); and to the political health, by putting power into the hands of dangerous classes, the theorists, the "cranks," and the people with "missions" and vis-ions as to reforming the world! (It might be added, perhaps, that these laws offend the religious sense, for in some States, as in Maine and in Kansas, the use of wine for the sacrament has been held a viola tion of law. But this aspect we are not at present discussing.) And all this in addition to the fact that prohibitory liquor addition to the fact that promotory inquor laws are, always and everywhere, an infringement of the liberty of the subject, in opposition to the inalienable rights of life, liberty, and the pursuit of happiness which it is the business of constitutions to decree and of States to secure.

Drunkenness is a crime in itself and the fruitful mother of other crimes, and with it the criminal law should deal. But no commercial law or municipal law, no form of civil (as distinguished from criminal) law has anything to do with crimes. The legal maxim, as old as civilization, that one must so use his own as not to injure his neighbor, takes ample care of liquor-seller who sells liquor to one who he knows will do violence or wrong under its influence. Let the crimina law, then, attend to the case of the drunkard and of the rum-seller who will knowingly make his feeble or hereditarily weak fellow-man a drunkard. But as there is no commandment in the decalogue, "Thou shalt not sell liquor," it is not in the unwritten law, and so cannot justly, equitably or legally be put into written law. That it is ever put there means some ulterior object, or if not an ulterior object always, certainly always it means, because it always has, an ulterior

But prohibitory liquor laws have still another and ulterior effect, to wit : The

and a reproach to public morals. For it is quite as heinous a sin, in the court of conscience, to lie about the number of persons who have died from using liquor as it is to lie about the amount of one's collections for charity, as did Ananias, or about the value of one's farm to the autumnal assessor. And yet another, more of an economical than a moral consequence, perhaps, might be catalogued. in some communities practically im possible to discuss certain important questions. For example, it is to-day prac tically impossible in many quarters of this fair land to discuss so important a ques-tion as the effect of alcoholic liquors upon the human system. Impossible, I say no sooner is such a question broached than the most tropical statements, backed by the glassy fascination of enormous roun numbers, would be hurled at the general public until the modest man of science, and science itself, are put to rout. This writer himself heard, in the Columbian year and from a Columbian orator, the wing masterpiece of statement to wit

"The champions of slavery, having de-clared their purpose to shatter the Union, withdrew from Washington and opened fire from without. Not so the liquor power. It plants its cannon, charged with hell's dynamite (enough of them stretch in a line from this spot to the homes, the churches, the schools of the people); and there, sheltered and pro tected by the strong arm of the Govern-ment, the work of destruction goes mightily on among Americans; every years there is an array of dead as a con sequence equal in number to those killed on both sides in the civil war." By a pincidence, these words were attered at a time when the courts of the State of New York had been several months, and at an expense of several hundred thousand dollars' worth of high-priced expert testimony, trying to ascertain whether Mrs. Carlyle Harris died of morphine poisoning and was beginning to make an equal out-lay to find if Mrs. Dr. Buchanan had died m the effect of morphine or atropine And yet, here and meanwhile, this glow ing orator announced that not one one less than a million human beings had, in the five years past, perished from being poisoned by liquor-by alcohol, extremely mild toxicant that in some form or other chemists tell us exists in almost all our food, solid or liquid! Did it not, perhaps, occur to the orator, or possibly to another of his audience besides the present writer, that in the million of assured, say in two or three, even in one of them, a latent or contributing cause might possibly have mitigated the resp sibility of this murderous alcohol; one of those million of men may have been, perhaps, indiscreet in something else besides drinking beer, or had somewhere latent in his system some congeni-tal or local contributive cause; or perhaps had met with some accidental incident to

his alleged untimely taking off? But this is a single sample only of the intemperance, not to say the voluptuous dalliance with tropical statistics, of the Prohibition orator, who asserts that liquor hasslain more than wild beasts, than wars pestilences, famines and even deluges and Johnstown floods (which latter, way, were bursts of water and not of alcohol, which therefore has not, even in the mouths of Prohibition orators, achieved the record of water, which certainly did wreck Johnstown, and which, according to Holy Writ, in one case did actually destroy the whole world). Indeed, nothing is more common upon their lips than the maxim "Liquor destroys both body and soul." But if the annual deaths acand soul. But if the annual deads ac-tually and beyond question traceable to liquor were arrayed against the annual mortality (which is said to be a constant petite for sweeping statements which, by the cultivation of false statistics, becomes absolute dishonesty, and so burden upon inght be disputed as above if liquor al-

ways destroys the body, while as to the soul what mortal can depose and say? The danger of the tropical statement which appears to be inseparable from Prohibi tion politics, however, is a very great one. Falsehood is falsehood and lying is lying, even in the mouths of lecturers and formers; and temperance is a cardinal virtue in speech as well as in liquor drink Were such opulent misrepr tion and dishonesty confined only to the so-called "temperance orators or " it would be bad enough, a teaching looseness and unreliability of statement and an irresponsibility of language, which would be and is danger any community at large. But not only the tramp and the circulating itinerant, but eminent men, men of brains and per sonal worth, whose influence for good in their own neighborhood might be very large, are often so warped in their very fiber by this sort of misfortune as to be come incapable of seeing things as they are—dealers in untruth, wrapped in untruth as in a garment. I have in mind one eminent gentleman, a man of large affairs and of otherwise unblemished integrity, who has the misfortune of being a Prohibitionist leader, and the author and supporter of many Prohibitionist statutes. As the standing chairman of a committee in the Legislature of a certain State to re port annually as to the value and the operation of these statutes, his reports are invariably enthusiastic as to their great value, as to their effect in closing liquor stores, and in making drunkenness aln And this in the teeth of the unknown. facts, which everybody else admits, that these statutes are stupendous failures, that they have multiplied the number of liquor shops, and added to whatever harm they are capable of by disguising them as "pharmacies," "groceries," or other sorts of shops, and that they have enormously increased, almost squared, the number of inebriates reported before their passage Nobody impeaches or dreams of impe ing the statements of this dear old gentle-man, nameless here for evermore, whe, colish and fond and lovingly proud of his statutes, can see nothing but utility and salvation in them! But, all the same at utility it is an actual wrong, and in time it be surely an actual damage to the Commonwealth that its intelligent citizens can so deliberately misstate facts. If its best citizens can not tell the truth on public matters, what can the Commonwealth expect of its masses?

But everybody knows that drunkenness is a curse, and if we abolish all Prohibitive liquor laws how shall the curse be remov ed ? To enact a law compelling every man, woman and child to drink a pint of whiskey or its equivalent in other spirits, or vinous, or malt liquors—daily, might in-deed do it. But such a law would probably be impossible to propose in a le lative bodyeertainly impossible to pass to a final reading. The question probably be answered at present. things, however, have their limit of value. And it might be a question whether even the soul of a drunkard were worth saving at the expense of the liberty, the morals, and the health of an entire community. But comething very near to an answer can, I think, be approximated. Let us enforce the common law we have, and make it "common" indeed; and forbear to pass statutes against which the sense of justice of the enlightened community rebels, and which can not be enforced, whose enforcement is only, and can in the nature of things be only, a sham. Let us wipe out forever from every statute-book in America those Prohibitive liquor laws which an experience of sixty years has proved to be worse than worthless, and even worse than useless, because they not only can not be enforced, but enlarge, by stimulating, the alleged evils they pretend to abolish! These laws emphatically have not lessened the manufacture, sale, or con-

sumption of liquor. There are not to-day ten times as many people in the country as there were on January 15, 1832. But unless figures are as unreliable as the temperance orators themselves, there are many hundred times as many liquor stores and shops for the public drinking of liquor in our fair land as there were upon that date. Various causes have doubtless operated to produce this enormous in crease. But one cause which may have done its contributive share toward the result, perhaps, is that, under rigid statutes, any moral obligation not to use liquor which may have existed on January 1832, has become a sort of moral obliga-tion to use it as a sort of Declaration of Independence of laws which interfere with the personal liberty of the subject; which exist not by consent of those whom these laws govern but by the consent of those whom they do not govern, and who never come with in their operation; whose prosecution, since it can only be achieved by recourse to the services of the spy, the informer and the "smeller," is persecution, and tends to bring all law into contempt and

into public disgust.

That these laws do exist by reason of the judgments of appellate courts (even the Supreme Court of the United States having affirmed their "constitutionality is not to militate against their injustice of their inconvenience. Those decisions are not as to the expediency, but only as to the technicality, of these statutes; all that those decisions amount to is that as be-tween the individual—the citizen—in their breach, and the State, the State has a right to enact the law under its special (State) Constitution, and that the question of internal traffic-so long as it is not interstate traffic-is not one with which the Federal jurisdiction concerns itself. Legally a State has a right to do what it will within its own boundaries, so long as it does not interfere with the rights of its neighboring States or violate the Federal Constitu tion. And however absurd its local statutes may be, once legally enacted they must be reviewed at the polls, not in the Federal courts. But there is a question beyond the polls.

Laws are for the greatest good of the greatest number, at least in republics, where the paternal jurisdiction of States is not invited and will not be tolerated. Granting everything that can be said as to the bad effect of liquor itself, every logic ian will admit that if it can be proved that in a single instance or class of instanthe effect of liquor is salutary, that it cures as well as kills (as, for example, in a case of partial drowning or of snake bite), then to prevent its sale is not only illogical but oppressive. A law can not be judged as benign or harmful accordingly as it is negatively inoffensive If in a single instance it refuses to save life, then it has ceased to operate benignly and has commenced to operate fatally. No law can exist without a reason for its existence, and when the reason for it fails the law disappears. But when a law operates not only unreasonably but fatal-ly, there should not be much hesitation as to its doom. It is illegal. And this is another case where liquor laws are dangerous to the community-namely, they might prevent the purchase of enoug liquor to save a human life. As it is, there are rural communities, not a thousand miles from the metropolis of New England, where the apothecary will refuse (and in my own experience has refused) to sell the mother of a sick child enough ohol to light a spirit lamp to warm the little sufferer's sustenance on a summe night at a strange hotel, where no other artificial heat could be procured! This same apothecary could sell Paris green by the pound for the destruction of alleged potato bugs, or morphine, or arsenic, any other poison on presentation of a scrap of paper beginning with an "B,"

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