

Vagabondism, too, is almost solely due to the continuous indulgence in liquors.

This completes our discussion of the bio-pathologic aspect of the drunkard. We shall now proceed to give the general rules expressing his *legal* status.

Lord Coke classed all drunkards under the class of *non compos mentis*. Hence all contracts entered into with drunkards were void. This was the common law. Nevertheless, strangely enough, drunkards were held to be responsible for all criminal acts without any reference to the *intent* or *consciousness* of such acts. In fact, drunkenness was usually considered an aggravation of the crime. (See Frost case, 22 St. Tr. 472, Rex vs. Carrol, 7 c. and p. 115. See American decisions, People vs. King, 27 Cal. 507, State vs. Johnson, 40 Conn. 106).

At the present time, contracts made by persons intoxicated, whether voluntary or involuntary, are not void but voidable, at the option of the party intoxicated; provided, of course, he is able to show that he was so intoxicated as to have incapacitated him from making the contract. The drunkard's criminal status has also been materially changed. While voluntary drunkenness is no excuse, it never aggravates an offence. (See McIntyre v. People, 28 Ill. 514.)

Drunkenness may also be cited to show the degree of the crime, as in a prosecution for maliciously shooting, evidence that the defendant was so intoxicated that he could not form an intent to wound, is admissible. So too is it admissible to show that drunkenness made him physically unable to commit the crime. (Ingalls vs. State, 48 Wis. 647).

Intoxication is always available to disprove a specific *intent*, such as passing counterfeit money with intent to cheat, or an assault with an intent to murder, or to do bodily harm and the like. (Roberts vs. People, 19 Mich. 401, Real vs. People, 42 N. Y. 270.)

Of course, it need not be emphasized that if a person be made drunk, by fraud or stratagem of another, he is not responsible for his acts. This is certainly understood. So too, he is not responsible if he is made drunk by the unskillfulness of his physician. And a man, owing to temporary debility or disease, maddened by the quantity of wine which he usually takes in his normal condition, is not voluntarily insane, and hence not responsible. (Roberts vs. People, 19 Mich. 401; State vs. Johnson, 40 Conn. 136).

We have now discussed almost all the vital points of the subject. From all that has been said hitherto, the disastrous effects of alcohol are prominently evident. The tendency of alcohol to undermine the body and mind has always been alarming. The homes that it has marred, the affections that it has robbed, the happiness that it has destroyed are both multitudinous and appalling. This being so the State has been requested to suppress the liquor traffic. The advocates of these suppressive liquor laws, as we may call them, usually give something like the following arguments as reasons for their adoption :

(a) The aim of the State has been from time immemorial the production of the greatest happiness for the greatest number. Intemperance destroys happiness, hence the State ought to suppress the liquor habit.