

Compare these figures with the statements of the percentage of crime and pauperism occasioned by intemperance, and some idea can be formed of the annual cost to the commonwealth of that traffic, which it is now seriously urged upon the legislature to legalize and license. And in view of these startling statistics it is not strange that one of the most intelligent witnesses called by the petitioners (Ex-Governor Washburn), should feel compelled to admit, as he did in his elaborate statement to the committee: "I do consider the selling of liquor under licenses, to be a moral evil." And in another part of his testimony he said: "If I could prohibit the sale of these liquors as a beverage, I would," and "if I could enforce the present prohibitory law, I would," showing that he, one of the most distinguished citizens, and once the Governor of the commonwealth, and at an earlier period a judge in one of its courts, and now a professor and teacher of law in the leading university of the country, entertains none of those crude and half formed opinions as to the rights of citizens and the powers and duties of government as would make it an unauthorized act on the part of Government to prohibit the sale of intoxicating liquors.

It is due to this witness to say that he also expressed the opinion that it would be a less evil to license the sale rather than to suffer the traffic to go on as he understood it to be conducted at present. That is, the hope was expressed that the evil might be restrained and limited, by licensing it. In other words, a vice or an evil is to be rendered less by throwing over it the protection and respectability which come from governmental sanction and authority. Herein lies the fallacy of the whole license system. For since it has been declared by an older and higher law than any merely human enactment, that it should never be lawful for individuals to do evil that good may come, it is impossible to see how an aggregation or society of men, acting under and through the forms of self constituted government, can rightfully grant to any of their number licenses or indulgences for the doing of evil. It was not in the days of its greatest usefulness and purity that a church which has exercised a controlling influence over more than half the nations of Christendom, shocked and disgusted the moral sensibilities of mankind by the sale of its indulgences, but it was when it had reached the lowest depths of venality and depravity.

But it is said by the petitioners, that the existing statute cannot be enforced, and that therefore it should be repealed or modified. Upon this subject the testimony of one of their own witnesses most competent to speak upon this point, ought to be conclusive against them. Judge Sanger, District Attorney, for Suffolk County, and who as judge and prosecuting officer, has long been familiar with the administration of the criminal law in that county, as well as in other counties of the State, testified before the Committee *that this law can be enforced in Boston; that it is only a question of time.* And certainly if it can be executed in Boston, there will be no serious difficulty in its enforcement in every other part of the commonwealth. Hon. E. B. Gillette, for many years District Attorney for the Western district, called as a witness by the petitioners,