

results are liable to flow from this state, has government any right to palter, and shuffle, and play fast and loose concerning it? adopting a sliding scale of right and wrong which is made to depend on accidental consequences? Employing drunken officials to try and hang an unfortunate wretch for the crime of drunkenness, and actually enticing its citizens to mortal risks; inciting them to gamble with life and death, time and eternity; through the licensed liquor cup? Government tells the culprit at the bar that drinking is crime, but as it was licensed drinking was it not therefore licensed crime? Did not the convict procure the crime-inciter at the place which government had provided to dispense it? Did government teach the criminality of drinking when it employed and empowered good "moral men" to furnish the liquor? Did not the license system directly provide for that crime, lure to it, in a high sense, legalize it? Did government not sow the seed and then repudiate the fruit? By what right can it extend its sanction to the opening of a rum-shop, divide the profits with its manager, and then hang a man for the natural consequences of putting the establishment to the use for which it was designed?

I have assumed a case to make clear the principle, but it is hardly fiction. Such exact words may not pass between judge and culprit, but instances are continually arising in the court where the facts would abundantly warrant the language. John Burnet and George Sornberger, of Schoharie, left the tavern of Solomon Pratt, drunk. In this state Burnet killed Sornberger, and was tried and executed. Michael Sanford, counsel for the defence, said on the trial:

"The traffic in rum produced this unhappy result; hastened Sornberger unwarned to the tribunal of his Maker, deprived his wife of her chosen companion, his children of their earthly protector, and brought this prisoner, if he be executed, to an untimely death. It is an unrighteous law that commissions one class of men to deal out to another class an agent to produce crime, while at the same time it provides prisons and affixes penalties to punish all such offences. I hate this law, and its miserable effects have led me for twenty years past to raise my voice in behalf of temperance. These landlords (commissioned by government) are themselves responsible for the crime of their victims, and if their little burning hells were shut up, man might go to heaven."

How to deal with crime committed under the influence of intoxication, has long been a thorny problem for jurists. But the difficulty of government has chiefly sprung from its double policy towards the agent which caused intoxication. It has uttered one language to the community, through the license system, and another from the bench through its criminal jurisprudence, which necessarily involved it in inextricable self-contradiction. There is but one way in which it can relieve itself from complicity in this matter, and stand in a just and irrefragable relation to the crime, suffering, and multifarious evil which alcohol engenders; and that is by exerting its utmost power and bringing all the influence it possesses to bear against the drinking practice. All earnest blows must be struck at this point or nowhere. If government really desires to abate the evils of intemperance, let it prohibit their cause. If it would stand with clean hands to judge those who have gone into wrong courses through the agency of liquor, it must

take an attitude of resolute and unyielding hostility to the system by which liquor is furnished. It has no more right to license this cause of crime than it has to sell indulgences for the commission of theft, robbery, or perjury. The only just thing possible for government, is to prohibit this cause of crime, as thoroughly as it prohibits other crimes and their causes. If it be said that such legislation will be ineffectual, I reply, it may be violated, but it will not be inoperative. Men break the laws against fraud and murder, but that does not prove such laws nugatory, and is no reason for abrogating them and opening the doors of license to these crimes. Some men, perhaps, will drink in spite of all law, but many will be restrained, and the government will stand clear and blameless. The law may indeed be broken, but its violation will be an act committed in the exercise of responsible reason, for which the violator may be held to rigorous and righteous account. It is lamentably too true that there are men, who, in spite of all constraint are bound to perdition; but for one, I decidedly object to their being ticketed through by government.

It is vain to urge that government lends its sanction only to the moderate employment of alcoholic beverages and reprobates their excessive use. This is impossible. Government cannot fix the magic line up to which indulgence is safe and commendable, and beyond which it is dangerous and to be prohibited. Government must either consent to the habit through all its imperceptible degrees of growth, or it must entirely interdict it. In this case the beginning is everything. Put out your shoot in the soil, and the forces of nature will take care that it becomes a tree. Start your drinking habit, and the laws of nature will see to it that it shall grow and bear fruit after its kind. It is preposterous to attempt a defence of government by saying that it only justifies a commencement of drinking practices. As well might the culprit on trial for arson plead innocence on the ground that he did not burn the dwelling, but only fired a train of combustibles that led to it.

The light which science casts upon the nature and power of the appetite for alcoholic liquors, should affect the policy of legislation. It is a law of the constitution that any mode of activity which has once been strongly impressed on an organ or part, has a tendency to perpetuate itself. Thus a scar left after the healing of a wound, grows and assimilates nutritive material exactly as do the healthy neighbouring parts; so that a scar which a child might have said to be as long as its finger, will be as long as his finger when he becomes a man. "When the mode of nutrition in any part has been altered by disease there is frequently an obstinate tendency to the perpetuation of the same alteration; or, if the healthy action be for the time restored, there is a peculiar tendency to the renewal of the morbid process in the part; and this is stronger the more frequently it occurs, until at last it becomes inveterately established."

Now, in conformity with this physiological law, there can be no doubt that the frequent presence of Alcohol in the brain so modifies the nutrition of the organ as to lay the foundation of a morbid requirement in the cerebral structure itself, while the brain, as it were grows to that state of mind which the poison induces. The demand for Alcohol thus becomes entrenched in the tendencies of organic reproduction. Dr Ray, in his excellent

work, "The Medical Jurisprudence of Insanity," remarks:

"Obviously, as those pathological changes (of the brain) are the effect of a long continued voluntary habit, there is strong evidence in favor of the idea that they in turn become efficient causes, and act powerfully in maintaining this habit even in spite of the resistance of the will. So deplorably common has drunkenness become in this country that there are few who have not seen the melancholy spectacle of the most powerful motives, the most solemn promises and resolutions, a constant sense of shame and danger, bodily pain and chastisement, the prayers and supplications of friendship, of as little avail in reforming the drunkard as they would be in averting an attack of fever or consumption. With a full knowledge of the dreadful consequences to fortune, character, and family, he plunges on in his mad career, deploring it may be, with unutterable agony of spirit the resistless impulse by which he is mastered."

Undoubtedly many have been reclaimed from intoxicating courses by influences powerfully applied to the judgment and conscience, but how small the proportion compared with those upon whom such influences have proved ineffectual! For twenty-five years the civilized world has been plied with proofs of the injurious effects of alcoholic liquors. The press has flashed its omnipresent light into all minds until the consent to temperance doctrines is universal. But what avails these world-wide theoretic admissions of truth so long as they are perpetually contradicted in practice? Anthems of praise rise everywhere to abstinence and sobriety; but look at the statistics of the consumption of liquor! Men's judgments are right, but they are trampled in the dust by triumphant and unrestrained and unchallenged passion. We remonstrate, but the candid reply to us, as one *dul* reply: "My good friends, your remarks are just; they are indeed too true, but I can no longer resist temptation. If a bottle of brandy stood at one side, and the pit of hell yawned at the other, and I were convinced that I should be pushed in as soon as I took one glass, I could not refrain." These considerations explain to us how it is that great numbers of persons who are enslaved to the habit, who know full well its evils, but have lost all power of voluntary escape, regard an effective prohibitory law as their only chance of liberation. They know that where liquor is to be readily procured they cannot abstain, and they therefore ask not to be led into temptation. Persuasives may win the promise of reform and the pledge of abstinence, but they cannot confer the power of fulfilment. Experience has shown that however powerful may be the moral considerations which are brought to bear upon the intemperate, and however completely they may command assent, so long as liquors are universally exposed for sale, good resolutions avail little; men will drink them. The prohibitory policy therefore, in aiming to put the cause of temptation out of the way and out of the reach of the victims of appetite is grounded in wisdom and resorts to the most rational method possible to protect society from the injurious effects of drinking.

But it is time this long communication were closed though it is yet but the barest skeleton of a discussion which tempted to fuller exposition at every point. The questions it involves are of a very high order of interest. We begin with a liquid in a cup,