

Temperance.

LEGAL OPINION AS TO THE CONSTITUTIONALITY OF THE MAINE LAW, U. S.—Chief Justice Tauboy :

"But although a State is bound to receive and permit the sale by the importer, of any merchandize 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 importation or diminish the profits of the importer, or lessen the revenue of the government. And if any State deems the retail and internal traffic in ardent spirits injurious to its citizens and calculated to produce idleness, 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 if it thinks proper."

Mr Justice McLean : "If the foreign articles be injurious to the health or the morals of the community, a State may, in the exercise of that great and comprehensive police power which lies at the foundation of its prosperity, prohibit the sale of it." (5 Howard, 592.)

"The acknowledged police power of a State extends often to the destruction of property. A nuisance may be abated. Everything prejudicial to the health or morals of a city may be removed. Merchandize from a port where a contagious disease prevails, being liable to communicate disease, may be excluded; and, in extreme cases it may be thrown into the sea."

Mr. Justice Catren said :

"I admit, as inevitable, that if the State has the power of restraint by licenses to any extent, she has the discretionary power to judge of its limit, and may go the length of prohibiting it altogether, if such be its policy."

And Mr. Justice Grier :

"It is not necessary to array the appalling statistics of misery, pauperism and crime, which have their origin in the use and abuse of ardent spirits. The police power which is exclusively in the United States, is alone competent to the correction of these great evils; and all measures of restraint or prohibition necessary to effect that purpose are within the scope of that authority. All laws for the restraint or punishment of crime or the preservation of the public peace, health and morals, are, from their very nature, of primary importance, and lie at the foundation of social existence. They are for the protection of life and liberty, and necessarily compel all laws on subjects of secondary importance which relate only to property, convenience, or luxury, to recede when they come in contact or collision. *Salus populi suprema lex.* The exigencies of this social compact require that such laws be executed before all others. It is for this reason that quarantine laws, which protect public health, compel mere commercial regulations to submit to their control. They restrain the liberty of the passengers, they operate on the ship, which is the instrument of commerce, and its officers and crew, the agents of navigation. They seize the infected cargo and cast it overboard. All these things are done, not from any power which the State assumes to regulate commerce, or interfere with the regulations of Congress, but because police laws for the prevention of crime, and protection of the public welfare, must of necessity have full and free operation, according to the exigency that requires their interference. 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 health, wealth and happiness of the people." (5 Howard, 632.)

These things set at rest the question of constitutionality. Divers distinguished legal gentlemen have expressed their entire satisfaction. Chief Justice Savage, of New York, among others recently said : "I have no doubt of the constitutionality and expediency of the Maine Law." I conclude the discussion of this question, therefore, with the remark of Governor Hubbard, of Maine, who signed the Bill : "If we can legislate for the extermination of this greatest of all evils, which reduces the human form divine to a condition worse than that of savages." Wo to the people who cannot constitutionally protect themselves against that which destroys their citizens, and saps the foundations of public prosperity and morals! The constitution, which should be the palladium of their liberties, will be the poisoned robe which wraps them for destruction.

To be Continued.

REFORM IN TOAST DRINKING.—The absurd practice of drinking on public occasions, in response to

toasts and sentiments, good or bad, must, with other social evils, be banished from civilized life, and no longer be regarded as evidence of civilization. St. George and St. Andrew, and the other saints, would we think, be quite as well pleased, if their devotees would abstain from washing down their annual sentimentalities with what is called wine. A good sign and a noble example was a little while ago manifested by a gentleman who took the chair at a public dinner in England. It was a testimonial dinner complimentary to Sir George Grey, to whom was presented a splendid silver Candelabrum, provided by subscription from about 13,600 of the working classes. A pavilion at Alnwick, Northumberland, was the place of meeting, and the large daily commercial papers reported the proceedings. It was a little strange, and perhaps not strange, that the dailies did not report the speech of the chairman, Sir Walter C. Trevelyan. The address however, is far too good to be lost, and we are, therefore, glad of an opportunity of printing it from the columns of the *Weekly News and Chronicle*, of April 9. Sir Walter dared to be singular, but we hope the time is not distant when such conduct will not be singular, but general. All honor to Sir Walter, and to all who may hereafter imitate his praiseworthy example.

Sir Walter Trevelyan opened the proceedings after dinner in the following manner :—

"I must beg, before proceeding to the more immediate business on this auspicious day, that you will kindly have patience with me for a few minutes, whilst I explain why I consider myself obliged to make a slight departure from the usual forms on such occasions. That most of the social evils under which too many of our fellow-countrymen suffer, the crime and destitution, the ignorance and profligacy, the insanity and disease which are too rife in this land, are either directly induced, or greatly aggravated, by intemperance, is a fact which cannot now be disputed; and that this intemperance is fostered or encouraged by the absurd drinking customs which have been handed down to us from the barbarous ages, and which are unworthy of rational, civilised, and christianised times, is unfortunately also too true. Knowing this, however, to be the case, I am sure that it is my duty, the duty of all true patriots and christians, for the sake of our fellow-countrymen, to do all in our power to render this evil, and to discountenance the practices which lead to such unhappy results, amongst which, not one of the least is the drinking of toasts on public occasions. I shall therefore, when I announce the various toasts which are allotted to me this day, only depart so far from the usual custom, that I shall not ask you to fill your glasses, or to drink the contents to them. As a total abstainer of many years, I consider it but right to you and myself to make this explanation. I cannot, of course, presume to dictate to any person here present what he shall or shall not do, though I cannot, but hope and believe that many, had they considered the subject as I have for many years done, would also come to the same conclusions that I have done."

Youths' Department.

THE GOOD SUNDAY SCHOLAR.

WE are not now going to give you the history of any boy or girl that we have seen or heard of. We wish to refer you to some points of character which ought to be shown by every child who would be a good Sunday scholar. We will now mention three things by which the good scholar may be known.

1.—*The good Sunday Scholar is Punctual.*

"We are in good time; they have only just done prayers," said a lad who, with two or three companions was just entering the school to which they all belonged. Was he a good Sunday scholar? It is said of the great General Washington, that when he expected friends to dine with him, he never asked his servant, "Has the company arrived?" but simply, "Has the hour arrived?" Now, the superintendent of the Sunday School does not consider, in regard to opening the school, "Have the scholars arrived?" but merely, "Has the hour arrived?" So the good scholar will always feel it to be his duty to be as punctual as the hour itself. When the time arrives for opening the school, he will be found in his place. He is not behind hand, but is quite ready to begin the appointed services. He says :

"I would be there when prayer begins,

To ask the pardon of my sins."

He will not stop on the way to have a slide on the pond in winter, or loiter about the village street in the summer.

2.—*The good Sunday School Scholar comes with his Lessons prepared.*

We do not know how to account for it, but it is true

that a great many children of the Sunday School seem to think that they come to school to learn their lessons! They ought to know better than this. They ought to know that lessons are learned at home, and that this home preparation the scholar requires that he may be fitted to recite his lessons and receive all the further instruction which may be given respecting them.

Lucy L.—always studies her lessons at home. She looked out the Scripture references, and she asked her mother to explain some of the questions; and in this way she made all the preparation she could before Sunday came. To be sure, Lucy was the best scholar in her class, and it was this very preparation that helped to make her so. Let each one learn all he can at home, and then he will be in the way of learning a great deal more when in his place in the class.

3.—*The good Sunday Scholar gives his best attention to the Exercises of the School.*

He comes to school to be taught. He does not think that the Sunday School is a place for play or for idleness. He thinks it is a place for serious attention to serious and holy things. When a hymn is to be sung the good scholar joins in the singing both with his heart and with his voice. In the same way does he join in the prayers of the school; and thus also he engages in the appointed lessons.

Now, we have seen Sunday scholars look around to see whether the superintendent or any of the teachers were observing them; and if not they would commence talking or playing with those near them. They supposed that the eyes of men were not upon them, but forgot the great truth which the Scriptures tell us, that "The eyes of the Lord are in every place, beholding the evil and the good." The good scholar is attentive, because he wants to learn. And he keeps from trifling and playing, not only because his teacher may see him but because he knows that to "hate evil" and to "do good" are "well pleasing in the sight of God."

We will not now notice any other points in the character of the good Sunday scholar. There are others, which we shall mention at another time. We have at present, referred to three. What are they? PUNCTUALITY, HOME-PREPARATION, and ATTENTION AT SCHOOL. Now, if you are a Sunday scholar, let conscience answer this question: Do I obey in all three?

Selections.

CHARMS OF AUSTRALIA.*

The richest places are now completely worked out, and none of the recent discoveries are of a nature to compensate for the loss, as the diminished amount brought in by the escort from the several places proves. The auriferous range extends upwards of five hundred miles, so that gold will always be found, but it requires more than a few specks in a dish of soil to make it a profitable business, and men will not labour as diggers have to without a chance of making something handsome, or, what is termed in common parlance, a fortune. I knew a party that arrived from England two months since, went to Ballarat, sank one hole from which they took upwards of ninety pounds weight, and they are now on their way back to England with their golden prize,—was not that a fortunate hit? I witnessed some remarkable scenes at the different diggings, at some of which between twenty and thirty thousand men were encamped. On two occasions we had illuminations at night, and the effect of the enormous bonfires appearing through the trees and hills over an extent of several miles was inexpressibly grand.—There were other scenes too, occasionally enacted, of a less pleasing character. Fights about claims of ground were continual, and men were often felled with the shovel, and sometimes shot with the ready revolver during the dispute. I myself narrowly escaped from a chance shot which whizzed past me while crossing the notorious Eagle Hawk Gully, while another time a miner near me received a ball through his cap. While working at Eureka a father enraged at his son for a supposed robbery, seized his gun and was about to shoot him, when a digger alarmed at the cries for help, rushed into the tent and wrenched the weapon from his hand, when, lo! upon reflection, the intended murderer put his hands into his pocket and found there the missing sum! I saw the whole affair from my gold washing tub, which was close to the spot. Melbourne itself is a very den of thieves and murderers.—The most audacious robberies are perpetrated in broad daylight in the public streets, and you cannot stir out at night without the chance of being knocked down and robbed.—The Government is obstinate and incapable.—The police force too small for the occasion, and the whole country swarming with convicts, escaped and

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