

sisters unite together, and resolve that they will be imposed on no longer, and they fall on their tyrant and make him as sore as he had previously made them. This causes a parley between the parties and for self protection they agree to abuse each other no more; and this agreement constitutes a compact, and it is to all intents and purposes a prohibitory one, for it must contain a clause that they will not fight, and by this the weak are protected from the encroachments of the strong. And, now sir, I would with all due deference ask you if you could accomplish this object by any other than a prohibitory law?

The Judge turned and looked round on the company for a few minutes and then with a countenance as changeable as the chameleon replied, "Well sir, I presume I could not."

"Then of course" said Blackwood "we have a prohibitory law as the foundation on which the self preservation of the members of this family rests—And now let us take another step. The individuals of this family, we will suppose are given a little property, and the stronger destroy and abuse that of the weaker until the weaker unite together and destroy that belonging to the stronger, and by this work they all see that all their property unless some arrangements are made on the subject, will all soon be destroyed; and this leads them to agree that they will not injure each other's property thereafter. And here we have another prohibitory law. Now we have the rights of persons and the rights of things in a rude measure established. But on the first violation of these laws, a difficulty arises respecting the amount of injury done and the means by which it is to be repaired. The wrong doer says it was thus and so; and the party injured says no, it was thus and so; and consequently they have to call on a third disinterested party to say how it was; and here comes in a witness. But this witness may speak falsely, and to prevent that they have to agree that the witness shall not commit perjury. But when this law is proposed, one—as the friends of rum now do with regard to temperance—objects that truth is a moral virtue and as such it is not a subject to be enforced by law. True, says another, (as the opponents of rum now say with regard to drunkenness) truth is a moral virtue, but I do not wish to enforce that by law at all. What I wish to do is to prohibit the crime of perjury, and, if by doing so, the virtue of truth is in a measure enforced; it cannot be avoided, for we cannot be protected in our rights unless witnesses are prohibited from speaking falsely. Convinced that they are right, they prohibit perjury. Now, the Maine law men, like this last speaker, desire to be protected from the crimes that flow from drunkenness; and if a law to do this, should, in a measure, enforce the virtue of temperance that should be no objection to the law. For all laws that prohibit vice or crime, must in the nature of things enforce, in a measure, their opposite virtues. But let us return to our society.

And here we see that even when perjury is prohibited, there is still something wanting. The wrong doer may say that the testimony is in his favor, and the party injured may claim it to be on his side, consequently, they have to call on a fourth party to decide, whom you may style a judge or jury as you please. But it is soon discovered that this fourth party may be bribed, and then they have to agree that their judge shall not take a bribe, and here we have a fourth prohibitory law.

Now let us suppose the case decided, and the guilty party is to be punished. But who is to do this? Here they have to appoint some person to execute the sentence, but he may do it improperly, and they have to agree that the minister of justice shall not execute the sentence improperly. And this makes a fifth prohibitory law. But the grand machinery is not yet complete, for there is no tribunal yet established to decide on the part of the ministerial officers, and hence arises the necessity of a judge or governor; and the whole family turn their eyes towards their father, and on account of his equal relationship to all and his seniority they agree that he shall be their judge and governor. But soon he begins to assume authority that they do not believe he should, and they agree that he shall not transcend the bounds of justice in the administration; and here we have a sixth prohibitory law.

Now, here, I have briefly sketched the organization of a small community, framed and bound together solely by prohibitory laws. But the picture I wish to draw is not yet complete. And we will suppose, if you please, that these five brothers each raise up a family and have it organized on the foregoing plan, and that one family being stronger than either of the others, use acts of violence towards them; and as was the case with the brothers, the weaker families unite together against the strong one. Now, these four weak families must have some bond of union, and they agree that when the strong family attacks either of them, that they shall all aid in repelling their enemy. And in this agreement, you discover, we have an implied prohibitory law; for it evidently means the other shall not neglect to aid in the expulsion of the enemy when either of the parties of the agreement is attacked. And this makes a seventh prohibitory law. But let us now suppose that one family does neglect to aid the others, who is to try and punish the delinquent family. Similar difficulties will occur here in the family of families, as those which occurred in the first family. Neither of the other families have the power under their family compact to try and punish the delinquent family. And here they have to meet and consult together and agree on certain principles for their mutual welfare. We may suppose they dissent very violently about their *natural rights*—their *inherent liberty* and independence. But they soon see that if A has a right to kill or misuse B or his property, B has the same right to act in a similar manner towards A and his property, and the "inalienable rights of life, liberty, and the pursuit of happiness" are to be enjoyed by A, in such a manner as not to infringe the right of B to similar blessings. And to secure the rights they agree to certain contracts not to use the natural liberty when they would infringe the right of other members of the community by so doing. And they make certain rules and appoint certain persons to see them executed. And all these rules, sir, have to be either expressly or impliedly prohibitory.

These temporary rules do very well for a time. But as years roll round and the families multiply, it is found inconvenient for all the people to meet and attend to public affairs, and they, therefore, appoint certain persons to attend to that business in their stead. In many cases the persons so appointed rule in a tyrannical manner, and the people instead of enjoying civil liberty, for which they surrender their