

had assumed an attitude of decided opposition. Well would it have been for the nation, and for the world, if this approach to the right position had been followed up. Of course there was a good deal of smuggling and of illicit distillation. Strong remonstrances were poured in on the House by spirit merchants, traders with the sugar colonies, and others whose gains were imperilled. The historian says: "The Justices of the Peace, either from indolence or corruption, neglected to put the law in execution." And besides all this, a needy ministry, with a war on their hands, conceived the idea that the tide of evil to which I have referred above, and the traffic that produced it, might be made tributary to the funds of the Exchequer. (This absurdity seems to linger in the minds of some to the present.) It is not strange that, under these circumstances, "after the most obstinate dispute which had happened since the beginning of this Parliament," (*Smol.*)—a new Bill was introduced and carried, removing these heavy duties; but against which, I am glad to be able to mention the significant fact, *the whole bench of Bishops voted.* Among other things this reference will show that we are introducing no novelty, that the State has always assumed to act in the premises, and that, universally, the subject has been regarded as entirely within the range of legislation. The opponents of a prohibitory law cannot be permitted to shield themselves from a restrictive statute, by going back of all former precedents, and denying at this late hour what they never denied before, namely, the right of the Government to enact such a statute. It looks suspicious that it was not until prohibition became probable, that the traffic was considered by its friends as lying beyond the rightful province of the civil authority. Surely—

"No rogue e'er felt the halter draw,
With good opinion of the law."

A leading purpose for which government is established is to afford protection to the person and property of the governed; and in all good governments some of the abstract rights of the individual are surrendered, for the attainment of a general good. Hence a principle recognized by immemorial practice and universal consent is, that the law may and ought to interfere with any pursuit, trade or calling which is injurious to the health, morals or happiness of the community. No man of common sense will deny this. Suppose a company commences to erect a powder-mill near the centre of our town, the law steps in and says you cannot do that. You must build your manufactory in some place where the lives and property of the citizens will not be endangered. If a man opens a large lottery establishment and gambling-hell in our midst, the law breaks it up and spreads its interdict over the premises. An institution for the publication of blasphemous books and obscene pictures is started: legislation takes hold of the proprietor and tells him, the tendency of your business is to corrupt and debase the population, therefore it cannot be tolerated. The law says to the butcher, you must remove your slaughter-house to a situation where it will not annoy or injure the health of your neighbors and friends. The quarantine laws compel ships, crew and passengers, sailing from an infected port, to remain at Grosse Isle or Staten Island until the probability of spreading the contagion is over. The counterfeiter's tools are his own—perhaps he paid out his last dollar in procuring them; but a prohibitory law lays hold of them, orders them to be destroyed and himself imprisoned or banished. Within the "fire limits" of our larger cities, law will not allow a man to put up a *wooden* building on his own lot and with his own money, because it endangers his neighbor's property. Well, it is admitted that these are wise and beneficial regulations. But are