

nity. That material part, therefore, which is the basis of a man's outward and public relations, is not his private, individual matter, to be managed and dealt with as he likes.—The question of its treatment and condition in any particular case is an affair of vital moment to each and to all. It is emphatically a public concernment. In a certain sense, the brain of man belongs to society. If he adopt any course by which its offices are disturbed or its purposes thwarted, the community is at once affected, and government, in virtue of its very existence, which, so far as the individual is concerned, is annihilated in the subversion of his reason, and in virtue of its high obligations to protect the rights of all, is imperatively and solemnly bound to interfere. The minor derangements of the human body it does not its province to notice; but invasion of the cerebral system, which revolutionize conduct and character, it cannot neglect without flagrant recreancy to its trust.

The right of government to interdict the sale of intoxicating liquors as a beverage is, therefore, the right to prevent the undermining of its own foundations—the central right of self-defence and self-existence. I have shown that Alcoholic Liquors, by their pre-eminent malign action upon the brain and mind, tend to disrupt all civil relations. The obedient citizen they transform into a reckless turbulent violator of law; they are thus the natural enemies of government, and should be so treated—the inspirers of lawlessness, their own fate should be outlawry. It is no impertinent or offensive interference with private personal concerns, to interpose authority and prevent a man turning himself into a fool, a maniac, or a criminal. The obligations of government and the individual are reciprocal. Government owes to the individual protection of natural rights; and the individual owes to government obedience to law. If the individual fail in fulfilling his part of the contract, it is the prerogative of government to enforce compliance with it. If the citizen indulge in any habit which, in its nature, tends directly to disqualify him for the just discharge of his civil responsibilities, government has the necessary right to interference to the utmost extent of its power. If the effect of alcohol in the brain be to put a man beside himself, and make him incapable of working out the tasks that belong to his manhood, it is the duty of government to see to it that he does not alcoholize his brain. If the effects of these liquors be, as science demonstrates, and universal experience verifies, so to poison and pervert the springs of conduct that a thousand forms of evil result; if they weaken those sentiments and faculties by the exercise of which man is elevated, and educate and discipline to a more than natural strength the lower propensities by which he is degraded; if they so bind men in the spell of passion as to paralyze all self respect and noble exertion; if they change the man of work and thrift to an idler and vagabond; if they consume to ashes and cinders the affection of the husband and father, and scatter widowhood and orphanage right and left through the community; if they lift the floodgates of every form of vice and demoralization, peopling the lunatic asylums with the insane, the alms-houses with vagrants and paupers; filling the prisons with criminals, and causing the gallows to bend with its burden of malefactors, surely they fall within the legitimate scope of legislative management; and, if government is not a mockery its control over

them must be absolute, and adequate to the demands of the case. Indeed, to remove such obstacles as this to private safety and public prosperity is the very thing that government is for. If its purpose be anything else than to furnish nesting places for mousing demagogues; if it have any other aim than to attend to the collection of money and its disbursement among its own officials: if politics be anything more than a great game to be played at by a few for their own selfish and ambitious ends, and the amusement and excitement of the people; if, on the contrary, government be an instrument for accomplishment of good beyond itself; if it be an institution endowed with full and responsible power to protect the rights and regulate the relations and promote the welfare of its citizens; if politics be truly the vocation of earnest-minded statesmen who seek to address themselves manfully to the problem of human improvement—then does the present question in all its vital bearings, fall within the domain of legislative adjustment.

But it is pure folly to attempt to raise the question of governmental authority in this case. The legislature is driven to action by a necessity that it cannot escape. It has no option, but *must act*. It cannot deal with alcohol as it does water, milk, and the various alimentary substances, leaving them to free public use. Alcohol differs from all these, in such a way, that government is, and always has been, compelled to separate it from them, and make it a subject of special legislation. Its influence over human conduct is an inexorable fact which government can neither deny nor ignore. The question is not really whether it will or will not act, but simply *what kind of action it will take*. It attempted to manage the subject long ago, as the policy of legal license bears witness. Let us see how that method worked:

The license system applied the principle of prohibition to the mass of the people. It forbade ninety-nine in a hundred to deal in alcoholic liquors. Whatever injustice, or oppression, or violation of rights is contained in the principle of prohibition, the bulk of the people experienced many years since. Still, in the case of a few government contradicted the principle which it enforced on the many. All that was offensive in governmental restrictions it inflicted upon the great majority of the citizens, and then crowned the act by opening wide the sluices of the trade, and granting to a favored few monopoly of the profits. But, at the same time that it distinctly affirmed the prohibitory principle, what was the import of its action, or rather *counter-action*, in opening the business to a small number? Governmental license of the sale of intoxicating liquors as beverages is equivalent to governmental consent to their use as such. In permitting, for a consideration, the sale of these liquors, and in demanding what it assumes can be obtained—men of proper moral character to engage in the business—government sanctions the purposes for which the sale is made, and thus endorses, legally and morally, the habit of drinking. Now habits of drinking naturally lead to habits of intoxication. Fermented liquors long since vindicated their claims to the title of *intoxicating liquors*. The use of these stimulants naturally grows upon men, in very numerous cases it overmasters them. Government, therefore, in extending to the traffic in alcoholic liquors its specific sanction, endorses its legitimate consequences—drink-

ing, intication, moral vitiation, and subversion of reason. Pliny said, seventeen hundred years ago, of wine, "it is a liquor which deprives man of the use of his reason, renders him furious, and is the cause of an infinite variety of crimes." The license system makes provision for the unrestricted supply, to all who desire them, of substances which are characterized by such effects. If it thus consent to these effects, is it not, therefore, responsible for them?

Government through its license policy, says to the citizen: "You want liquor to drink—we believe you should have it for this purpose and accordingly qualify a retailer, who will furnish it. We provide the means for you to supply yourself with intoxicating drinks in a legal way, and of a 'good moral dealer.' The citizen drinks: he drinks for pleasure, exhilaration and excitement, and for no other purpose. But the alcohol works its natural effect—intoxicates, and makes him furious and in a drunken paroxysm he takes the life of another. He is arraigned for murder, and pleads innocence before the judge. He says: "I am guiltless of that which alone constitutes the essence of crime—the evil *intention*, the *malice prepense*. Killing is not murder, it must be preceded by the proved murderous intent. There is and can be no other measure of crime than criminality of purpose. I did not deliberately plan the deed, and I bore no malice to the deceased. Of the transaction I have no recollection; the violence must have been committed during the frenzy of intoxication. Alienation of mind impairs responsibility; I plead innocence on the ground of insanity." Now, what is government to do?

The course which it is justified in adopting in reference to the accused depends upon the relation which it assumed towards him at the outset. If it sanctioned the act which led to the crime, it has no right to complain of the crime itself. If it approved the initiatory step it cannot justly condemn its consequences—If it consented to, and made provision for drinking which is universally admitted to cause three-fourths of all the crime perpetrated in society, it necessarily becomes accessory to that crime. If it invited its prisoners to the act, which resulted in a breach of law, it can have no semblance of a light to convict him. And yet government, through its judge replies to the prisoner as follows: "You cannot be allowed to plead insanity in extenuation of your crime for that condition was voluntarily brought on. It would be a dangerous doctrine to excuse you on such ground, as every culprit would plead intoxication in apology for overt acts. You had no business to be under the influence of alcohol. The court holds that drunkenness is in itself a crime, and he who alleges it as an excuse attempts to take advantage of his own wrong; you are to be held accountable for all acts in that state; you see to what Intemperance has brought you." Such is the distinct ground upon which the prisoner is convicted, and such substantially the language held toward him by the court. The fact of insanity is not denied, nor that the crime was committed under its influence. The state of mind at the time the deed was done is thrown out of the question, and the whole guilt is made to consist in the act which produced intoxication.—The man is tried, convicted, condemned and executed for the crime of intoxication; while in another case, if criminal violence do not chance to result from the inebriated condition, it is passed by as innocent. But if such awful