

Canada Temperance Advocate.

"It is good neither to eat flesh, nor drink wine, nor do any thing by which thy brother is made to stumble, or to fall, or is weakened."—Rom. xiv. 21—*Macnigh's Translation.*

PLEDGE OF THE MONTREAL TEMPERANCE SOCIETY.

WE, THE UNDERSIGNED, DO AGREE, THAT WE WILL NOT USE INTOXICATING LIQUORS AS A BEVERAGE, NOR TRAFFIC IN THEM; THAT WE WILL NOT PROVIDE THEM AS AN ARTICLE OF ENTERTAINMENT, NOR FOR PERSONS IN OUR EMPLOYMENT; AND THAT IN ALL SUITABLE WAYS WE WILL DISCOURTEGE THEIR USE THROUGHOUT THE COMMUNITY.

MONTREAL, FEBRUARY 1, 1847.

SABBATH DRINKING—A NEW ERA.

(From the Montreal Witness.)

A case which is of very great importance to the morals of the country, has recently been decided in the Home District; the facts of which are thus stated by the *British Colonist*:—

"A very important case has been decided on appeal by the Court of Quarter Sessions of the Home District, now sitting in this city, arising out of the Act 8 Vict., chap. 43, entitled '*an Act to prevent the profanation of the Lord's day (commonly called Sunday), in Upper Canada.*' The Act declares it unlawful among other things, 'for any person or persons to tipple or to allow or permit tippling in any inn, tavern, or grocery, or house of public entertainment,' etc. etc., on that day.

"It appears that one Thomas Smith of the Township of Etobicoke, was charged on the 21st of September last, before Peter Shaver, Esquire, and by him convicted of a violation of the Lord's day, by selling liquor and allowing drinking in his inn, at Etobicoke on Sunday, the 23d of August. The sentence of the convicting magistrate was, for Thomas Smith to pay a fine of four pounds, and two pounds nine shillings of costs or to be imprisoned in the common gaol for three months. Against this decision, Smith appealed to the Quarter Sessions, it was argued for the appellant, that should the Court affirm the conviction of the Magistrate, no traveller could obtain refreshment at an inn on Sabbath; and this being the first case brought before the Court, under the statute, great importance was attached to the decision that might be given. The Court, in the first instance, appeared to be inclined, on a strict application of the wording of the act, to affirm the conviction of the magistrate appealed against; but was nevertheless desirous of avoiding giving a hasty judgment, and with the consent of counsel, the case was postponed from the 1st November sessions to the present sessions in January, to afford time maturely to consider the evidence in conjunction with the statute, there being other appeals of the same nature depending upon the nature of the evidence given in the present case.

"On Tuesday last the appeal was again taken into consideration and the conviction of the magistrate, Peter Shaver, Esquire, confirmed, whereby the accused party, Thomas Smith, was fined in the sum of four pounds and costs, and in default of payment sentenced to imprisonment for three months, for the offence of which he has been found guilty, of selling liquor in his inn on Sabbath, contrary to the provisions of the statute. The attention of inn-keepers and dealers of every description in the Province, is called to the decision just noticed, and to the general provisions of the Sabbath profanation act.

"The magistrates of districts, cities and towns throughout the Province, should adopt a similar regulation to that in force in this district, requiring every tavern keeper to hang up in a conspicuous place in his bar-room, a copy of the act, to prevent the profanation of the Sabbath, for public information and guidance."

This, we cannot help thinking, is a triumph of law and order, as great as it is unexpected. In questions of this kind, it is so rare to find decisions on the right side, magistrates so constantly interpret the law in favour of the evil doer, and against the public welfare, that we can scarcely yet persuade ourselves of this decision being real, or that it will not be reversed, or the penalty remitted by the interference of some higher authority. With all

questions relating to the sale of intoxicating drinks, our judicial and executive officers deal very much as they do in the States with rioters and duellists, i. e., they, generally speaking, refuse to put the laws in execution—a state of things which renders legislation respecting intoxicating drinks impotent, except so far as they may afford a cloak for evil. The present case is an exception, and we hail it as the commencement of a new era.

Some object to all laws against the sale of intoxicating drinks, as an interference with men's liberty. Be it so, then abrogate them all; let the good portion of the community have a fair field, and no favour in their struggle with intemperance; but do not give the traffic the special sanction of law—do not by licensing it, provide a sanctuary for it, which proves one of its greatest bulwarks against the efforts of temperance men.

Before taking the ground that the traffic in intoxicating drinks is not a proper object for legal prohibition, however, it will be well to reflect where this principle will carry us.

The principle is, that what two or more individuals shall voluntarily agree together to do, is not a fit subject for legal interference, provided the effects be confined to themselves. It is not denied that the effect of the sale and consumption of intoxicating drinks is in a vast number of cases highly injurious; but it is argued that men should not be restrained by law, from inflicting this evil upon themselves and each other if they chose. The same principle, however, would put an end to all laws against gambling, prostitution, unnatural offences, or any other abominations, in which the parties engaged are mutually agreed; and if the advocates of free traffic in intoxicating drinks would shrink from this conclusion, they must abandon their argument. But again: if it be right to regulate and license one species of traffic, which is admitted to be highly injurious, the same principle would imperatively require legislators to regulate other immoral and destructive trades, such as the keeping of gambling houses and brothels. Indeed, all the arguments which are commonly used for licensing the one, will equally apply to the other, and this has been so evident, that in many countries the last named nuisances have at one time been licensed. Indeed it is only the growing influence of Christian morality, which has at last banished such a shameful and unnatural coalition between the panders of vice, and the governments established to promote virtue. The remnant of this licensing system, that part of it, namely, which concerns the sale of intoxicating drinks, is also, we are convinced, doomed to extinction before a farther advancement of Christian morality.

Indeed, it is monstrous to think that there may be mammoth distilleries destroying food by millions of bushels, with thousands of agencies in the shape of taverns, tap-rooms, grog-shops, groceries, etc. etc., scattered all over the cities, towns, villages, and cross roads of the country. That the well known and constant result of this immense system should be, to produce poverty, idleness, disease, crime, and death. That it should certainly involve a great amount of taxation, forced and voluntary, to provide for the paupers, lunatics, and orphans which it creates; besides an immense expenditure for gaols, police, courts of justice, etc. etc., which are chiefly rendered necessary by it. We say it is monstrous, that this gigantic system of evil doing—this mighty cancer in the body politic, which has its roots in every member. This fetid ulcer which is fast draining the strength of the system, should continue to exist, and that there should be no remedy against it. Kill a man with arsenic or laudanum, and you will be hanged. Kill a thousand by intoxicating drinks, and you will be made a magistrate!