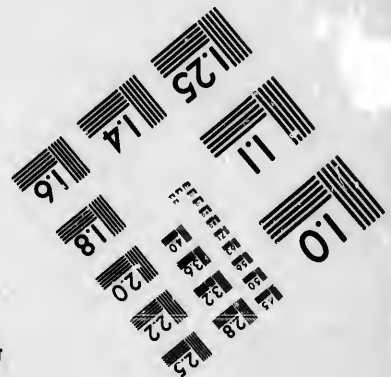
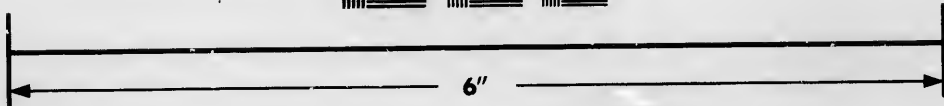
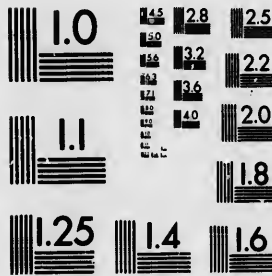


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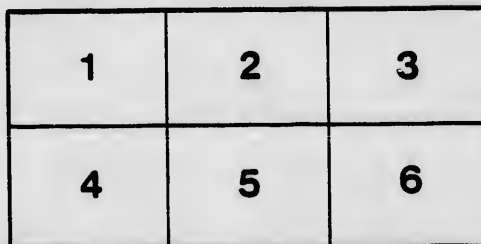
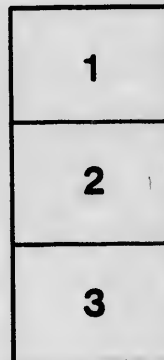
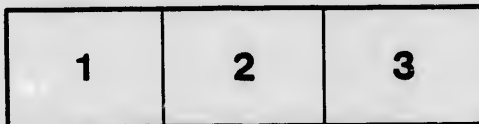
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SPEECH

OF

REV. J. C. LOVEJOY,

*Before the Committee of the Legislature of Mass., on the
Petition of Thomas H. Perkins and others, for the
Repeal of the Liquor Law, March 15th, 1852*

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MR. CHAIRMAN, AND
GENTLEMEN OF THE COMMITTEE:

I am one of the ten thousand who petitioned for the repeal of the so-called Maine Liquor Law. I will state to you some of the many reasons which have brought my mind to the conclusion that this law ought to be repealed—a conclusion in which my mind rests without the shadow of a disturbing doubt. I am aware of the deep feeling in favor of the law; but truth is stronger than prejudice, and will certainly prevail.

The first plain reason for the repeal of this law is, *the law is directly contrary to the word of God.*

The Scriptures of the Old and New Testament are the only and sufficient rule of faith and practice. This law and the Bible are in direct conflict. The law makes it a crime to manufacture, furnish or sell, an intoxicating drink as a beverage. The word of God, both in the Old and New Testaments, tolerates, permits, speaks in praise of an intoxicating drink as a beverage. This law forbids, with pains and penalties, what God permits. It pronounces a malediction where *He* utters a benediction. The Scriptures must fall, or this law must be swept away.

Turn to that formula of blessings which runs through the Old Testament, in which is summed up every earthly good. "*Your corn, your wine, and your oil shall be multiplied.*" Read it according to the teachings of your law, and it stands: "*Your corn, your poison, and your oil shall be multiplied.*" What kind of a blessing is that? But that was the blessing, if the principal of the law is right. When Isaac blessed Jacob, (and that blessing was by divine appointment,

as all believe who believe in the inspiration of the Scriptures,) he predicted for him "plenty of corn and wine." Gen. 27: 28.

The blessings of Jacob on his dying bed are not at all to be taken as the expressions of his partiality or affection for his children; but they were directed by the Holy Spirit, (Dr. Scott in Loc.) The prominent feature in the blessing of Judah, was the magnificent vine of his hills—its fruits and wines.

When God himself blessed Israel, he blessed their "corn, their oil, and wine." (Deut. 7: 13.)

When the children of Israel went up to the feast of Jerusalem, they were to carry corn, wine, and oil, or they were permitted to buy these articles at Jerusalem—to *traffic* in them. (Deut. 14: 23-26.)

When provision was made for the priests, it was the first fruits of "corn, wine, and oil." (Deut. 18: 4.) These are only a few of the many instances where wine is pronounced a blessing in the Old Testament.

We come, then, to the new dispensation, in which God's character is presented and personified. He who spake as never man spake, and who never erred in word or action, appeared. His first miracle was, to change water into wine, and present it to the guests, on a festive occasion. It was not a small, but a large quantity; some *one hundred and twenty gallons*. At the command of the Saviour, it was drawn out and presented, through the governor of the feast, to the guests. Here was the manufacture, the presentation, and the *use* of wine as a beverage. The law of Christ, his own act and example, are in direct conflict with your law. That law must be shivered and broken, or Christianity must be set aside, and Mahomedanism introduced.

Suppose the Saviour were here, and the six water pots, all filled, were before you, and you knew what he was about to do, would you dare to interpose your law, with its pains and penalties, to arrest *his* acts, and defeat his designs?

I know the way in which those who favor this law, creep out from the dilemma; meet it they cannot; no one has ever met it, but Mahomet, and he swept away the Bible for the Koran. If you take out one stone from the sacred arch of the "holy men who spake as they were moved by the Holy Ghost," the whole temple of revealed truth falls.

It is said, the wine made by the Saviour, and the wine *praised* in the Scriptures, was not alcoholic or fermented wine. Webster's definition of wine—the world's definition of wine is, "The juice of the grape fermented."

Rev. Eli Smith, missionary in Syria, was written to some years to investigate the nature of wine, and its manufacture, on the very spot where prophets spake, and the Saviour lived. He was to ascertain whether the Jews, as has been here affirmed, refused fermented

wine, as they did fermented bread at the Passover. He went into the matter, and, as the result of his investigation, said: the Jews required a wine for the Passover that is fully fermented, ripe and smooth, and that has not gone over and touched the acetous fermentation. Mr. Smith was told that the natives of that country never heard of such a thing as *unfermented* wine. The words of Mr. Smith are these:

The habit of enforcing wines by adding brandy is here, so far as I have been able to learn, entirely unknown. I am always answered, "brandy is dearer than wine, how can it, therefore, be used for purposes of adulteration." Equally unknown are drugged wines of any kind. On the other hand, unintoxicating wines I have not been able to hear of. All wines, they say, will intoxicate more or less. So in regard to fermentation; when inquiring if there exists any such thing as unfermented wine, I have uniformly been met with a *stare of surprise*. The very idea seems to be regarded as an absurdity. The name of wine in Arabic, the same as the Hebrew, [*hamar*,] is derived from the word, which means to *ferment*. It is cognate with the words, for leaven, and itself also signifies fermentation. I have not been able to learn even, that any process is ever adopted for arresting the vinous fermentation before it is completed. In regard to wine used at the Sacrament, I have questioned both papal and Greek priests, and received the same answer. It must, they say, be perfectly pure wine. If unfermented, it will not answer; nor will it if the acetous fermentation be commenced. The acknowledgment of the necessity of fermentation by the papists, is worthy of special notice inasmuch as they reject fermented bread. Their admission of fermented wine indicates the belief, that the Saviour used fermented wine, notwithstanding it was the feast of unleavened bread. To this, so far as I have observed, the custom of the Jews now in Palestine corresponds." Bibliotheca, May, 1846, p. 378.

I recently put the question to a circle of some fifteen clergymen, whether they thought the wine at Cana was intoxicating; all but three said they had no doubt but it was.

TRENCH, a recent and able writer on the miracles, says of the miracle: "Of a piece with this is their miserable objection who find the miracle incredible; since, if the Lord did not minister to an excess already commenced, yet by the creation of 'so large and perilous a quantity of wine,' (for the quantity was enormous,—120 gallons,) he would have put *temptation* in men's way; as though the secret of temperance lay in the scanty supply, and not in the strong self-restraint. But man is *to be perfected*, not by being kept out of temptation, but rather by being victorious in temptation."

Yet if the authors and advocates of your law had been consulted when Eden was planted, they would have plucked out from it the tree of the "knowledge of good and evil," and have planted

there another tree with the "Maine Law" hanging and dangling on all its branches. This would have saved all the pauperism and crime of every grade and color. Precious sages! Where were they when "the foundations of the earth were laid?" If they had only given counsel then, the "corner stone thereof would have been laid" without any temptation.

Will you, gentlemen, keep a law on your record, which impeaches the whole army of inspired patriarchs and prophets, the divine author of Christianity—God in the person of his Son?

The second reason why this law ought to be repealed is, it is a law of false pretences—in its name, and its sections. It professes one thing, it aims at another. When a man has several names, he renders himself suspicious. This law is called by one name in Maine, by another in Massachusetts. Neither of them is the true name. Its true name would kill it. There is but one name that fits the object, spirit and history of this law. It is a law to *enforce total abstinence*.

How like mockery it is to say a man may *use* what he pleases, when you expressly prohibit him from getting it for that very *use*. What difference, whether you make the fire so hot that he cannot sit by it, or drive a man from it? We will banish no one, said the ancients, only deprive him of *earth, air and water*.

What a man has a right to *use*, he has a right to get; and to deny the right to get, is to deny the right to use. If it is wrong to sell a man an intoxicating drink as a beverage, it is wrong to use it; and the same crime that you fix upon the seller, goes over by reflection, upon the man who uses. Why not take the bull by the horns, and say that every man who drinks a glass of wine as a beverage, shall be liable to a fine of ten dollars, or four months imprisonment?

It is said this law was started to relieve taxes; but tax-payers know where the burden rests, and the heaviest tax-payers ask for the repeal of the law.

Again, the law is for the suppression of crime. But the courts, sheriffs, grand jurors, County and State attorneys did not ask for the law. Who did ask for it? Who brought this Trojan horse of many calamities into this State? The *total abstinence* committee. Why did they not name the child after the father? Because this State would not have owned it if they had. Set us no bad example of circuitous legislation—tending to teach deceit and dissimulation. It was *intended* in Maine, while it made no such avowal, to evade and nullify the laws of the United States in regard to importations. One of its advocates from the States said, no man could prove that he had imported any liquors unless he and his clerk rode on them, and slept on them, from Rochelle to Portland. The law of this State is not quite as bold in this regard as the law of Maine; but it is only on the level of cunning and trickery, while it is far below

manly and open legislation. That I am not mistaken in attributing this object to the law, is shown in a resolution of the recent Convention of the friends of the law in Boston. Here the disguise slips off and the real object of the law is seen. "Resolved—*That this law is to be regarded as the total abstinence pledge of a whole State*; and that it is a duty to God and humanity for *the State*, as for every individual, to keep the pledge unbroken."

A year ago, I affirmed that they were trying to enact the total abstinence *pledge* into a law, and was charged with slander. Now the living oracles themselves avow it.

How can the *State keep* the pledge of total abstinence? The State is represented by Governors, Sheriffs, Constables, &c., and the State can only keep the pledge by *obliging* the citizens to keep it, and this is exactly the point to be proved, viz.: This is a law to enforce total abstinence—it does not avow that object, but another, and therefore it is a *law of false pretences*, and ought to be repealed.

Again, it ought to be repealed, because it was enacted by a near approximation of religion with politics. I do not object to religious motives upon the mind of the legislature—by no means. But I do object to a union, or an approach to a union of the two great institutions of a nation. Society has two wants, religious and political. Out of the first rise temples, altars, sacrifices, religious ceremonies, and the teachers of religion. Out of the second want spring Courts, Governors, Counsellors, and law makers. Under the wing of the State, and under the blessing of religion—between these two great trees which represent the institutions of a country, there springs forth a little fountain—the family circle—which feeds the roots of these majestic trees—these three are the seed in which all the nations of the earth shall be blessed. They may be perfected—they cannot be changed nor done away with. They are as beautiful walking in harmony and love, giving mutual strength and support, as the sun and moon, with the clustering families of all the stars walking in the face of heaven. But let not Jupiter mount the same car with Saturn, nor fiery Mars wed himself to the Moon. So Church and State are to be united in object—the good of mankind!—separate in action. The one brings its sanctions from earth with the strong arm of physical power, and upon the body—the other crowns its teachings with sanctions taken from eternity, revealed in the word of God, and resting upon the soul. Now such is the imperfection of the medium of administration both in Church and State—such is the tendency of the human heart to *lord* it over God's heritage—that a long course of painful experience, has taught the world that the same men must not wield at the same time, this double and mighty power.

Yet this is the natural tendency in the very nature of things. Poverty clusters in its hovels. The rich stretch out their palaces side by side upon the broad paved street. Power leans towards

power. The State courts the Church, and she sometimes yields to the solicitation.

In the enactment of this law, there was an approximation to this. The Total Abstinence Committee issued a circular to every clergyman in the State, urging them to preach in favor of the Maine Law, also a hundred thousand copies of the Maine Law, with reasons and facts annexed. This preaching was generally done to order, and these petitions in favor of this law came pouring in. Then the politicians took it up, and looked every way, and thought with a certain amount of party political power, and the whole power of the church and the clergy, they would go through any storm that might arise, and *so* and *therefore* they passed it. They were not convinced by any means of its wisdom, but they thought with the "benefit of clergy" they might escape hanging. In June last, another temperance convention was called to rejoice at the birth of this child—half of Israel and half of Ashdod, and the clergy was urged to preach upon it again, to *screw* the people and the officers up to the point of vigorous execution. Now I do not affirm that there is anything foul or corrupt in this matter, but I say it looks like the skirts of a cloud, stretching itself out over the Commonwealth, and it ought to be dispersed by the repeal of this law. A writer in the Puritan Recorder of this city, (Dr. Lord of Dart. Coll.) says in relation to this point—

"When the church, in the person of its constituted teachers and governors, publicly proposes that any particular variety of social reform is indispensable to the advancement of Christ's kingdom; and when in order to that reform, it also proposes that the State enact certain specific laws, and when, from its high places, it gives its general recommendation of such laws; and when moreover it resolves* that it, the church, will not rest, till that the State does so legislate, then I understand that the church acts politically. It formally declares legislation, which is political, to be a natural means to its own prosperity, which is spiritual; and it devotes whatever influence it has to procure political action for that end. It seeks to strengthen itself by the State. If this is not political action, then I do not see that any question about political action, on the part of the Church, could be raised, or that the Church could be supposed to act politically at all, except by usurping the functions of civil government itself, and taking possession of the Capitol. For if the Church might resolve that it would not rest till the State should pass, for example, the Maine Law, for the advancement of Christ's kingdom, then by equal reason the State might resolve not to rest till the Church should accept the chief magistrate as its temporal head, for the advancement of the State, and in the mighty altercation, the church and the state would come to the ground together.

* Refer to the many resolutions of religious bodies in favor of the Maine Law.

From such a millennium as that, may God deliver us. Glorious it might seem to many of our sapient reformers; for then as there would be nothing to "come out from," or to supersede, "humanity," no longer trammelled by church or state, but liberated and enfranchised, could have its full "development," and shine forth in its native dignity and majesty to the wonder of the world."

The convocation of Windsor County, Conn., say in a resolution, "the interest of religion and morality, imperatively demand a temperance law embracing the fundamental principles of the Maine Law."

The religion of the Gospel has lived 1800 years in this world of sin, tossed on all the seas of political agitation, in the midst of the heated fires of persecution, in the face of the word drinking the blood of its disciples, and now so weak that it needs a Maine Law on which to lean for support!

This Law ought to be repealed because it puts the responsibility of *drunkenness upon the wrong party.*

It attempts to place that responsibility upon the manufacturer and seller.

It teaches the world a bad morality, and a bad religion, and that is, if a man errs, he is not chiefly, primarily responsible, he is a victim; the distiller and the seller are the sinners. I deny this; and yet it is taught in your law. I hesitate not to say that the time will come when the ordinary traffic in ardent spirits will be treated and looked upon as any other traffic, and when a man sells any article of the kind to a responsible man, his responsibility ceases. These are necessary articles for the wants of society, in various forms, and for various purposes, and as the maker and seller in other things, does not direct the use of them, he cannot be accountable for the use of these articles.

There is indeed a great crime of drunkenness, and it rests chiefly and commonly with the drunkard himself. Where the carcass is, there the eagles gather; and the eagles of retribution fasten upon the drunkard himself. No man can make a wreck of body, soul and sensibilities, and not be chiefly guilty himself. There is a door to his own soul, the key of which, under God, is put into his own hand, and he opens for the admission of sin, and no man shuts; and when he shuts, no man can open. The world cannot hurt a man, if he does not hurt himself. To teach therefore, that a man cannot keep from becoming a drunkard, is to diminish his sense of responsibility, and to make his strength weakness.

One would suppose, by the language often used, that the rum-sellers had a great reservoir upon some hill in Boston, with pipes laid through every street, and their poor *victims* were caught at every corner, and the rum driven into them by a forcing pump. Now I can assure gentlemen from the country, there are no such machines in Boston. There are no temptations there of this kind, but a man of tolerable

resolution and moderate virtue, may easily resist. And the resistance on the part of the individual, must be taught, stimulated, *enforced* by pains and penalties upon drunkards. This double process will keep all that can be kept, and save all that can be saved. It is a law of *life*, that it resists the action of the atmosphere, passes through all climes unhurt, and breathes in "tainted air," but when life is gone, decay and dissolution ensue.

So it was the soul. When that is alive it resists the action of outward objects and temptations upon itself, and makes them all minister to its strength and growth. Now this is the direction in which the stream must run. The waters of life must be turned in upon the soul, or drunkards will continue by thousands to gallop down to hell, over all the laws you can make.

The effort to change the responsibility of sin from the person who commits it, and to put it upon some other party, is not now for the first time made. The trick is as old as sin itself.

"Organic sins," the sin of society, is a very comfortable cloak in which to cover up and lay aside an individual transgression. The law of God is, "the soul that *sinneth*, it shall die."

The law of Sweden is, and I think a very good law :

"Whoever is found drunk, is for the first offence, fined \$3 ; for the second \$6 ; for the third or fourth, imprisonment is added to the fine, and deprived of the right of voting at the elections, or holding office, and exposure to the church on Sunday. For the fifth offence, hard labor and imprisonment for six months !!"

The Rev. Dr. Cheever, of New York, once an advocate of the Maine Law, now writes, as if convinced of the folly of labouring in that direction for the reformation of the world. He has made no other public avowal of a change of opinion, than in the passages which follow. I am very glad his meditations in the "pastures" have led him to such sound and just conclusions. He says,

"The only possibility of real progress in society, is founded of God in individual regeneration by the Holy Spirit ; and of this, divine truth is the only instrumentality. They are vain nostrums every one, which the philosophers and philanthropists of this world, without the gospel, would apply for the lasting amelioration or reconstruction of society. In theory they are going to keep down all evil and misery, and to show the natural perfectibility of man ; and they forever throw the depravity and misery of man upon the bad management and unequal division of society ; forgetting or denying that the depravity of man is the sole cause of social disorder and wretchedness, and that till that depravity is corrected, and men are brought to God, social misery will remain, whatever expedients are applied to remove it. You cannot quiet the troubled sea of human existence or prevent its tempests while its depravity continues ; no more than you could stay the rolling of the ocean while the winds blow and the moon is in her orbit. And

whatever security you may think you have in any reformation, yet without God's hand in the gospel, and God's grace at the bottom of it, the particular evils will rise with tenfold fury for their partial check, like a volcano into which you are playing your engines. They will come forth with unabated vigor at the opportune junctures in the future progress of events, like some great serpent—in the language of John Foster—meeting and glaring upon the sight again, with his appalling glance and uninjured length of volume, after a storm of missiles had sent him to his retreat, and been poured in there with destructive intention after him. You might as well stand at Vesuvius, and undertake to calm its eruptions with a fire-engine, as imagine to repress the evils of society without the Gospel. We say not this to discourage philanthropic effort, but to base it where only it can be successful, on the institutions of the Gospel, and on the spirit of God. There are speculations and schemes that anticipate success independently of the Gospel, and there are others that expressly disclaim the Gospel; they are both alike destined to disastrous overthrow. The schemes of pure reason and virtue will never conquer the love of sensual gratification, of distinction, of power and of money.”

Again, this Law ought to be repealed because it *wantonly* destroys property—it is *destruction* for no good end.

One of the *great* objects of law is to protect *property*, and thus stimulate and encourage industry and economy. Every individual has a degree of protection for himself in his own faculties and powers of resistance. A crime upon the person is indeed more heinous than a crime against property, but it is almost infinitely more difficult and dangerous. Hence laws also exercise themselves chiefly for the protection of *property*. Any thing like wantonness in the laws in regard to property, is of most pernicious tendency. Government may confiscate property—though this is common only under tyrannical forms of government. *Fines* are more just than confiscation. But in this case the law not only takes the property but *wantonly* and as I say *wickedly* destroys it; you have no more a moral right to turn rum brandy or wine into the street than you have to turn out molasses, or scatter flour upon the winds. Each article is useful and necessary to the wants of society, each has cost labor and material in the creation, and so much more labor and material as you waste, will be required to make up the deficiency. Under your law, all the distilleries in Boston are in full operation. They manufacture what is demanded, and no more. One agency in Maine sold the last year *five hundred* barrels of new rum. Why will you not *sell* what you seize to your neighbors licensed under the Maine Law? The same telegraph, on the same day, that brought to Boston the news of the destruction of a barrel of liquor in Portland, brought an order from the agency there, to the same store from which the other barrel was sold, for another quantity of the same amount and of the same quality. This may be the wisdom of *sages*, but if so it is too deep for me.

The argument is, "gambling instruments are destroyed—old clothes infected with the plague, are burned." Is there any value in these articles, but for fuel? Does government license other men to make these gambling instruments, and to import cargoes of plague-infected clothes? What analogy then in this illustration? None at all. Why is it used then? Because the case admits of no better. Argument will not sustain it, therefore resort is had to sophistry. That deep, inlaid sense of justice in the human breast, which is older than all laws, and stronger than kings, condemns this destruction as wanton, wicked, wasteful. If there were no other leak in your ship, this one would be sure to sink it. In that quiet which succeeds the storm and hurricane of passion and excitement, mankind would fix the seal of its irreversable condemnation upon this feature of the law.

This law ought to be repealed, because it furnishes a greater and more obvious temptation to sin, than the one it attempts to remove. I do not know that there is any difference in the eye of God between lying and drunkenness. The Devil has been rightly called the "father of lies," and he has had little to do the last year but to put on his gloves and walk round and inspect the agencies in Maine. Human nature would tell any one that this must be the result. The agency at Portland was soon abolished. The Grand Jury of Penobscot County has indicted the City of Bangor. The city agent sold it as any respectable merchant would do; and the Grand Jury found that all they had gained by the law was a book kept by the agent, in which were a multitude of false records. It would be very painful to a sensitive mind to go to all the agencies in the State, and read of the multitudes in that State who have suffered from sickness the past year!!*

I here very respectfully submit to this Committee that the law is unconstitutional, and therefore it ought to be repealed. Of course it would not become me to attempt an argument on this point. But the Committee will recollect that Judge Shepley of Maine only saved the law by a wide latitude of interpretation, which he himself felt was trespassing upon the legislative branch of the government. Yet he said if they denied him this latitude of interpretation, he must pronounce the law unconstitutional.

The judges of New Hampshire have swept by the board by their unanimous decision. The Circuit Court of Rhode Island, by a very strong and able decision, have pronounced against it. In nearly every instance, where a case has got as far as the Common Pleas, in this State, it has been quashed there. Is it not absolutely certain to

* This point about the lying, under the law, was confirmed by Mr. Pierpont, who stated that eleven young men in Waterville, had committed *perjury* to screen the man who had sold them liquors.

candid minds, that this law cannot stand in the courts of the land? Has not a judge of this state decided that it may be resisted, in certain circumstances, with impunity?

This law ought to be repealed, because it is *not, and never can be, enforced.*

Dead laws, like dead limbs on a tree, had better be cut off. This law is dead in Massachusetts, and "at the gates of death" in Maine. In Cambridge, an attempt was made to execute it. A warrant was brought to the Sheriff, he took time for consideration, and came to the conclusion, that it was neither safe nor right for him to execute it. Then you reached bottom with your law—then and there spoke one man, as all men will speak—it was the *Vox Populi*—which is the *Vox Dei*. That the law is not executed in this State is notorious. Yet the friends of the law, said, in June last, by a public resolution, that if the law failed "it would fail through the falt of its friends." Its friends, then, have let it fail so far. Are they to rally for its execution? What is to inspire them? Why, when the licences run out in Boston, then the law is to start afresh. But it was said a few months since, that these licences would facilitate the execution of the law in other parts of the State—it would just neutralize the influence of Boston—and on the whole, the friends of the law were glad that Boston was reserved for the last blow, just as the Cyclops kept Ulysses for the last mouthful. Alas for one-eyed monsters, Ulysses was too many for him, and Boston has not yet become the victim of the one-eyed Maine Law.

The law is not executed in Maine. In Portland, if any where, it ought to be steadily enforced. Its author says *three* temperance men can do it any where. Hon. Horace Mann says, it is almost perpetual motion itself, and *one* man can grind all the rumsellers to powder in it.

In Portland, from January 19 to March 1, there were thirty-nine commitments for drunkenness. About one man fined every other day for selling liquors.

And yet the Temperance Watchman of Feb. 12th, 1853,—the organ of the Law and its author in Maine,—says, "Since that *wicked* decision of Judge Curtis, ('Thou shalt not speak *evil* of the ruler of thy people?') our city fathers have adopted the let-alone policy, and seem to take it for granted that our Courts will be alike foolish, (!) and be governed in future by a Boston rum lawyer, who doubtless acts more under the influence of commerce than of the Constitution or the law. We would have our city government understand that the Liquor Law in Maine remains intact, and that the same necessity exists for enforcing it now as existed several months since. Why is it, we would ask, that such large quantities of Liquor are now brought into the city daily, and yet no seizures are made?" Here is an admission that the law is not enforced in Portland. From another place in the interior of the state, a gentleman writes me—one who at one

time thought well of the law—"in this place, and elsewhere the law has been for a long time a dead letter—I fear more evil than good will result from it." A law therefore that is not, and that will not be enforced, had better be repealed.

Finally, gentlemen of the Committee, this law *will be* repealed, and therefore the sooner the better.

"The thing that hath been, is that which shall be, and there is nothing new under the sun." There have been Maine Laws before, and they have always been repealed.

There was a Maine Law in the time of George the II. in Great Britain. During the latter part of the reign of George I., and the earlier part of that of George II., gin drinking was exceedingly prevalent, and the cheapness of ardent spirits, and the multiplication of public houses, were denounced from the pulpit, and in the presentments of grand juries, as pregnant with the most destructive consequences to the health and morals of the community.

At length, ministers determined to make a vigorous effort to put a stop to the further use of spirituous liquors, except as a cordial or medicine. For this purpose, an act was passed in 1734, the history and effects of which deserves to be studied by all who are clamorous for an increase of duties on spirits. Its preamble is to this effect: "Whereas, the drinking of spirituous liquors or strong water, is become very common, especially among people of lower and inferior rank, the constant and excessive use of which tends greatly to the destruction of their health, rendering them unfit for useful labor and business, debauching their morals, and inciting them to perpetrate all vices; and the ill consequences of the excessive use of such liquors are not confined to the present generation, but extend to *future* ages, and tend to the destruction and ruin of this kingdom." The enactments were such as might be expected to follow a preamble of this sort. They were not intended to repress the vice of gin drinking, but to root it out altogether. To accomplish this a duty of 20 shillings a gallon was laid on spirits, exclusive of a heavy license duty on retailers. Extraordinary encouragements were at the same time held out to informers, and a fine of £100 was ordered to be rigorously exacted from those who, even through inadvertency, should vend the smallest quantity of spirits which had not paid the full duty. Here was an act which might, one should think, have satisfied the bitterest enemy of gin. But instead of the anticipated effects, it produced those directly opposite. The respectable dealers withdrew from a trade proscribed by the Legislature; so that the spirit business fell almost entirely into the hands of the lowest and most profligate characters, who, as they had nothing to lose, were not deterred by penalties from breaking through all its provisions. The populace having in this, as in all similar cases, espoused the cause of the smugglers and unlicensed dealers, the officers of the revenue were openly assaulted in

the streets of London, and other great towns; informers were hunted down like wild beasts, and drunkenness, disorders and crimes increased with frightful rapidity. "Within two years of the passing of this act," says Tindall, "it had become odious and contemptible, and policy, as well as humanity, forced the commissioners of excise to mitigate its penalties." (Continuation of Rapin, vol. viii. p. 358, ed. 1759.) The same historian mentions, (vol. viii. p. 390,) "that during the two years in question, no fewer than 12,000 persons were convicted of offences connected with the sale of spirits. But no exertion on the part of the revenue officers and magistrates could stem the torrent of smuggling.

The effects of this prohibitory law upon the people of England are thus described by Lord Chesterfield, who opposed the ministry on the new license law. But of the effects of the old prohibitory law he says this: "It is evident, my lords, from daily observation, and demonstrable from the papers upon the table, that every year since the enactment of the last law, *that vice has increased, which it was intended to repress*, and that no time has been so favorable to the retailers of spirits as that which has passed since they were prohibited."

The increase of the trade in gin from 1734 to 1742, was from 4,947,000 gallons to 7,160,000; an increase of 2,213,000 gallons in *eight years*, while the increase in the *ten years*, from 1724 to 1734 was only 1,427,000 gallons.

The repeal of the prohibitory law was carried, and a licence law substituted by a vote of 82 to 54, in the house of lords.—In the commons the repeal and the new law were carried by acclamation. The Anglo-Saxon race would not bear a prohibitory law on this subject one hundred years ago, they will not now.

The Report of the American Temperance Union for 1839, says that there was at that time a prohibitory law in Tennessee, which that Report extols almost in the same language that has been used about the Maine Law. "Her inns have been purified, her tippling houses all along her rivers swept away. The change is wonderful." That eulogy was also the epitaph on the Tennessee Law.

The same Report says of the 'Prohibitory Statute' of Massachusetts: The law went into operation the first of April, 1839. Most of the retailers of spirituous liquors showed a manly spirit of obedience. Day of jubilee for a State long enslaved by alcohol. The few who have continued to sell have found to their confusion that the law reigns and that its sanctions must be felt. Scarcely the type on which this law was printed had become dry, when the law was repealed.

This law will speedily be repealed. The signs of this are as thick as the buds of Spring in May. Its author, the Mayor of Portland, has been swept away by it. The Governor of Maine died politically, for the act of signing this law. The law itself will follow its authors.

The people will sweep it away, and it will be added to the catalogue of popular delusions. And when folly shall build her Pyramid of triumphs over mankind, it will stand thus —

CRUSADES !
MESMERISM !
WITCHCRAFT !
MORMONISM !
MILLERISM !
RAPPINGS !
MAINE LAW !

On this last block of her honey-combed Pyramid, she can sleep secure against all rivals, and undisturbed for many ages to come.

SPEECH

OF

REV. J. C. LOVEJOY,

BEFORE THE

Legislative Temperance Society,

MARCH 30th, 1853.

To the preceding argument, the Rev. Mr. Pierpont of Medford, made a reply before the Committee, on Thursday P. M. the 17th of March.

For some reason, the friends of the Law, engaged Horace E. Smith, Esq. of Chelsea, to make another reply before the Legislative Temperance Society, on Wednesday evening, the 23d of March. On the same evening the Society invited Mr. Lovejoy to reply on the Wednesday evening following, which he did, in substance, as follows:—

Mr. Chairman.—To the argument which I had the honor to submit to the Legislative Committee on the 15th inst. two replies have been made,—one, before that same Committee, by the gentlemen from Medford; another before this Society by the gentleman from Chelsea. In regard to my first point—which I consider as a strong point, an unanswerable point, the unscriptural character of the law—two replies have been made. The gentleman from Medford replies that the authority is not good; the gentleman from Chelsea replies that the authority is not sufficient. In these two points are summed up all that my opponents have said. It is my intention, however, Mr. Chairman, practically, if not exclusively, to confine my remarks, this evening, to the reply of the gentleman from Chelsea. If I touch upon anything which the other gentleman has said, it will be only incidentally, and as it were, accidentally.

The gentleman from Chelsea prefaces his reply by a metaphysical argument, attempting to show—and in many points he did clearly show—what was the basis of human legislation: that legislation did not attempt to prohibit everything that the Divine Law prohibits; that it only attempted to restrain those things and to prohibit those acts which are injurious, in their tendency, to society. That is all very well. But, Sir, out of that there grows a spacious and sophistical basis, on which much of the oppressive legislation of society and the world has rested. That basis is the “public good”—it is for the “public good”—in other words—“state necessity.” Now, you know, sir, any man at all read in the history of the world knows, that the greatest crimes enacted by law,

and under the sanction of law, have been done under this urgent plea of "state necessity." Bonaparte slew the prince of the blood, and, as we believe, perpetrated murder, from "state necessity." The star chamber of England was established and justified on this Protean plea of "state necessity," Aye, sir, to come to our times—what is the justification for the imprisonment of the Madiai? "state necessity"—the "public good." Not says the Catholic, because they are Protestants, but because they propagate Protestantism in a Catholic state, and that is injurious to the state; and therefore they are imprisoned.

Hence, sir, this light of "public good," of "state necessity," is a very unsafe one to follow; and to all Protestants, wherever and however the law of God is directly and clearly revealed, that is sufficient. There is no state necessity, there is no public good that ever requires or should tolerate an infraction of a Divine precept. Now, my argument was this, Mr. Chairman: that God, speaking expressly by his servants, frequently during a space of two thousand years—and not once, twice, or three times, as the gentleman says—not two or three times, but all through the sacred record, has pronounced wine a blessing.

Now Mr. Chairman, you will see the point. I did not say that God had blessed wine because Melchisedec, a priest of the Most High God, brought it out, and presented it to Abraham—a distinguished man and an eminent saint—and he took it, as a part of the blessing, from the hands of Melchisedec. However significant that fact, it was not the argument; it only proves that a good man used it. It might have been right or wrong; the point I made, Mr. Chairman, and which you will recollect, was this: that according to all the commentators who receive the scriptures as an inspired record revealing to us the will of God, when Isaac pronounced the blessing upon Jacob, he did it under the Divine inspiration; and what he blessed under Divine inspiration, was a blessing, is a blessing, and will continue to be a blessing, to the end of the world. One part of that blessing was, that he should have plenty of corn and of wine.

Now, I say, there is a divine sanction, a divine blessing upon wine, in the revealed will of God, through Isaac; and the same I said in relation to the blessing pronounced by Jacob, upon his dying bed, when he predicted the coming of the Messiah—and every one who has ever assumed the inspiration of the Scriptures, believes that Jacob spoke by inspiration—and he predicted as a blessing upon one of his sons, that he should have a magnificent vine upon his hills, and be blessed with its clusters and its *wine*. I remark, also, that in the provision made for priests—made by divine direction—wine was the part of that blessing, and the people were permitted to buy it, to sell it, to traffic in it, by divine direction:

Now, sir, this, as you very well know, and as the gentleman from Chelsea must know—for I will not say to him as the Western editor said to one of his subscribers, who complained that he got no news from his paper. "Look into your Bible," says the editor, "and you will have news enough. It will be new to you." Now I presume the Scriptures are not new to that gentleman, and he knows that from Genesis to Malachi, all through the Old Testament, wine is one of the blessings, sanctioned, reiterated in various forms: in history, in prose, in poetry, in almost every conceivable form it is pronounced a blessing.

Then we turn to the New Testament, the new covenant, the revelation of God's will by his own Son. Are these blessings reversed? Is the tide turned back, and are these blessings, so thickly strown upon the pages and books of the Old Testament, turned to curses? Does that hand which was an unerring hand, sweep through them and wipe them away? No! It puts the seal upon them all by its first mirical of the changing of water into wine, and presenting it on a festive occasions. Now the argument, if it be an argument—the objection—for this is the only objection that seems to lie upon men's minds, is this. The wine that is so blest in the Old Testament, the wine the Saviour made and presented to the guests at the marriage festival at Cana; the wine of which he un-

doubtedly partook at ordinary meals or on festive occasions—that wine they say was not alcoholic or fermented.

Mr. Chairman, will you reflect one moment, that all this wine, from the beginning of the Bible to the end of it, was intoxicating, and how could it intoxicate if it was not fermented, and if it was fermented it was alcoholic, for fermentation is the mother—the fountain of alcohol. That particular wine that was made at Cana—what is said of that?—Take it in connection with other passages. They say to the bride-groom “every man brings forth his best wine first;” when the taste is blunted by satiety “then that which is worse; but thou has kept the good wine” (that is the wine drawn from the water pots) “till the last.” Now what was the *best* wine? The same Scripture says, “no man when he has tasted the old wine straight way desires the new, for he says the old is better.” The old wine was the *best* then, as it has been in the estimation of all men who have used it in all ages of the world—a fact just as well known as the fact that heat proceeds from the sun.

Well sir, then the cautions against the excess of wine. There is not a caution in the Scripture against *fermented* wine or against *alcoholic* wine, but against *wine*, because there was no other but fermented wine. Well, sir, I am told by another gentleman not of this House nor of this place, but it comes from a source for which I have the highest respect and veneration, and am told that *wine* is sometimes used in the Scriptures as an emblem of wrath, in such passages as “the wine of the wrath of God poured out without mixture,” and “in the hand of the Lord there is a cup, and the wine is red, and he shall pour it out and all the earth shall drink it.” Now what is a fair, true rule of the exposition of these apparent inconsistencies. I say this is, Mr. Chairman. While there was a *true* wine, and a *true* vine, that made a nutritious, wholesome and palatable beverage, that was a blessing, and that God blest and Christ consecrated throughout, there was also a *wild* grape; its clusters were poisonous, it was red, it was fiery, it was that which the young Prophets gathered when Elisha changed the poisonous ingredient of the pot. They brought in this wild vine, and it was boiled, and it was poisonous. Well now, sir, take this key and you will find it turns in all the folds of the sacred pages; and you take the other exposition, and you are involved in inextricable difficulties and absurdities. When men are warned against wine, as they frequently are, and when it is used as an emblem of displeasure or wrath, it is either this excess of its use that they are warned against it is this wine, this *red, fiery, poisonous* cup that was set before the mind of the Jew, ever in contrast with the clusters of Canaan.

Why, sir, I remember very well when this wine question first came up. It is just twenty years ago, in the year 1833, in Philadelphia. I was the first national convention that ever discussed this wine question. I was present and there was not a single man on that floor, to my recollection, that pretended that the use of wine was a sin, or that it was not a blessing. At any rate one of the earliest and most distinguished champions of the temperance cause in this city made this remark in my hearing: “I don't consider that it is wrong to use wine, but I think the less a man uses it, the better his influence will be, and therefore it is better to let it alone.” That was the sole argument, used according to my recollection. Well now, sir, I say that in the Old Testament and the New Testament; the Saviour himself, in a way that cannot be mistaken, has consecrated and pronounced wine a blessing. Said he, “I am the true vine.” Would He compare himself, the light of the world and the fountain of its spiritual life, to that which was a curse?

We have it consecrated, in that last solemn hour when he was with his disciples for the last time, a memorial of his love to the world—a poisonous cup! and yet that he did so there is no more doubt in my soul than that you and I are here to-night. To me, sir it is sacrilegious imposition to stamp with the brand of infamy what God has blessed, and Christ consecrated. The crown has been taken from the head of the Saviour in his own house, and at his own table, and placed upon the head of Mahomet. Wine is to be looked on, and spoken of, and treated, as a blessing. A man may leave, may deny himself of it

as he denies himself of his bread and his meat, but when you denounce it as a forbidden article, and make it penal to make and sell it, you go, in supporting this, against the authority of the Bible. You scale the walls of truth through your assumption, as they did of old, or attempted to do at Babel; but God will confound your language, and scatter your purposes as he did theirs. This argument has not been met, and met I know it cannot be. This law must be like Pharaoh's wheels in the Red Sea—Omnipotence is against its success.

To the second argument I used, the gentleman from Chelsea made no reply. The second charge against the law was—that it was one of false pretences—of being one thing by name and another in its purpose. It states itself to be a law to regulate the manufacture and sale of intoxicating liquors, but it is neither more nor less than a law for the enactment of total abstinence. Legislation, sir, ought to be fair and correct in its character; it ought not to be more nor less than what it pretends to be—its objects other than it is obviously designed to cover. But it is not so with this law; for while it is designed, by public profession, to do one thing, it contemplates quite another. Mr. Smith took good care to pass over this thing; and his conduct in that particular deserves the title of “masterly inactivity.” He has wisely let this thing alone.

“All thou has been reflects less fame on thee,
Far less, than all thou hast foreborne to be.”

Dr. Beecher has said, referring to me, that I knew which end of the poker to take hold of. Mr. Smith takes hold of no end of that instrument—simply for the reason that he finds it hot at both ends.

I did not recollect at the time I spoke of this point, that “confirmation strong as holy writ,” was at hand; yet it was; for recollect sir, that a Convention was held in this city, some weeks ago, for the purpose of supporting the claims of the Maine Law and of bringing its influence to bear on the legislature. They came to besiege Boston and to make it complete to their minds. Now, it sounds strange, but it is true that the Convention passed a resolution making the Maine Law a State Pledge.

[Here Mr. Lovejoy read the resolution, as follows:—

“Resolved, That this law is to be regarded as the total abstinence pledge of the whole State.”]

The law is a State's Pledge for total abstinence! I know it was—I said so a year ago; and they now urge the citizens of this Commonwealth to enforce the law is not to enforce total abstinence! The question is not, Mr. Chairmen, whether it is best to have a law to enforce total abstinence—that may be discussed at some future time—but the question is, is this law an attempt, under false pretences, to do that? And I say it is; it is proved; there is a confession note; an owning up; a public and open avowal; and now we hear it admitted, in one year from its enactment, that is a total abstinence law, and to enforce it is to enforce total abstinence!

The third argument that I submitted was, that this law was enacted by an approximation of church and state. The gentleman from Chelsea made but a very gentle reply to this argument. But he hinted in that reply, that there was, on my part—at least he should have thought so had he not known to the contrary—a want of reverence for the church. Now, sir, I repel any such insinuation. Never has this tongue, or these lips, uttered one word against the church or its ministers. I love her and I love them, and I will to the end.

But when she is inveigled and ensnared by the State Temperance Committee, I will cut the harness if I can. Mr. Chairman, I am very glad to hear from that quarter a cry for reverence, a cry of respect, a cry for honor to whom honor is due. For one, sir, I am very far from decrying church or state. The same authority that established the church established the state, each for their different purposes: and the same authority which established the church says that “the powers that be are ordained of God; and the same voice that says “fear God,” says also “honor the king.” Honor the sovereign power. I am glad to hear a voice of reverence from the quarter. It is time such a note

was sounded. It is time, sir, that the hounding and hunting after individuals, and after officers of the government that will not obey the behest of secret clubs and secret committees—it is time, sir, that they were called off from their pursuit. I would to heaven, sir, that that gentleman, with his usual mildness and gentleness of spirit, might be sent on a mission to the presses who defend the Maine Law, from the Gardiner Fountain to the Worcester Cataract, not excepting, by any means, that sheet which is issued from School Street, in Boston, and whose sails are frequently covered and bespattered with things that ought never to be written, printed, or seen.

Sir, Mr. Alison says, and it is one of those great utterances that come out of the mouth of long experience, "just in proportion as a man is firmly attached to great principles, he is indulgent towards individuals." Aye, if you will print that three weeks in a corner of the *Life Boat*, [addressing the editor] I will pay for it as an advertisement; [laughter] "just in proportion as men are attached to great principles, they are indulgent towards individuals." A mighty principle will carry the individual just as the insensible tide of the ocean will carry the man or the atom that floats on its bosom. The tide will roll on, roll on to its destination in spite of the individual who struggles against it. He, therefore, who believes that he has the irresistible tide of truth on his side, that he is borne on that great swelling ocean, stronger and mightier than navies, kings and empires, such a man will not regard greatly what this or that individual may say of him or do.

Just in proportion as men stand upon "slippery places," they cannot brook opposition. Try the men who defend this cause by that standard. Weigh them in these scales, and they will go up light as feathers. Judge Curtis, who sits upon the bench of the Supreme Court of the United States, the ermine, of which was never stained by the shadow of a spot, utters, it is said, "wicked e decisions." He is a rum "lawyer." Aye what is the climax of disgrace in these days with some persons, he is a "*Boston rum lawyer*." He is "more under the influence of the commercial than the constitutional spirit." Is that speaking evil of dignities? What a stream of unsparing and unmeasured and unmitigated abuse has been poured out for the last six or eight months, upon the devoted head of the Mayor of this city and his associates, a man who, as I am told, in all the paths of life in which he has walked, has adorned those paths; a man whose kindness, and compassion, and benevolence, have dropped as the rain, and distilled as the dew, upon the heart of weariness and sorrow and of want. There is no other reproach against him that I know of, except that he did not believe in the Maine Law.

He took the responsibility when he had the unquestionable right to do it, two years ago, the first of April, to act under another law, which was then in existence, and this was embryo, for no man at that day could tell whether it would be hatched or not, and the Governor when he signed acted upon one scriptural precept, I admit; he did not let his left hand know what his right hand did. [Laughter.]

Why, then, Sir, this want of reverence and respect for the city authorities of Boston? Assailed constantly, assailed for no other reason than that they don't believe in the Maine Law. And so is every man assailed, hunted, pursued if he will not bow down and worship this image of their imagination which they have set up. The command goes out, as it did form the throne of Babylon—at whatever time ye hear the sound of the cornet, the flute, the harp and dulcimer of the Maine Law, whatsoever within the sound thereof, whether State officer, or municipal, or minister of the gospel—no matter what station he may hold, if he will not bow the knee, he shall be hunted—howled at—pursued—because he will not bow down to the despotism of an opinion that he has no substantial basis upon which to rest. [Cheers and hisses.] I wish those who are in the habit of upbraiding the civil officers, and of speaking as multitudes have spoken of Judge Curtis—and of the "rum" candidate that happens to be elected Governor of Massachusetts, and of the "rum" candidate that happens to be Governor of Maine, and of the "rum" candidate—one of the most irreproachable of

citizens, yet a "rum candidate," who happens to be the Mayor of Portland,—I wish they would read the very short but significant epistle of St. Jude, where he describes men who have "departed from the faith" and who are "clouds without water." He says that a distinguished trait in their character, and one by which you may find them, is that "they are not afraid to *spea*k evil of dignities." I commend the study of that chapter to the gentleman, in his lectures upon this subject. It is also eminently calculated for those who conduct the press, and by many who speak personally in support of the Maine Law.

The fourth objection to the law was this—it attempts to put the responsibility for the sin of drunkenness upon the wrong party. It leaves the drinker unharmed, untouched by any penalty whatever. The reply of the gentleman is, "we punish drunkards." Very well, I am entirely willing that you should punish drunkards, and punish every man that sells to a drunkard, knowing him to be such. He ought to be punished. But the point is this, Mr. Chairman; you attempt to punish a man for selling an article for a certain use, and you hold that man altogether responsible for the sale, when he is but *secondary* in the act. Here is a man that has spirits to sell; he don't go out and solicit customers; there are instances, certainly, and such instances ought to be reprobated, and ought to be punished always. I am not speaking of exceptional cases, but of the ordinary rule. Now the ordinary mode is for a man to go in and *ask*—*solicit*—wishing to purchase, and expressing that wish or desire. Now if there is a sin committed, he is the first in the transgression. He is primary in the act—the tempter, according to the theory of your law, and therefore the chief sinner. Well, now they don't propose to punish him at all? If a man sells for a certain use, he is punishable—if a man buys for that use, and actually uses it, he escapes punishment. Now why not deal impartially, as the king of the Sandwich Islands did when he made a prohibitory law for his people under guardianship, (and a people under guardianship will bear a prohibitory law, and no other people will or should) when he made a prohibitory law, for his subjects, he put the punishment directly upon the men that bought and the men that used, and made the punishment there heavier than upon the seller. Why should not you do the same thing, and make a law that every man who uses intoxicating drinks as a beverage shall pay a fine of ten dollars at the least—or while you are upon this point why don't you perfect the job, and carry out the principle a little further; teach him, as Mr. Webster said, how very inconvenient it is to "stretch hemp without touching the ground." Perhaps such a punishment might be too wide, and sweep too far. It is barely possible that some gentlemen in the Legislature who vote for this law would be in danger, if every man was to be punished who should use a glass of intoxicating drink as a beverage. Is that the reason? Why not punish all alike, and make square work of it. If you find a man pleading for the Maine Law, with his lips wet and his breath perfumed with alcohol, he, of all men in the world, is the man to punish.

My fifth objection to this law was that it was a law which destroyed property wantonly—that in its destructiveness it served no good end—that no reasonable object was secured. The gentleman from Medford says that the rags infected by the plague are burned. Just think of that! Are such rags fit for any other thing? Is there one kind of use or other that they can be applied to? Are they fit for use in any shape?

A voice—"You may make paper of them!"

Mr. Lovejoy—What! if infected with the plague? The gentleman from Medford also says that the tools used by gamblers are destroyed; but where rests the analogy? The gentlemen from Chelsea says an analogous argument ought to be constructed that it would bear the burden on its back. This is true. Now do the examples brought forward in support of this law ever carry it? Never. Not one of them. What are the uses to which gambling implements can be put? To nothing but gambling! To what uses are rags, inoculated with the plague, fit to be applied? To none; for they are unsuited to any purpose but that of destruction. But here is what is not so. The law licenses the making and use of alcoholic liquors. Under the Maine Law, distilleries and

dispensaries of intoxicating liquors are legalized for public use. The Maine Law, does this : it tolerates—nay, authorizes the fires which, it says, burn and consume us ! They are manufactured and sold by its sanction ! Turn liquor out in any quantity, and the law provides that more shall be made ; and I ask you what can the law mean in this particular ? Does it accomplish any good by this destruction ? No, sir ! I had never yet met the man, face to face, eye to eye, hand to hand, who says this is right. I have not yet met one who has not said that the rum seized ought to be used for some rational purpose—not to destroy—and more rye and grain consumed in making more. That's what every man and woman says ; yet the friends of this Maine Law enactment aver that it is the best section in it—that which provides for the destruction of liquor ! I say, sir, and thousands more say—that the law is dead—dead as *Chelsea* ! [Laughter.] There is no life in it ! Is it not so ? For a law can only stand which, in the mind, and the understanding, and consonant with the approbation of the human soul—that can meet the respect of the public at large.

The first time after the passage of the Maine Law in Maine that I met an intelligent pious man from thence, I inquired of him what he thought concerning the law, and particularly what he thought of the destruction of liquors seized. He said they had taken and destroyed some in the village where he resided, and they sent for him to aid them in the labor of destruction ; but he declined to aid, for he said, when the reason was asked of him, "because this thing is not right. One case of sickness in my own family required large quantities of it to be used, and it was more beneficial than any thing else which we applied ; and I could see no use whatever in throwing it away, when it might be made useful in mitigating pain and suffering, as it had been in my family." There speaks humanity ; and when this excitement shall have died away, this will be the language and feeling of every man who can feel, judge and express his opinion reasonably on the subject. It is now the legitimate voice of the human race. I am willing, sir, to risk my reputation on the assertion that the destruction of liquor is arrant wastefulness, and culpable and ridiculous folly.

The chief reply of Mr. Smith in reference to this point is—that, in certain particulars, men have a right in law to seize and confiscate property, and that the sufferers have no right to complain, and he works upon a mere incidental remark of mine, that in such cases the parties ought to be remunerated. I do not deny, sir, that, in some instances, property ought to be confiscated ; but when it is done for no good end, it has the very contrary effect to that intended. It stirs up the blood of him who suffers ; agitates the feelings of those whose sense of justice and propriety it offends ; it promotes retaliation in the one instance, and engenders contempt in the other. No rational man can countenance the mere wantonness of destruction ; no sensitive man can bear its infliction ; (in fact, no man can justify it to his mind) and, in disregarding these feelings, the Maine Law is organically objectionable ; its wanton destruction of property is its bane ; this defect in it will answer for an antidote in the mind of every reasoning man.

What I said in relation to the law as a temptation to lying, was addressed to those who harp continually upon the temptation furnished by intoxicating drinks. The doctrine that I hold is, that every man, let his temptations be what they may ; let the world around roll on as it may ; let the multitude go this way and that way, he is responsible for himself primarily, chiefly—bound to be right, though all the rest of the world live wrong. But that this law does furnish an incidental temptation to lying there can be no doubt.

The gentleman goes on the true scripture ground, and preaches a very excellent but short sermon, showing that when man is tempted he is drawn away by his own lusts ; then it is not the rum tempts him nor the rumseller ; it is only the inward appetite, which he is solemnly bound to control, and which you are as solemnly bound to teach him that he ought to control, that he can control, and that he must control, or that perdition is the alternative. This doctrine of covering men with flowers, and telling them that they are "victims," is prenicious. I am glad the gentleman has abandon it. I hope he will teach

the presses under his influence, all the presses in favor of the Maine Law, that good, old, wholesome, scriptural doctrine.

Another and a very practical objection against the law is, that it is a dead letter. The spring time of the year you know is a good time to cut off all the dead limbs of the trees and the vines, and it is now a good time for the Legislature of Massachusetts, if they choose, to cut of this dead law, for it is dead, and will be more and more dead, without any hope of resurrection. Where is it executed? In what city of Massachusetts? In what town? In what country? Where is the man who has the hardihood—(do not misunderstand me, as the gentleman seemed to the other night: I do not say the hardihood in reference to any fear of physical assault or opposition)—but I say, where is the man, with the responsibilities of a citizen, that will undertake to execute this law, that has been pronounced unconstitutional by the chief authority in the United States? Who will execute such a law as that? It is hard enough to execute any law, and the hands that have it to do, ought to be staid up and encouraged by all. But who will undertake to execute this law, which has been declared unconstitutional by one of the justices of the supreme Court of the land? This they will deny, I know. The gentleman, a citizen of Maine, who did me the honor to review, last year, very elaborately, and with as much ability as any other man, the sermon which I wrote upon this subject a year ago, says that the decision of Judge Curtis is in direct opposition to the decision of Judge Shepley, in Maine; that the very points which Judge Shepley, by a mighty stretch of judicial power, declared to be constitutional, Judge Curtis has pronounced to be unconstitutional. But the Judges of New Hampshire, with one voice, and by the most decisive utterance, pronounced the law unconstitutional. In this state it has got as far as the Court of Common Pleas; and in Middlesex County, where I reside, there have been some forty cases, that hang now upon the horns of the alter—upon the horns of the alter of justice—because they could go no further. There they are—look at them! And with these dry bones shaking in your ears, who will dare to execute the law? Nobody! It cannot be executed—and is not executed.

Last year, we had statistics from Maine in plenty. Now let us see what men say. Here is a letter from the interior of the State, written by a distinguished gentleman, the weight of whose opinion on any subject will not be questioned. In allusion to the Maine Law, he says:—"This Law has been, in this place and elsewhere, a dead letter. I am afraid its effects, on the whole, are going to be more evil than good! In Augusta, the Mayor of that city says,—at least he implies it—that it is the opinion of the citizens that the law is arbitrary and wrong, although they think they ought to obey it. He says, moreover, that it has driven a great many desirable citizens from the city of Augusta, in Maine.

Well, now, that is no argument against the law, if it is a good law—whatever the pecuniary sacrifice it must be borne. But if it does injury in a pecuniary point of view, and no good, then it is an argument against it. This law may have produced, in some instances, a partial, a seeming, a limited good. But its influence everywhere, on the whole and generally, is pernicious and destructive.

The gentleman said it was not executed, because it was new, and they had not got used to it. In a little time he thinks they will get the hang of this Maine Law, in the Courts, and then be able to execute it. Well, now, a convention assembled on 23d and 24th of last June, and they said,—"Such is our confidence in this law, we do not hesitate to say, that if it fails, it must fail through the negligence of its friends." They appointed a distinguished Committee of lawyers—or one lawyer at the head, who was to call in other eminent counsel—to prepare form—a most unusual and unheard of thing! A society, not any part of the civil Government, a society, or convention meeting in anticipation, and taking the law into their own hands for execution. But with all this unprecedented effort to execute the law, it failed.

Well, but they are to rally, they say, just as soon as the licenses are out in Boston. Mr. Chairman did they not tell you six, eight or ten months ago, that he moment the Mayor and Alderman had served out their term of office they

would have leave from the people to retire ; that the citizens of Boston would never reinstall the same Mayor, and the same government in the office ; yet have they not done so ?

A voice. "By what majority ?"

Mr. Lovejoy. A majority sufficient to carry the election, notwithstanding all other side issues ; that is sufficient ! No party or government can act without liability to objections on various grounds. An army that marches, necessarily exposes its flanks to the enemy's attacks. You let this Maine Law depend upon an election in Boston, and how long would it stand ? They have had an example of this recently in the city of Portland. The originator of the law, who, by all the laws of political usage, as I understand it, was entitled to the nomination and support of his party to be resinated in the office of the Mayor, was refused that nomination and that support. What sign, then, is there that this law will be reinstated in public favor ?

But the argument drawn from all the past—namely, the history of the fifteen gallon law of 1838, in this State, which was loudly eulogized, and whose eulogies had scarcely arrived at the borders of the nation when it was repealed ;—the history of the law of Tennessee, which was immediately repealed, or fell dead, and was trodden under foot ;—of the law of England in the ninth year of George II., which increased by a number of millions of gallons the quantity of gin consumed in eight years. The history of all these laws goes to show that this law will follow in the footsteps of its "illustrious" predecessors.

The gentleman says these laws was not *prohibitory* laws. They did not have this life principle in them : but this law, he says, is a prohibitory law. If these laws had only been prohibitory instead of license laws, they would have lived. Now that the law in England aimed at the same thing as this, is beyond a question, but let us examine this *prohibitory* law. It is *prohibitory*, yet all the distilleries in Boston are licensed under it ! It is a prohibitory law, and yet a gentleman direct from Bangor told me he went into the store of the agency there a few months ago, and sat down and in just thirty minutes, under the license of the Maine Law, he saw fifty persons come in and call for liquors, and all but one got it ! One man asked for a gallon of brandy because his wife was dead, and the agent said that was a great quantity for such an object, and he must get a prescription. [Laughter.] Well, here are forty nine persons buying liquor in half an hour, under a prohibitory law ! What can be a license law if that is a prohibitory law ? He went in there three times on different days, and each time heard more calls for liquor that one could draw and supply ! This gentleman is a man of unimpeachable integrity, who probably has not tasted a drop of spirituous liquor for twenty years and who came to see me on purpose to have a conversation about this law. Said he, "I came to the conclusion, in my own mind, that that law was wrong, that it was doing nothing but mischief, and that there was just as much liquor used as there was before its enactment." It is notorious that there has been an enormous sale of intoxicating drinks in Bangor ; and it is equally notorious that the marshal of that city has been exceedingly active in the destruction of liquor found in the possession of others. Now look at it. Some of the aldermen, or other officers, come to Boston and buy liquors, put them into the hands of the city agent, and sell it for a high price—putting the profits in the city coffers. They then instruct the marshal to destroy all he finds in other hands. Will such a monopolizing machine as that work ? No, sir ; it will go to destruction by its own friction. I should rather undertake to bore nine times through and nine times back, through and through the Hoosac Mountains, than to make the law stand. (Laughter.)

One steamboat that went eastward from a wharf in Boston, within the past year, had a notice in glaring capitals, placed upon a stand by its side, "No Liquors taken on board of this boat upon any conditions," and 150 packages went in that very boat ! (Laughter.) Yet this is a *prohibitory* law.

There is only one prohibitory law possible, Mr. Chairman, and that is to send out the torch and apply it to every distillery in Boston ; sweep every

barrel and hogshead of rum, gin, brandy and wine into the ocean. Make a clean sweep. Clear it all out; and then forbid the importation, either by sea or by land. Station an army from Lubec and Eastport, upon the eastern corne of Maine, to Cape Sable, and from Panama to the Russian possessions in North America; then from the Pacific, stretching across the line of lakes down to the eastern border of Maine, till guard meets guard, and salutes his fellow at Eastport again. That is the only prohibitory law that is conceivable. All the other talk about prohibitory law is, to my mind utter nonsense.

A prohibitory law, and five hundred barrels of rum sold at one agency in Maine, in one year, under it! If the laws to which I have referred were not prohibitory, neither is this prohibitory. If they were swept away for want of this vital principle, this will die of the same want. This law is not *stringent* enough, say many, and one gentleman is now lecturing in this State, to show that alcohol is not needed as a medicine, and the agencies ought to be shut up. On the other hand, down in Maine, they have let cider loose, turned out the ox again, and the *principal* feature of your law,—that no intoxicating drink shall go at large,—is taken away. Where are you now? Have you abandoned your great *vital* life principle of your prohibitory law? Then the law must die of course; for according to your own showing, the former laws died for want of this "vital part," and now you take the very heart and soul out of your prohibitory law.

The experience of the whole world upon this subject is, that a principle of regulation and expurgation, is the one by which legislators must be guided on this subject. Put on as large a sum for a license as the case will admit,—that is, so as not to make the temptation to illegal sales too great,—then your licensed men will do more to shut up the tippling houses than all the Maine Laws in the world. Appoint a Commission to examine and expurgate the liquors of every licensed dealer, hold every one to his profession, and make him sell what he professes to keep and sell. The price of liquors would be materially enhanced, the consumption diminished, the corrupted articles destroyed and when you have done this, and inflicted those punishments upon drunkards, which is the just reward of their deeds, "*there is no more that the law can do.*"

Then knowing the *terrors* of rum you may persuade men, and knowing still, further the greater terrors of total depravity, you may and must persuade them, that there is only ONE way and ONE NAME by which they can be SAVED.

Many are bewildered by the supposition that the solitary vice of drunkenness can be *extirpated* while other vices remain. The thing is impossible. How many men think you, would it require to take one solitary wave out of the waters that surround this city, and carry it up upon a high mountain and hold it there? Vices, like woes, *cluster*. You cannot take away one and leave the rest. There is a seed of sin—"that bitter root" in the human soul, and till the soul itself is changed, the seed will take root and grow. You cannot take one from the family of vices and extirpate it till the soul is changed. One vice of this race, has always been to *stimulate* nature to excess. The prophet of Mecca forbade wine, and the luxurious Turk avenges himself by going to Paradise on opium, and lying on his back three hours, black in the face, and his tongue protruding from his mouth, and having a servant by him to rouse him up at the right time, lest he sleeps to "wake no more."

I make these remarks simply to disabuse the minds of many, who suppose that because a given course does not *extirpate* the vice of drunkenness, *therefore* it is not the right course and the best course.

At several periods in the history of the Temperance Reform, we have been as near perfection in it, as we can ever get, and then some new scheme would be introduced with large promises, and a total failure in good results. A reaction has always followed. The results of this law I will not attempt to pourtray. I see then, they will be upon us,—the harder it is pressed, the longer it is kept on the statute book, the more disastrous the reaction. It will be "bitterness" in the latter end. It is hard to be the prophet of evil. It is hard to destroy cherished hopes, even though they have no good foundation. But the sword of truth is healing, though painful in its operations.

