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ANTI-LIQUOR LAW—OUGHT IT TO PASS?

Naturalists assert the power of the snake to fascinate birds, and even small animals. A writer in a British magazine affirms that he saw a squirrel, one day, with its hair erect, as if greatly terrified, running backwards and forwards between a creek and a tree. It retreated to a less distance from the tree at each succeeding trip. This strange movement led the gentleman to alight from his horse and to seek its cause. Approaching the tree, he beheld the head and neck of a large snake protruding from a hole, with its eyes glaring steadfastly upon its victim. Presently the affrighted squirrel ceased running, and quietly laid down, with his head close to the snake’s mouth. The snake now seized his fascinated foe by the head, when the gentleman struck the destroyer a blow on the neck with his whip, and the little trembler was released.

Now what would be said, provided this power of fascination extended to men, if certain persons, for greed of gold or love of cruelty, were to introduce such snakes into our cities, and thereby destroy the lives of numerous citizens? Would they be tolerated? Nay! Would not society rise up in self-defence, and, pronouncing the snakes and their keepers to be insufferable nuisances, would it not destroy the former and effectually punish the latter? Would any sane man question the right of society to take such defensive action, providing it were done according to the forms and requirements of law?

Now, we place the liquor traffic and the liquor law precisely on these grounds. The former is a social nuisance—the latter a just procedure on the part of the community to rid itself thereof.

Who will question the verity of the first assertion? Who will deny the destructive influence of the liquor traffic on society? Assuredly no man, who regards his reputation for intelligence or truth, would dare to do so. Voices unnumbered—voices of wailing and sorrow, from lordly halls, and plebeian cottages—from alms-houses and prisons—voices from the lips of suffering childhood and ruined age—from daughters, matrons, mothers, widows—from dens of human ruin—yea, and from hell itself, would thunder terrible contradiction in his ears! It is too late in the day to deny a fact so terribly potent to all eyes, that the liquor traffic is the greatest scourge of modern society. It is worse than war. It transcends the plague. These are but flashes of fearful lightning which rush along the highways of life, blasting and withering all the lovely and beautiful things which they touch, but passing away when their work is done. This liquor traffic is a demon, perpetually trampling upon all that is precious and good in human nature; and constantly belching forth flames of destruction.

The liquor law now spread upon the statute books of Maine, Rhode Island, Massachusetts, Michigan, and Vermont, is founded upon this view of the liquor traffic. It justly assumes it to be an unmitigated evil, and strikes it to the ground. It inscribes it on the roll of offences against society, and prohibits it. It enforces its prohibition with fines, forfeitures and imprisonment.

Who can prove that there isught of wrong in this? Has not society an unquestionable right to protect itself? Legal commentators, judges, teachers of ethical science, and theologians, all agree in asserting the right and duty of government to conserve the public good by preventing or abating public evils. For what is society constituted, if not to protect itself from suffering through the passions, caprices, or cupidity of unprincipled individuals? The legal prohibitions of lotteries, of counterfeiting, of gambling-houses, of the sale of obscene books and pictures, &c., found on the statute books of nearly every commonwealth in the Union, are
examples of the exercise of this right. Why then may it not properly forbid the liquor traffic? Wherein do the provisions of the liquor law transcend the established and admitted right of government, as understood and practised in all civilized communities? There is nothing new in them, except their application to this peculiar traffic; and, admitting the destructive influence of this traffic on society, it is impossible to challenge their legality, without, at the same time, questioning the rightfulness of a multitude of other laws, hitherto unquestionable both as to their constitutionality and utility. This cannot be successfully done. Similar laws will stand unimpeached and unimpeachable. And while they live the liquor law cannot be set aside by legal quibblings, or by judicial decisions.

Objections to the law.

But notwithstanding all this, the liquor law still has its assailants. It would be strange if it had not. It stands in the way of the passions of many, and of the profits of others. The children of mammon hate it because it injures their craft; and the slaves of lust curse it, because it renders the indulgence of their depraved appetites difficult. Hence they cry out against it, and, were it possible, they would pour upon it such a baptism of ignominy and reproach as would render it first a bye word, and then a nullity. They try to make it appear as hateful as the monstrous spectre which, according to the Greek legend, Hecate was wont to send abroad to frighten travellers.

Is it a sumptuary law?

By such as these the liquor law has been denounced as a sumptuary law. "It interferes," say they, "with our right to drink what we please, and is, therefore, arbitrary and despotick."

This denunciation is false. It betrays either the absence of knowledge or of truth in its authors. The liquor law is not, in any sense, a sumptuary law. What is a sumptuary law? It prescribes what articles of diet or clothing men shall or shall not eat, drink, or wear. As for example, in France, formerly, it was enacted that none but princes should eat turbot, or wear velvet, or gold lace. But what is there in the liquor law which resembles this? It hinders no man from using it in his business, if its use be therein required. It even provides a way by which he may readily procure it for all medical, mechanical, and artistic purposes. If he chooses to use it as a beverage, this law neither prevents him from importing it, nor denies him the right of manufacturing it for such private use. It merely forbids him from selling it—from making it an article of traffic—just as other statutes forbid him to sell obscene books, poisonous food, or lottery tickets. Is it then a sumptuary law? Nay! The principle of the sumptuary law is not in it. Every man is left entirely free as to the fact of drinking liquor. The law only makes it contraband as an article of common merchandise.

The law and the right of search.

But it is objected by others, that this law provides for the violation of domestic sanctity. It permits domiciliary visita, and thereby neutralizes the proud boast of the freeman, that his house is his castle, and may not be invaded. "My enemies," an opponent of the law asserts, "have only to swear they suspect me, and straightway I am subjected to the annoyance and disgrace of having my house searched by police officers, and my private stock of liquors seized and destroyed. What could despotism do more?"

This is partly true and partly false. The law does provide for the right of searching private dwellings. But is this a new thing in free governments? Do not our statutes authorise search warrants to seek for gaming
implements, obscene books, counterfeit money, and stolen property? Why not denounce these laws? But the liquor law guards the sanctity of home more than any other statute which recognizes the right of search. In other cases the oath of a single person is sufficient to procure the issue of a search warrant. This law requires the oath of three voters, before any building can be visited; if a dwelling-house is to be searched, one of these voters must swear to his belief of a sale of liquor within a month, and to the facts on which that belief is founded. And these facts must be such as to satisfy the mind of the magistrate who issues the warrant. Is there any danger of an improper exercise of the right of search under such restrictions? We think not. And then, if a dwelling house is searched, the mere presence of liquor is not taken as proof of guilt; but of liquor with the implements of sale. Could law guard personal rights more carefully than this?

THE LAW AND THE RIGHT OF PROPERTY.

Still it is argued that this law attacks the right of property. Its operation, it is said, will depreciate the value of an immense capital already invested in the manufacture of liquors, and it proposes to seize and destroy personal property in certain cases. These facts, it is asserted, prove the law to be an unconstitutional violation of private rights.

Who is he that brings this objection? Has he a man’s nature? — a human heart? Would he set the claims of property above those of humanity? What if, as in the legendary history of old England, a body of men and women existed among us, versed in the occult mysteries of pretended magical art, suppose them capable, at immense cost, of creating wax images, and of connecting the lives of men with the duration of such figures. What, if one of these images, gradually melted before a fire, had the power of wasting away the life of the person it was made to resemble? Imagine one or two or ten citizens to have perished thus, and the discovery of these magicians and their infernal arts to be made. Their images are costly. They have invested millions of dollars, in their instruments of death. Would any man plead the rights of capital and property in their behalf? Would the boldest priest of mammon dare to whisper the thought? Nay! A demon would blush to plead the right of such property to be spared from destruction. But who can show the difference between the two cases? Did the supposed magic figures destroy life? So does the liquor traffic: only on a larger and more fearful scale. Property! Humanity! Place them in the scale! If you think the right of the former outweighs that of the latter, then oppose the law. Stand by the liquor dealing capitalist. Tell him that human happiness is nothing; social enjoyment a trifle; the production of crime, the spread of pauperism, the degradation of mind, the ruin of souls, are all nothing compared with his capital! But if humanity is above property—if capital, invested in a traffic which defaces the glorious mind of man, is wickedly, immorally, and unlawfully invested—then stand by the law, and leave the guilty capitalist to shed his impious tears alone, in the solitude of his deserted distillery; or, if he prefers weeping in company, send him to those dealers in lottery tickets, vile books, and gambling implements, whose property, by the action of kindred laws, is depreciated and spoiled. Let him mingle his tears with theirs. They are fit companions for his grief.

WHAT SHALL BE DONE?

Such is the liquor law. It stands on the assumption that the liquor traffic is a scourge to society—a nuisance necessary to be abated. In prohibiting it, it exercises nothing more than a right inherent in society. In its provisions, it violates no single right of the man, or of the citizen.
It is stringent only so far as it is necessary for the accomplishment of its object. Its aim is lofty, its spirit benevolent; its influence blessed beyond comparison. MAINE, GLORIOUS MAINE, has given it more than two years of trial, and her people have already grown jubilant under its auspices. Massachusetts, Rhode Island and Vermont, furnish innumerable proofs of its delightful power to bless society. What then shall be done? The entire army of spirit dealers, sustained by a wine-loving aristocracy, and by a multitude of wily politicians, as well as the slaves of the still, are seeking to procure its defeat. Money is expended unsparingly for this purpose. The press is used to the extent of its influence. Political men are tampered with on every side. Shall they succeed? What does the reader reply? Will he slumber, while they act? Shall they be permitted to triumph because of the apathy of better men? Nay, it must not be so. Great questions are involved in the success of this law. Secure it, and trade will flourish; pauperism will almost cease; public morality will be promoted; social refinement and happiness will advance; public health will be restored; life lengthened; society will bloom and put forth flowers like a second paradise; religion will prosper, and man be as happy as is possible to humanity on earth. But let it be defeated, and through the floodgates of the traffic a tide of unutterable woe will roll over the State, sweeping before it the good and beautiful, and overflowing unnumbered hearth-sides with sorrow.

What then will the reader do, we ask? We read his heart. He will give the law his influence. He will speak for it. He will urge his friends to speak for it, saying with the poet,

“If we have whispered truth,
Whisper no longer,
But speak as the thunder doth,
Sterner and stronger.”

He will vote for it, treating the bands of political partizanship, if they would bind him in unholy fellowship to an enemy of the law, as Samson did the withes of the Philistines—tear them resolutely asunder—scorn them, despise them, and vote for an undoubted friend of the law. Personal interest, the claims of family, the welfare of society, the demands of religion, all imperiously require such a vote at the hands of every good citizen; and woe to that man, who, to please his political friends, deposits a vote for a doubtful candidate. The responsibility of such a vote, we would not dare to meet. Nor will the reader. But by speech and vote he will secure the law, and then use it as Aaron did the censer of fire, when he stood between the living and the dead, and stayed the plague among the people: for what that censer was to the Jewish plague, so is this law to the modern curse of Intemperance.