

There are many scriptural injunctions, no less mandatory in character than the one under consideration. The principle of interference in such matters is one of a dangerous nature, —and the undersigned conceive that it would be unwise, impolitic, and unconstitutional to pass, or sustain, any enactment which rested solely upon an argument of this nature.

As they have said, however, the duty of the State to promote peace and good order is unquestionable, —and the incidental benefit to religious culture is greater, than if the law passed beyond its proper boundaries, and asserted a direct control over such questions. If the selling of liquor proved a daily and manifest injury to the good order of society, and endangered either life or property, it would become the duty of the Legislature, by direct enactment, to interfere with its sale or distribution. But wherever the effects chiefly react upon the consumer, and the injury to society at large is remote or incidental, the evil is one which comes more properly within the scope of religious instruction, private philanthropy, or of associations formed for that object, than within the spirit of a public law.

It will be seen, therefore, that in the opinion of the undersigned such a law is proper, or improper, precisely as there may, or may not be occasion for it, as a *police* regulation. In one section of the State, there may be need to enforce it with stringent severity; while in another light prohibitions and penalties would suffice, and in another the evil might be of so trifling a character as not to demand legislative interference at all.

Objections have been made to the passage of laws similar in character, to that which the undersigned recommend, upon the ground that the legislature has no right to delegate authority, which was entrusted to itself. It is not necessary to discuss this argument at large. No one can doubt but that taxation is a more direct exercise of legislative power, than the permitting or prohibition of the sale of liquors on a certain day. Yet it has been expressly settled in this State, that the Legislature may delegate the power of taxation to the taxable inhabitants, for the purpose of raising a school fund. (*Burgess vs. Pue* 2 Gill p. 19.) The right of taxation has been always reckoned the highest prerogative of a sovereign government. With much more reason may we conclude, that it can confer upon the different municipal districts, into which the State is divided, such powers as are necessary to their internal peace and security.

If it were needful to illustrate this more perfectly, we might take the ordinances of Baltimore, or of any other incorporated town, and examine the rules which are therein prescribed for their internal government. Under the theory that Legislative power cannot be delegated, it does not matter whether their charter contains an express power of passing ordinances unknown to the general provisions of the law or not; because such a delegation of power is in the view of some wholly illegal, and cannot be constitutionally exercised, even if conferred. Yet the ordinances of Baltimore,