

INTOXICATING LIQUORS.

Our attention has been called by one of the city authorities to the question of what are intoxicating liquors under the law; it being claimed by some of our citizens that alleged medicines, such as bitters jamaica ginger, and other preparations that it is well known will produce intoxication, do not come within the power of the law to prohibit being sold; while others take an opposite view of the matter. In this connection it is said that some time ago a case came up before the court of the Fifth Judicial district in the city of St. George in which the city maintained that they had the right to prohibit the sale of this class of medicines, and which resulted in the defeat of the municipality. We are reliably informed that no such case has been tried there. In view of the fact that our dealers have been notified by the city officers to no longer sell this class of medicines, it is an interesting question as to whether the law will sustain the action of the city or not. In the interests of peace and good feeling we present an extract from the great modern law work, The American and English Encyclopedia of law, on the subject of what is considered by the courts to be intoxicating liquors. The work in question after quoting from a number of cases in explanation of the matter, sums up the question in the following language:

"BITTERS AND OTHER MEDICINES.

It has been held that a law prohibiting the sale of intoxicating liquors does not apply to medical preparations in which alcohol is used in quantities capable of producing intoxication, such as bitters, tinctures and the like, which are in good faith made and sold for medical purposes but that it is otherwise with intoxicating liquors intended to be sold and used as a beverage, though disguised by some tincture or preparation so as to have, to some extent the flavor or appearance of medicine. The prevailing opinion, however, seems to be to the effect that if the article sold is not changed in character, but still remains an intoxicating liquor, the addition of roots, herbs, bark, and the like, will not take it out of the operation of the statute. It has been held that as to articles not known to a given formula and sold under a specific name as bitters, cordial, tinctures, and the like, whether they are within the statute is a question of fact for the jury and not a question of law for the court, the rule or test being that if the compound or preparation is such that the distinct character and effect of the intoxicating liquors are destroyed and its use as an intoxicating beverage practically impossible by reason of the other ingredients, then it is outside of the statute; but if on the other hand, the intoxicating liquor remains as a distinct force in the compound, and such compound is reasonable liable to be used as an intoxicating beverage, then it is within the statute."

It would seem that where dealers have the welfare of the community at heart and are aware that these articles are being used in the interests of intemperance it would require no force to induce them to discontinue the sale of such a class of merchandise, and we do not believe that we have any dealers in our city who will continue to sell such things after they realize that to do so is to assist in injuring the moral status of the community. We also believe that it is better in cases like this to ask men to do what is wanted than to order them to do it. There are but few people that relish being commanded or ordered.

