

"erty, or a divesting of the title, is, it seems to me, far too narrow a construction to answer the purposes of justice, or to meet the demands of an equal administration of the great powers of Government."

"The tendency under our system is too often to sacrifice the individual to the community, and it seems very difficult, in reason, to show why the State should not pay for property of which it *destroys* or *impairs* the value, as well as for what it physically takes. If, by reason of a *consequential* damage, the *value* of real estate is positively *diminished*, it does not appear arduous to prove that in point of fact the owner is *deprived of property*, though no particular piece of property may be actually taken."

When we observe the narrow construction placed by the States referred to upon the broad and comprehensive rule laid down by Chancellor Kent, we cannot wonder that those of them which have adopted prohibitory laws have failed to provide a scheme of compensation. A due regard for consistency precluded them from doing so. The Parliament of Canada, however, avoiding the tendency condemned by Mr. Sedgwick, has clearly provided by its Railway Acts, that companies shall pay compensation, not only for land they actually take, but also for land the value of which they depreciate. A like due regard for consistency, therefore, will constrain this Parliament to depart from the American doctrine, in the one case as it has already done in the other, and to place upon the same fundamental rule of law the same equitable and enlightened construction in regard to one class of claims which it has placed upon it in regard to another class.

When the British Government abolished slavery in the West Indies, much as the scheme was criticized in its details, the strongest opponents of the Government did not question the justice and propriety of paying compensation to the slave owners. In the United States none was paid, because abolition with them was a war measure, just the same as the confiscation of any other property, or any other step thought expedient for the defeat of the enemy. Doubtless this confiscation now under discussion is also regarded by its advocates as a war measure; but that warfare is a moral one. The Government of Canada has no war with those lawfully engaged in the liquor trade. It will be remembered in this connection that three years before the famous thirteenth amendment was passed by the United States, a proposition was made to the loyal slave States for the abolition of slavery *on the basis of compensation* by the Federal Government, and was rejected. But how much weaker was the claim for compensation in the case of slavery than in the present case! The liquor trade is attacked on account of its *consequences*. Slavery on the other hand was founded on a *false principle*, and was wrong and wicked in its very essence. True the property in slaves had been recognized and protected by law, but not more so than the property and traffic in liquor, and there is this difference between the two, that the liquor trade, like the grain trade, being inherently lawful, requires no legislative sanction to authorize it; while the slave trade, based on the false