

unlikely that the heavy responsibilities of the sovereignty may do much to tone down the martial ardour which has seemed hitherto his ruling characteristic. At the same time it seems impossible to doubt that the young Emperor's ideals are military rather than constitutional or moral, and that his tastes and habits of thought are such as will lead him to view things in their relation to the soldier rather than the citizen. Certainly men of all nations whose eyes are now turned upon him will be surprised as well as relieved if he proves himself able and willing to follow up the peaceful and liberal policy which his lamented father was so prompt and hearty in imitating.

### THE ETHICS OF "COMPENSATION."

IF the question of compensating hotel-keepers who were deprived of their licenses could be stripped of its accidents, and considered merely on its merits, there would be very little difference of opinion as to the manner in which it should be decided. Here, we should say, we have a large class of traders, who have been called into existence by the real or imaginary needs of the people, whose business has been sanctioned and regulated by the law, and who have actually contributed very largely to the revenue of the state. It is proposed, with little or no warning, to abolish this class, or else to deprive them of a very considerable, if not the principal source of income. On the face of it, this seems very sharp practice. In a general way, we should say the thing was flagrantly unjust; and our first and most natural question is an inquiry, into the reasons, if any, which are alleged in justification of such a mode of proceeding.

We can hardly be unprepared for the answer, for there is only one reason which could justify such action. We are told that the trade which is thus abolished, or proposed to be abolished, is unnecessary, immoral and unlawful. We say we must be quite prepared for some such answer as this; for, unless such a thesis can at least be laid down, no such proposal could even be made. Let us then examine the answer.

In the first place, there are a great many persons who will negative every portion of this three-fold assertion. Probably a large majority of the educated inhabitants of every country in the civilized world will maintain that the liquor trade, properly regulated, is not unnecessary, is not necessarily immoral, and is certainly not unlawful, unless in countries where prohibitory laws are passed. And even those who may hold it to be inexpedient that this trade should be licensed and sanctioned, if they understand the meaning of language, will refuse to brand it as unlawful.

No one doubts for one moment that there is a great deal of immorality connected with the buying and the selling, and the consumption of stimulants. Drinking in excess is the cause of many vices and of many crimes. It is not, indeed, so often a cause as most persons imagine; for it is very often an effect. But its connexion with other forms of evil is undeniable. It is not, however, so clear that this is a reason for suppressing the traffic in stimulants; and still less is it clear that it is a reason for refusing to indemnify those who would otherwise be ruined by having their licenses withdrawn.

Into the morality of the liquor traffic we do not propose to enter. This is a question which may properly be considered when the question of prohibition is before us; but that is not the question which we are here discussing. We are, for the moment, assuming prohibition, and asking whether, when we have destroyed the traffic in liquor, those who were engaged in that traffic have a right to compensation.

In the first place, then, it is clear enough that persons deprived of their means of maintenance by legislation have a *prima facie* case for compensation. They had been breaking no law. What they did, they did under the protection of the law, paying comparatively large sums into the treasury of the State for the privileges accorded to them. On what ground can it be maintained that, when such persons are deprived of the means of earning a livelihood, they have no claim to compensation? Let us examine the answer already given a little more closely.

The trade is unnecessary, we are told. Many persons doubt this. No doubt, there is a sense in which almost anything may be called unnecessary. Even wheat is not of absolute necessity. People could live on oats or Indian corn or rye. Still it would be very distressing to many persons to lose their wheaten bread. So substitutes may be found which will produce the same results medically, as alcohol; and yet it may be very painful for many persons to use those substitutes. Let us grant, however, that the traffic in alcoholic liquors is unnecessary; and that therefore it may be suppressed at once, summarily and finally, for that reason. Shall we then decide that, on similar grounds, it is lawful to shut up all the jewellers' shops, say in the province? Jewellery is quite unnecessary; nay, it is often most offensive. To most men of a certain time of life it is

positively a nuisance to have to look at women covered with rings and diamonds, and sapphires, and pearls, in pure ostentation, and in the endeavour to out-shine their neighbours. It offends their taste, which is something; but it is even more offensive to their moral instincts. Well, then, shall we strip off these fine feathers, leaving the birds which were covered by them not so fine? And shall we shut up all the places where they are sold, and give no compensation to the sellers? If the argument from the unnecessary is worth anything, it will apply here.

But the trade is immoral. Then let moral penalties be visited upon the offenders. The State is not a school of morality; it is an institution for the protection of individual and social liberty; and the State has absolutely nothing to do with a man's conduct, unless it causes inconvenience or loss to his neighbour. Of course, there are kinds of immorality of which the State takes cognizance; and when it does so, they become crimes, misdemeanors, felonies, and so forth. But we cannot apply terms like these to business transactions which have been protected and regulated and so sanctioned by the law.

It is even more absurd to speak of the liquor traffic as unlawful. How can a thing be unlawful which is sanctioned by the law? You may make it unlawful, if you like, by altering the law, but you cannot by altering the law give a retrospectively unlawful character to Acts which were before sanctioned by the law. Diamonds are at the present moment imported into the Dominion free of duty. At any moment a law may be passed to tax them as is done in the States. When that law takes effect, it would be an illegal act to bring diamonds into the country without paying duty upon them; but it would be absurd to say that those who were now in possession of diamonds which they had imported, without paying duty, before the law was changed, were in unlawful possession of those jewels.

All this is so simple, such mere childish logic, that we might well beg pardon for making use of it. But unfortunately it is ignored and contradicted. As we said before, this question is argued on its accidents not on its essential merits. It is the old logical *fallacia accidentis*, an old friend, an old foe, who comes in many disguises, and who should be detected and shown up whenever met with. As far as we are able to see, it is a clear injustice to destroy a means of livelihood sanctioned by the laws of all civilized communities, without compensating the suppressed traders.

It may, perhaps, be thought that such an argument would apply to the shutting up of any one bar-room, public-house, or other place where stimulants may have been sold. But this is a *non sequitur*. There may indeed be cases in which compensation should be made to individuals. But a moment's reflection will show that this is an entirely different matter from the case of general or rather universal suppression. In the one case, the liquor seller can convey his business elsewhere, and carry it on in a new place. He may be put to some inconvenience and expense by the change; but this cannot be helped. *De minimis non curat lex*. Or, if he does not care to carry on that line of business any longer, he will have little difficulty in disposing of his stock and plant. But the case would be widely different when no other place was open to the liquor seller, and his stock was not only left in his hands, but it was rendered illegal for him to sell it. How any reasonable and honest man can defend such proposals it passes our comprehension to understand.

We have been arguing on the supposition that Prohibition could be carried out. Of course, we know that it is not carried out anywhere. But supposing that the country should come to the conclusion that the selling and buying of stimulants is an evil for which there are no counterbalancing advantages, and should therefore determine to put an end to the traffic, then we do not hesitate to say that an adequate compensation to those who are deprived not merely of the kind of work which they have been doing, but of the "good will" of their business, and their stock in trade, would be, in no respect, too large a price to pay for that which, in the circumstance, would be held to be a vast boon to society. If it is such a blessing, it is worth paying for; this is one aspect of the subject. If it is not paid for, we are benefiting the community at the expense of the ruin of a number of our fellow-citizens.

PROFESSOR CLARK, of Trinity College, has this year been appointed to deliver the annual address or "oration" before the Phi Beta Kappa Society, on "Commencement day" at Hobart College, Geneva, N.Y.

It is not an easy thing to restore into its moral elements the creations of a poet who blends many strains of truth. His method is not the consecutive process of logical reflection and explication, but the simultaneous embodiment of what, however arrived at, he presents as intuitive, needing only to be seen, to be acknowledged. In the analysis, the distinctive poetic quality is too apt to be dissipated, and the poet is forgotten in the philosopher.