

## The Compensation Question.

In 1885 the Dominion House of Commons rejected a resolution offered by the member for North Waterloo declaring that if a prohibitory law were enacted compensation should be made to brewers, distillers and maltsters in respect of the diminution in value of property, premises and plant used in their business. During the discussion of the question Hon. Geo. E. Foster forcibly showed the absurdity of the proposition in an able speech which may be summarized as follows:—

### NO PRECEDENT.

There is no precedent for such legislation. British, American and Canadian history shows many instances in which legislation in the interests of the community has directly or indirectly interfered with the liquor traffic so as to limit and in some cases terminate its operation, but not a case can be found in which the traffic was compensated for such interference. The speaker cited many illustrations.

### THE PEOPLE NOT RESPONSIBLE.

It is sometimes absurdly argued that the liquor traffic would be specially entitled to compensation because it had been created, protected and fostered by the Government. History contradicted this theory. The liquor traffic never had been a pet of Government. It came out of ages when ignorance prevailed, alongside of other ancient abuses, fastened itself upon the country and did not owe its existence to Government action.

Further, the traffic had grown up despite persistent public warning of approaching prohibition. These warnings had been rung out by church bodies, public petitions, parliamentary resolutions, local option legislation, and other evidences that its existence would shortly terminate.

Men had gone into the liquor business with this risk before them. They selected it to make money by, knowing that it had uncertain tenure and abnormal profits. The risks were great, the gains had been great. The traffic has no claim when the gains cease.

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#### NOT A USEFUL BUSINESS.

It must be borne in mind that prohibition proposed to abolish not a useful business, but an occupation that was a public injury. The liquor traffic was not like a trade that enriched the country, benefiting its patrons physically, socially and morally. It was a destructive business. Government had a right to encourage and protect legitimate trade, but this claim for compensation was made by a destructive traffic that wasted people's earnings, destroyed the value of labor, entailed heavy financial burdens, and caused suffering, disease and death.

It was not a case in which the Government took possession of certain property, appropriating and using for the public good what was before used by private parties for beneficial purposes.

#### THE ARGUMENT IN BRIEF.

The eloquent speaker summed up his argument in the following terms:—

Prohibitionists have the right to stop the use of property which is devoted to a purpose the ultimate outcome of which brings so many burdens and entails so great an expense on the community. The traffic is not a traffic of our creation. It has usurped control against the protests of the people; it has remained in spite of the warnings of the people; it has fed and grown rich by the spoliation of the people. The property in it is not required or to be taken for public uses, and therefore should have no compensation. The property, as the ultimate outcome shows, is devoted to the injury of the body politic, and consequently the people and the Government have a right to curtail it, destroy it, and give it no compensation in return.

#### WHO SHOULD PAY?

The honorable gentleman went on to show the absurdity of the claim of the liquor traffic in the following forcible terms:—

Who is to pay this compensation? I will put a practical question to my honorable friend, the mover of this resolution. Will he take with him the 130 brewers and distillers and go down to any county in this Dominion, call the hard-working people together in assembly, and stand up before them on the platform, and looking into their faces, over which have passed years of experience say to them: "Here am I and these poor brewers and distillers who want compensation; you propose, now, not to allow them to brew or distil any more, and we propose, now that they have a capital of five, six or twelve million dollars, to call upon you, poor, hard-working people, to put your hands into your pockets and compensate them."

How many votes does my honorable friend suppose he would get from the hard-working men of this country in favor of such a proposition? They would reply that all these men had acquired, all they had accumulated in years past, had first passed through the hands of the working-men, had been wrested from the fruits of their hard toil; they would say that there had been no tribute laid upon this country so heavy as this which they paid out of their homes and

their earnings; they would reply that they did not propose to add to the burdens they had already borne this unnecessary burden to compensate men who are now rich, and whose riches had been accumulated by means of this traffic. They would say: "We forgive you the past; we ask no restitution for injuries done us; but leave us the future, and let us live happily and prosperously and become independent, without having further perpetuated this abuse from past ages, this slavery than which no slavery is so grinding, or so far-reaching in its effects."

### THE SLAVERY SOPHISTRY.

It is sometimes claimed that a grant of money voted by the British Parliament in aid of West Indian planters after the prohibition of slaveholding in 1823, was something in the nature of the compensation which liquor traffickers seek. This case was strongly presented by a member of the Royal Commission in Toronto during the examination of J. J. Maclaren, Q.C., D.C.L. In reply to the questions asked the learned witness said:—

I will tell you my view of that. The slaves were looked upon as property, the property was appropriated in England as it was in the United States. They were made free, they were made citizens, and the country got them. If our Government took possession of any of the manufactured liquor belonging to these brewers or distillers, I would say by all means the Government ought to pay for it, just as the English government paid for the slaves. But when the slave trade was abolished, I am not aware that compensation was granted to those vessel owners whose plant and machinery had been engaged in that trade.

Following up the same question a little further, another well known writer forcibly says:—

Let us go back, however, a few years and a parallel will be found to the question of prohibition as it stands to-day. In 1806 an Act was passed prohibiting all British subjects from engaging in the slave trade either for the supply of conquered colonies or of foreign possessions. A large amount of capital was at that time invested in this very profitable trade, but the question of compensation was never mooted, and when on the 1st of January, 1808, the trade was entirely abolished, not a shilling was paid the traders for their loss, but Parliament in 1811 followed the former laws with an Act making participation in the slave trade a felony, punishable with fourteen years' transportation, and in 1824 it was declared to be piracy, punishable with death. Thus was the business of dealing with slaves dealt with, and this was the only kind of compensation the dealers received.

### THE REASON FOR PROHIBITION.

The argument that the Government has encouraged the liquor traffic which therefore has special claims on the Government for consideration and protection, was met by Hon. John B. Finch in a lecture delivered some time ago in Toronto, from which we take the following extract:—

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License does not create rights; it simply aims to curtail and limit pre-existing rights to prevent public injury. The license fee is a police fine assessed in advance for the purpose of regulation, not merely for revenue. License is partial prohibition. By it government has simply kept in view the law of self-defence: "The force and means used must be proportionate to the danger." This attempted regulation never created a right, nor indicated approval of a system, any more than a man who should seize an assailant and try to hold him would indicate approval of the assault because he did not kill the assailant.

The government has shown its desire to do justice by trying all other methods before killing the traffic, and by chaining and fining the criminal, has not become a partner of the criminal, nor responsible for its crimes. The common law right of the traffic to exist was disturbed by restriction, because of its criminal use. The traffic refused to heed the warning, and has compelled government to destroy the right.

Had it contained an element of decency it might have lived. But it has defied every law, and gone on with its work of debauching and degrading public morals. It stands in the court of the people, surrounded by the evidence of its infamous crimes, and asks for justice, and justice it shall have. Its demand is that the people who have been compelled to prohibit it shall pay its representatives for the tools with which they are carrying on the infamous work to stop which the government prohibits the traffic.

My wife has a property interest in my brain, nerve, and muscle. If I should be killed on the railroad she could collect from the company damages for injury done her rights, but if I should commit murder and society should hang me she could not collect damage from the government, because the hanging was caused by my wrongful act.

Similarly, if the government had taken the property of the liquor trade for public purposes, or prevented its harmless or beneficial use in a certain way, because it desired to promote the public good; if this had been done when the liquor interest was benefiting society, then compensation would have been just; but the government does not prohibit liquor because it wants to; it prohibits the liquor traffic because it has to.

Prohibition is the result of the wrongful act of the liquor trade, and the liquor interest cannot demand compensation for something compelled by its own wrongful act.

This principle has been recognized in all the restrictive measures adopted to endeavor to reform this criminal traffic. When government limited the number of liquor-dealers by license, those driven out of the traffic had no thought of demanding compensation for damages done to their property.

If it was right for the government to destroy one-half of the liquor shops of the country without compensating the dealers and the brewers and distillers who were injured by the reduction of the trade, who will dare urge that it shall compensate when the remainder of the trade are treated in the same way for continuing the same crimes for which the others were suppressed?