

tive industries and employments which we have heretofore been led to consider as depending upon and liable to be greatly injured if the business of brewing and distilling were interfered with.

There is another reason why I should not like to see the resolution adopted, and that is this—that it is a very unguarded resolution. A Prohibitory law may not be brought before the people for ultimate decision for one year, or three years, or five years, or even for ten years; but the very moment this resolution is passed, what happens? If there were no vested interests before, there will be vested interests after the passing of this resolution. It is now a moot question as to whether there may be vested interests or not. Some claim that there are, or ought to be; others, there are not. But from the moment this resolution is passed, it is a declaration that hereafter all those interests are vested interests, and must be considered in any attempt to legislate with reference to this traffic. I do not think so unguarded a resolution as this—one so liable to be followed by such consequences, financially, to this country—ought to be passed by this House. More than that, in all the years which may intervene, be they few or many, between the passage of this resolution and the passage of a complete Prohibitory law, all brewers and distillers will be in a position to add to their business. They will be in a position to say, Let us make all the gain we can out of it; let us enlarge our places of business. And those who have not invested in it will say, Let us also invest our property in it; there is a chance of making money out of it until prohibition comes, and when that period arrives, here is a resolution which binds Parliament, and which will be pressed to its furthest consideration—that our interests will not be sacrificed without money compensation. I do not think it would be wise for us to put Parliament and the country in that position.

#### NOT A LOGICAL RESOLUTION.

Again I say that this resolution either goes too far or does not go far enough. What is the principle affirmed in it? It is this simple principle, that if the brewing and distilling traffic be interfered with by law to its injury, either by restricting it or by preventing it entirely, a money compensation should be given to those who are engaged in it. That is the principle. Now, I say, if that principle be true, it does not go far enough. I heard a good deal said yesterday about justice, about its being the corner-stone of good government; and I think quite a number of hon. gentlemen who spoke thought the ends of justice would not be met, nor the sentiment of justice fully and completely respected, unless this compensatory principle were added to the prohibitory principle whenever the latter should be affirmed. 'Sir, if it be true, as a principle, that if you interfere with the brewers and distillers' interest you should compensate them, where is the sense of justice, where is the broad principle supposed to be embodied in this resolution, that we should not prejudice any interests without full compensation, if it only includes brewers and distillers, and does not go further; if it does not include those who need compensation more, who have labored harder in this general traffic, and without whose labor there would be no brewing or distilling interests in this country to-day, no accumulated capital, and no profits to be taken from the capital? I say it does not go far enough to meet the idea of justice which has been urged by those in favor of compensation. The farmer who ploughs and sows his land, and brings the grain to market which is to be used in the distillery or brewery, the employé who works there, the railways which carry the grain, the people who distribute it, and the ten thousand or more who are the agents to distribute the production of the brewery and distillery to the consumers,—these are the men who work the hardest, who have, in the aggregate, the most at stake; these are the men who must get up early in the morning, and have their shutters off at six o'clock, while the rich brewer or distiller is quietly enjoying his morning's snooze; these are the men who must do the sweeping and scouring, who must stand behind the bars twelve, thirteen, or more hours a day; these are the men who must compromise with their conscience, and stifle its voice, as they see the misery which is connected, and inevitably connected, with their traffic,—yet these are all lost sight of by those hon. gentlemen whose sense of justice is so great that they could not allow the rich brewer or distiller to go without compensation. If we admit the principle of compensation at all, it is impossible for Parliament not to compensate that other and larger and poorer number who will be disturbed by the taking away of the traffic of the brewers and distillers. It will be impossible to look them in the face and say that we have acted justly and fairly. Either the principle should not be adopted, or, if adopted at all, it should be extended further than this resolution extends it.

I will proceed now for a moment, with the kind forbearance of this House, to discuss the question of compensation itself. That is the question which is before the House—if prohibition, then compensation. We are all under a debt of gratitude, I know, to the learned doctor who gave us such a disquisition upon the medical and other advantages of alcoholic stimulants yesterday. We were all interested in that touching case in which a woman was kept alive a whole year by a peculiar process of administering milk and whiskey; and we have all been left in a delightful state of uncertainty to know which it was that kept her alive—the milk or the whiskey. But the medical use of alcoholic liquors is not meant to be prohibited by any prohibitory law that I know of. The question is, Compensation or not?

#### THE VOICE OF PRECEDENT.

We have first to learn from the voice of precedent,—from the voice of related precedent. In all the legislation which has taken place with reference to the liquor traffic, have we any precedent for the compensatory principle or for the application of money by way of reparation for any restrictions or prohibitions? I think I can stand before this House, and, looking back through history, can challenge any one to present a case in the legislation which has taken place for the last hundred years in

Anglo-Saxon countries in which a single penny has been paid for damage or loss which has come to the traffic, either from certain mild restrictions placed upon it or from the more drastic measure of complete and total prohibition. If we go back to English history, and to the history of legislation from the first, restrictions were placed upon it, which became greater in magnitude and power, and which must have interfered with the gains and must have curtailed the profits of the traffic, but not a single case can be found in which any one of these restrictions had attached to it the principle of compensation. You may take the year 1736 in the British House of Parliament, when, driven almost to desperation by the multiplied and constant evils which arose from the gin traffic, the House of Parliament in Great Britain passed the Gin Act, which was virtually prohibition; and yet that House of Parliament, noted for its conservatism, noted for its eminent sense of fairness, attached no compensation to it all. Following that up, you find another instance where, about the year 1742, the distillation from grain or flour or malt was distinctly prohibited. Well, as a result of that prohibition, what followed? Whereas in the year 1742 the consumption of alcoholic spirits was 19,000,000 gallons a year, from 1760 to 1782 the average yearly consumption had fallen to 4,000,000. There was a reduction from 19,000,000 to 4,000,000 of a yearly sale. Does not any one see that that interfered seriously with the profits and with the gains of the traffic? And yet that drastic measure was brought in and kept upon the statute-book, and not a penny of compensation was given. The Beer Bill was brought in in 1830. It was antagonized by the whole of the licensed victuallers' interest. You will see in the debates the petitions which were presented against it, and you will see that the most determined onset was made against the Beer Bill by the licensed victuallers and by the great brewers, because, they said, it threatened their entire trade; that their vested interests were to be injured; and that the families who depended upon that trade, that numbers of persons variously estimated at from 50,000 to 70,000 would be ruined by the measure; and the plea for compensation was put in. But the Beer Bill of 1830 was passed, and those vested interests were interfered with, and yet there was no mention of compensation; but in the debates those who were in favor of the Bill pressed the ground that, although these interests might be interfered with, the public had no right to be called upon to pay for any damage that might arise. In 1854 the Forbes-Mackenzie Act was passed in the Parliament of Great Britain, which did away with the trade in intoxicating liquors in Scotland for every Sabbath day in the year. That had a damaging effect upon the traffic. It took 2,000,000 gallons off from the consumption of alcoholic spirits, and one-third or a little less of the whole of the aggregate of the traffic in that kind of liquors. It was a serious detriment to the traffic, and yet there was no compensation given. We might cite the Irish Sunday-Closing Act, the Welsh Sunday-Closing Act; we might cite the fact that, upon the great estates in Great Britain, by prohibitory power vested in the landowner, these interests are interfered with and driven out, and the traffic to that extent curtailed. Looking over the history of liquor legislation in Great Britain, we find a constant series of prohibitory and restrictive measures, injuring the trade in every instance, without the principle of compensation being at all admitted.

Suppose we come to Canada, and ask what has been the course of legislation here. The old license legislation, such as existed in the province of Nova Scotia, for instance, which brought about virtually a prohibition in three-fourths or more of the counties in that Province, which absolutely forbade the trade being carried on, yet gave no compensation, even though it was asked. In 1855, the Province of New Brunswick passed a prohibitory law, which had no principle of compensation attached to it. In 1864, the Dunkin Act was passed in the old Parliament of Canada, and, although that was sufficiently elastic to be applied to every county and town in Quebec and Ontario, and so interfered materially with the traffic, no compensation was allowed. In 1878, the Canada Temperance Act was passed, both sides of the House agreeing to it, by which every county and city in Canada might entirely do away with the retail traffic and so might do away with the wholesale traffic as well; and yet the legislators of that day, who may be considered to have been as honest and intelligent, or nearly so, as the legislators of to-day, did not attach the principle of compensation to their law. So, if we take the precedents in Canada in reference to the liquor legislation, we find nothing which goes to support the idea of compensation. If we pass over to the United States of America, the ground is still stronger. The State of Maine in 1851, passed a prohibitory law. Breweries and distilleries—distilleries which had a capacity of more than one million gallons a year—were entirely swept away. There is not one there to-day; and yet the principle of compensation was not introduced or embodied in the law. Prohibitory laws have been passed in ten or twelve of the United States of America, and in no one of them has the principle of compensation been affirmed. In Kansas, in 1880, a prohibitory law was passed which immediately set itself to destroy thirty-nine breweries and two distilleries and 1,362 wholesale and retail liquor shops, and yet the principle of compensation was not attached to that law. In Iowa a prohibitory liquor law passed in 1882, by which 132 breweries, with a capital of \$2,000,000, and thirteen distilleries with a corresponding large capital, were shut, so far as the provisions of the law are concerned, and are being closed out in accordance with that law. Yet, Sir, there has been no compensation embodied in that law. And so with all these precedents before us of laws, varying from the restriction of the liquor traffic, through local option, to complete prohibition, we find Anglo-Saxon legislators, presumably with as much intelligence as we have ourselves,—presumably with just as great a sense of what is honest and just,—we find them legislating upon this matter without introducing, in any single instance, the principle of compensation. I think it will require a very strong argument to induce this House, or any other Legislature in the Dominion of Canada, to be the first to break this long array, and to adopt the principle of compensation in any prohibitory measure which they may enact and complete.

(To be continued.)