

PROHIBITION AND COMPENSATION.

While the question of prohibition has been exhaustively discussed all over the country, another question which is inseparable from its just and fair consideration has received but scanty attention, either from legislators or electors,—namely, that of *Compensation*.

The whole scheme of prohibition is founded on the principle that the rights of individuals should be made subservient to the public welfare.

It cannot be denied that the manufacture and sale of liquor are lawful rights until restrained or forbidden by the Legislature.

Why does the law restrict or take away these rights? It is not because there is anything abstractly wrong in the trade, but because the consequences of it have proved injurious to society. If no one used liquor to excess, prohibition would never have been heard of. Many persons, it is true, assert that even the moderate use of intoxicants is rather injurious than beneficial. But the same opinion is entertained in respect to tea, coffee and tobacco; and yet we never hear anything said about prohibiting these latter articles. The reason for interfering with the sale of liquor is that if it is sold without restriction, it will inevitably be used in excess, and that, when so used, it becomes a public evil. If intoxication were unknown, and liquor were used in moderation only, no attempt would be made to abolish or even restrict the right of manufacturing and selling it. Why, then, is the attempt made to restrict or take away the right of selling it, even to those who do use it in moderation only? Because it is impossible to prevent its sale to those who use it in excess, without also preventing its sale to those who use it in moderation. In other words, the rights of individuals are compelled to give way to the general good.

It would be wrong to take away those rights, if the evil could be remedied without resorting to such stringent measures. *Necessity* is the only justification. The gravity of such measures will never be lost sight of by thoughtful men. It is well described by that very able writer, Mr. Cooley, in his valuable work on "Constitutional Limitations." He observes at page 728:—

"The trade in alcoholic drinks being lawful, and the capital employed in it being fully protected by law, the Legislature then steps in, and, by an enactment based on