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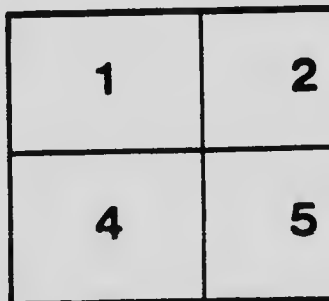
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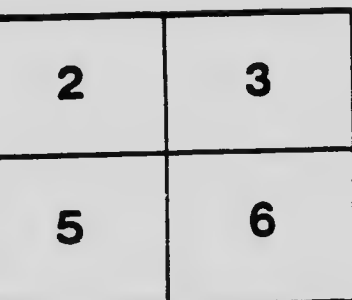
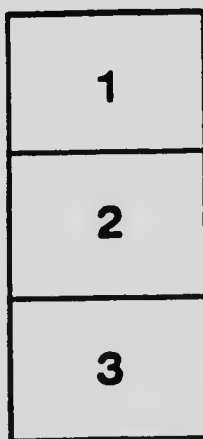
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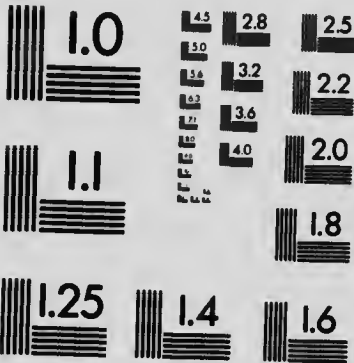
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Shall we Compensate the Liquor-Man?



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People's Prohibition Movement of B.C.

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Shall we Compensate the Liquor-Man?

THE Liquor party and its friends assert that if PROHIBITION becomes law in this Province, the people of British Columbia will be in duty bound to compensate them financially for the loss sustained by suppression of the Traffic. Is the claim justified? Shall we compensate?

I.—THE LAW SAYS "NO!"

(1) The Liquor Traffic, before the days of license, enacted by common law right, everyone could sell. But the traffic outlawed itself and compelled restrictions. License is partial prohibition. License laws did not create rights, they curtailed pre-existing rights. Our license law is a police regulation to regulate and restrain a traffic that seriously injures society. "The safety of the people is the supreme law," and, to protect the people, Government can abolish one or all of the saloons as it may find necessary without compensation. This has long since been settled by the Courts in both Britain and America.

(2) A Liquor License is simply a special permission granted for the purpose of supplying the supposed wants of the community. It is only granted for one year, and prohibition will not take it away during that period. The law gives no guarantee to any liquor-seller that his license shall be renewed when the year is up. Everyone of them knows this, while the advance of public sentiment and the rapid growth of the Prohibition movement has given them clear warning that the Trade is doomed. They entered the Trade being fully aware of these facts. They gambled in futures, that they might get-rich-quick at tremendous cost to society. The rest of us must not be burdened if their license to do this is not renewed.

(3) By prohibition of the Liquor Traffic the government does not destroy property, for public use. It simply prohibits private parties from using their property for the injury of the public. For the drunkard-makers to claim compensation for the tools which have been injuring the public, because they are prevented using the tools for that purpose, is absurd. On such a principle the slave-traders should have been paid by the British Government for the slave-dhows, manacles, whips, etc., which were rendered useless by the abolition of the slave trade in 1807.

DECISION OF COURTS IN BRITAIN

The matter of compensation has been decided emphatically in the negative by all the Courts in England, including the House of Lords. See *Digest of Sharpe vs. Wakefield*, as follows:—

A licensee applied to the licensing authority in due course for renewal and without any objection to his conduct or to the building, the license was refused. Susannah Sharpe, the owner of the inn, aggrieved by this action, appealed on the ground that in the matter of renewal the authority was not entitled to decline simply on account of the wants of the community if the character of the holder and the building were satisfactory. It was contended by Henn Collins, Q.C., that the question was whether when places had been licensed and the owners had spent large sums of money in expectation of the renewal the license can be refused to a fit and proper person. The legislature, it was held, could not have intended such loss of property. Thus the question was expressly raised:

IS THE EXPECTANCY OF RENEWING A LICENSE A PROPERTY?

If it is not a property there can be no question about confiscation. If there be no property confiscated or injured there is no case for compensation. The case was argued and disposed of in every court with the same result. The High Court, the Appeal Court and the House of Lords all affirmed that there is no property in a license beyond the year for which it is given.

DECISION OF COURTS IN BRITISH COLUMBIA

In the Supreme Court of British Columbia, the Honorable Mr. Justice McDonald ruled against the two hotels at Eburne whose licenses were taken away without notice, dismissing the cases with costs, his exhaustive finding ending as follows:—

"I do not think that any legal right has been affected which to the 'end that justice may be done' requires the interference of the Court. In my opinion both rules should be discharged with costs."

II.—HISTORY SAYS "NO!"

(1) When the common "law" right to sell intoxicants was destroyed by the English Act of 1551, on account of the growth of crime and disorder connected with the public-houses, none of those deprived of the right to sell were compensated.

(2) From 1882 to 1900 there were 1320 licenses refused renewal in England and Wales, solely on the ground that they were not required, and not one of these holders were compensated.

(3) When the liquor party of England with the help of the "beer-age" in the House of Lords, secured the Act of 1904, providing a measure of compensation, the funds for this purpose were not taken from the public purse, but were raised by an annual charge on the remaining licensed houses. Even this concession aroused the nation against the liquor interests, and largely caused the defeat of the Balfour Government in 1906.

(4) In Ontario, since 1875, 4500 license holders have been refused renewal. This is more than twice the number that now hold licenses, yet none of those who were forced to make their living in some other way have been compensated.

(5) Prince Edward Island, Nova Scotia, Saskatchewan, Alberta and seventeen States of the American Union have passed prohibition laws without any compensation; and Russia has abolished the whole traffic in intoxicants, putting out of business 3000 distilleries and 500 rectifying establishments, representing an invested capital of 250,000,000 roubles, without any suggestion of compensation.

(6) The slave trade was abolished, gambling, and the lottery system were also prohibited as detrimental to society, but those engaged in these were not bought off from their evil practises nor paid for the tools of their trade which were thus rendered useless. "When a man by his manufacture or business creates an appreciable nuisance to those around him, his act becomes wrongful," and if the people decide that the manufacture and sale of drink must be stopped as an injury to the public, every principle of common law and every precedent to be found in parliamentary proceedings support the contention that the liquor dealers have no just rights to compensation.

III.—COMMON JUSTICE SAYS "NO!"

(1) Compensation would subordinate the public interest to the interest of the saloon-keeper, the brewer and distiller, who have already been enriched at the public expense by the enormous profits of their privileged monopoly.

(2) The common-sense justice of the community would never tolerate the plundering of those already plundered for the benefit of the plunderer, even though the plunderer had the consent of the plundered. Are the victims of this criminal traffic—the widows and orphans of drink-slain husbands and fathers, the families whose homes have been ruined, and the drunkards anxious to reform—to be further punished that the men who have ruined them may be still further enriched?

(3) Crimes forfeit rights. Prohibition is the result of the crimes of the liquor traffic, and the liquor interests cannot now demand compensation for what is compelled by its own acts.

IV.—CHRISTIAN PRINCIPLE SAYS "NO!"

The whole traffic in intoxicants is immoral, and compensation for relinquishing an immorality would be atrocious.

Compensation in respect of a traffic which is the main factor in the production of crime, pauperism, insanity and premature death is morally indefensible, and what is morally wrong can never be politically right.

