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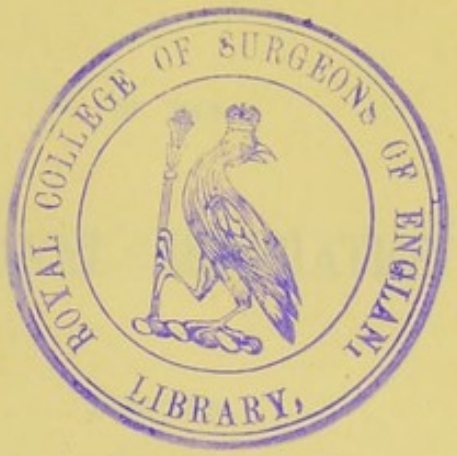

TRANSACTIONS

OF THE

NATIONAL ASSOCIATION

FOR THE

PROMOTION OF SOCIAL SCIENCE.

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NATIONAL ASSOCIATION

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PROMOTION OF SOCIAL SCIENCE.

CONFERENCE

ON

TEMPERANCE LEGISLATION,

LONDON, 1886.

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1886.

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CONFERENCE

ON

TEMPERANCE LEGISLATION

HELD IN

PRINCE'S HALL, PICCADILLY,

On February 25 and 26, 1886.

President of the Conference.

Sir RICHARD TEMPLE, Bart., G.C.S.I., C.I.E., D.C.L., LL.D., M.P.

(*President of the Council of the Association.*)

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OBJECTS OF THE ASSOCIATION.

The Association is established to aid the development of Social Science, to spread a knowledge of the principles of jurisprudence, and to guide the public mind to the best practical means of promoting amendment of the law, the advancement of education, the prevention and repression of crime, the reformation of criminals, the adoption of sanitary regulations, the diffusion of sound principles on questions of economy and trade, and the cultivation of a high standard of taste in all ranks of the nation. The Association aims to bring together the various societies and individuals who are engaged or interested in furthering these objects; and, without trenching upon independent exertions, seeks to elicit by discussion the real elements of truth, to clear up doubts, to harmonize discordant opinions, and to afford a common ground for the interchange of trustworthy information on the great social problems of the day.

CONSTITUTION OF THE ASSOCIATION.

The Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, President of Council, General Secretary, Treasurer, and Foreign Secretary.

The government of the Association is entrusted to a Council and an Executive Committee.

The Association is divided into five Departments : Jurisprudence and Amendment of the Law—Education—Health—Economy and Trade—and Art. Each Department has a President, Vice-Presidents, Secretaries, and Standing Committee.

SUBSCRIPTION AND MEMBERSHIP.

Any person becomes a member of the Association by subscribing One Guinea annually, or Ten Guineas as a Life Payment. Every member is entitled to attend the Annual Meeting of the Association, and to receive a copy of its *Transactions*.

Any Public Body, such as a Learned Society, a Chamber of Commerce, a Mechanics' Institute, &c., becomes a Corporate Member by paying an Annual Subscription of Two Guineas. Every Corporate Member receives (without further payment) a copy of the *Transactions*, and may nominate two representatives to attend the meetings of the Association.

SOCIETIES REPRESENTED AT THE CONFERENCE BY DELEGATES.

Temperance Organisations.

British Temperance League.
National Temperance League.
United Kingdom Alliance.
Church of England Temperance Society.
Independent Order of Good Templars, Grand Lodge of England.
Independent Order of Good Templars, Worthy Grand Lodge of the British Isles.
Wesleyan Methodist Temperance Society.
Free Methodist Temperance League.
Scottish Permissive Bill and Temperance Association.
I. O. G. T., Grand Lodge of London.
" Oxfordshire District Lodge.
" Cambridge District Lodge.
" Bedfordshire District Lodge.
" West Kent District Lodge.
" Sussex District Lodge.
" Queen's Park Lodge, Brighton.
" South Hants District Lodge.
United Kingdom Alliance, Birmingham Auxiliary.
United Kingdom Alliance, London Auxiliary.
United Kingdom Band of Hope Union.
Middlesex District Council of Juvenile Templars.
Chelsea Local Option Union.
Tower Hamlets "
Hackney "
Finsbury "
Lambeth "
St. Pancras "
Western Temperance League.
Gospel Temperance Workers' Union.
South Bucks and East Berks Band of Hope Union.
Marylebone Temperance Federation.
Bristol Women's Temperance Association.
Irish Association for the Prevention of Intemperance.
British Women's Temperance Association.
New Church Temperance Society.

Trade Organisations.

Country Brewers Society.
Licensed Victuallers' Protection Society.
Beer and Wine Trade National Defence League.
Licensed Victuallers' Alliance.
Licensed Victuallers' Defence League, Birmingham.
Licensed Victuallers' Defence Association, Leicester.
Tower Hamlets Licensed Victuallers' and Beer Sellers' Protection Association.
Essex Brewers' Association.
Essex Licensed Victuallers' Association.
Manchester Brewers' Central Association.
Yorkshire Brewers' Association.
Sussex Brewers' Association.
Wine and Spirit Association.
Off-License Association.
Sheffield and District Off-License Association.
Liverpool and District Off-License Holders' Association.
Nottingham and District Off-Licenses Association.

Plymouth, Stonehouse, and Devonport Wine and Spirit Trade Protection Society.

Northern Districts League of Beer and Wine Trade Associations.

Scottish Wine, Spirit, and Beer Trade Defence Association.

Miscellaneous.

Central Association for Stopping the Sale of Intoxicating Liquors on Sundays.

Liberty and Property Defence League.

INTRODUCTION.

IN view of legislation in the new Parliament affecting the laws for regulating the sale of intoxicating liquors, the Council of the Association appointed, in July, 1885, a special committee to organise a Conference on temperance legislation. The Association not being pledged to the support of any scheme which might be brought forward in Parliament, it was felt that a full and frank discussion of proposals already before the public by those best qualified to take part therein would not be undeserving of attention and consideration. The Association desired, therefore, that all sides should be represented, and with this view they invited, as delegates to their special committee of organisation, representatives of the principal temperance and trade societies. To this invitation a hearty response was accorded, and the programme of the Conference, the proceedings of which are recorded in this volume, was drawn up by a body thoroughly representative of the various interests involved.[1] Some of the foremost advocates of these interests found themselves, therefore, ranged side by side on the neutral platform of the Association which thus, in the words of its constitution, sought 'to elicit, by discussion, the real elements of truth, to clear up doubts, and to afford a common ground for the interchange of trustworthy information.' Each party had the opportunity of hearing 'the other side.' The occasion was a notable one, and the first on which the opposing forces had met round one table for the purpose of drawing up a programme for mutual discussion; and although the subject of 'temperance legislation' is undoubtedly complicated, the

[1] For a complete list of the committee see p. vii. A statement of the objects of the societies represented on the committee will be found in Appendix A, page 167.

tone of good sense and good humour which prevailed at all the meetings of the joint committee remained conspicuous during the sittings in public of the Conference.

The promotion of discussion was naturally the important object of the meeting, and under the regulation which limited speakers to ten minutes, and the able and judicious manner in which the president, Sir Richard Temple, Bart., M.P., discharged his duties in the chair, the debates were, on the whole, vigorous and well sustained. There were, indeed, so many who desired to speak, and whom the Conference would have liked to hear, that it was a matter of regret that at the close of the proceedings on the second day there remained on the President's table no fewer than thirty-one cards of gentlemen upon whom, for want of time, it had been impossible to call.

The thanks of the Association are due to all those representatives of the various societies who responded to the invitation to join the committee of organisation. To their hearty support and willing co-operation the success of the Conference was mainly due.

The practical and visible results of this meeting will probably be found in the fact that, although a mutual *modus vivendi* may not have been established, yet, given the proper conditions, it is now possible to conduct so-called temperance discussions in a spirit very different from that which a few years ago used to prevail. Unreasoning vehemence is gradually giving way to good and sober argument, and the treatment of the subjects which were discussed will now probably be considered as evidence of a desire on both sides that hasty legislation should not be encouraged.

The expenses in connection with the meeting are being defrayed by a special fund, towards which the Association and the societies represented on the committee of organisation have made liberal grants.

J. L. CLIFFORD-SMITH,
Secretary.

April, 1886.

FIRST DAY,

FEBRUARY 25th, 1886.

Address

BY

SIR RICHARD TEMPLE, Bart., G.C.S.I., C.I.E., D.C.L., LL.D., M.P.,

PRESIDENT OF THE COUNCIL OF THE ASSOCIATION.

CONSIDERING the quasi-judicial position which I occupy at this moment, I must ask you kindly to remember that I am here by your invitation, and that I occupy the President's chair by your election. In electing me you doubtless know perfectly well to what political party I belong, and on a critical division in what lobby I should be found. Nevertheless you no doubt are aware that I take a very lively and sympathetic interest in the cause of temperance. I rather fear that, in what I am about to say to you, you will recognise not only rounded periods, but perhaps also balanced opinions, probably what some of you will call 'see-saw sentences.' Still I am confident that the principles which I am about to adduce are of national and universal importance, and will be such as to commend themselves to the judgment and to the conscience of all parties equally. With these few prefatory remarks I shall proceed to read my address as President.

Though the practice of claiming indulgence from the audience, in delivering an address, is perhaps better honoured in the breach than the observance, still in this instance I have a real claim of that nature. For I have the task, as well as the pleasure, of addressing a conference composed of two parties holding views diametrically opposite upon the subject in hand, namely, that of temperance legislation. Yet I have to address them both simultaneously. But as president I must not at this

moment allow myself to lean either to one side or the other. I must rather try to choose certain topics which are worthy of being adduced, and which will commend themselves to the judgment and conscience of both parties.

In the first place, we must not disguise from ourselves that at least certain sections of our two parties have regarded, or still regard, each other with some acerbity or asperity. But they have heretofore regarded each other as from a distance, and this is one of the instances where distance has not lent enchantment to the view. But to-day, in this hall, they will regard each other face to face, perhaps, for the very first time. The contact, the personal communication thus brought about will, I trust, cause some softening of hard-and-fast opposition, some relaxing of antagonistic strain. Even though we may fail to establish a mutual *modus vivendi* between the two parties, still we may discover some matters upon which they are virtually agreed, and in which they may co-operate for the good of that British population which is dear to us all alike.

Both parties participate in an abhorrence and a dread of intemperance and inebriety. These are, as we all admit, among the most grievous curses, morally, socially, and physically, that can afflict a nation. It is possible that the consumption of alcoholic drinks may be proved statistically to be on the decrease, that the Customs and Excise are for this reason falling off, that the adherents of temperance are multiplying in number. Yet alas, it is equally possible that at the same time the police reports may show no cessation in drunkenness, and the criminal records no diminution in the cases traceable to drink.

Whatever, then, may be the upshot respecting total abstinence, or prohibition, or augmented restriction, both parties can put their shoulders to the same wheel in regard to the stopping or at least the checking of intemperance. Both parties can help in devising means for lessening and removing the temptations which draw men away from the moderate to the immoderate use of alcoholic drinks.

One mode of relieving the stress of such temptation is the provision of counter-attractions which may virtually prevent men from lingering too long in public-houses, and from drinking immoderately to the injury of the character of the house or houses which they frequent. These counter-attractions are, happily, so numerous that I cannot attempt to enumerate them in a brief address. But they range over the whole field of social improvements for the industrial classes, the workmen's clubs or institutes, the circulating book boxes, the well-lighted reading-rooms, the village concerts, the coffee-taverns, the coffee-stalls

in the streets. They also comprise those beneficent institutions relating to thrift which are assuming such noble proportions in our native land, such as savings banks, penny banks, friendly and provident societies. These improvements and institutions will not of themselves prevent men from using alcoholic drink moderately. But they will distinctly check the abuse or the immoderate use of stimulants.

The improvements in the housing of the poor will tend to the same end. For discomfort in dwellings—dark, narrow, ill-ventilated—directly provokes men to loiter their time away in the public-house, and thus to contract habits of intemperance.

Above all, the spread of popular education, not only by voluntary agency but by State intervention, will teach the rising generation that *pulcherrimum genus victoriæ seipsum vincere*, 'the fairest kind of victory is to subdue ourselves'—that even though no pledge of abstinence be taken, no vow be registered, no ribbon or other badge be worn, still temperance and moderation in using the 'fruit of the vine' should be stamped upon the inner conscience.

The licensed victuallers are doubtless aware that intemperance, if permitted to prevail, must scandalise a great branch of the national production, and must injure the character of the public-houses. Indeed, few persons have a stronger interest than the respectable licensed victualler in the repression and discouragement of intemperance.

It is quite possible that an expansion of business and a rise of wages might bring about an increase in the total consumption of alcoholic drinks for the whole population, and an increase of the revenue; while, on the other hand, the temperance cause might be making progress everywhere, the abstinence societies might be growing, the repute of the public-houses might be rising, and all the social improvements known to modern civilisation might be flourishing.

If conclusions are to be reached which will in the long run be accepted by the world, there must be a calm investigation into the facts of physical and social science. There is on the one hand much evidence as to the advantages of non-alcoholic drinks in bracing the nerves and relieving exhaustion under severe exertion of mind or body. There are, under certain conditions, proofs of the superiority of non-alcoholic over alcoholic drinks in respect of physical invigoration. On the other hand, there is scientific evidence as to the benefit of alcoholic drink under certain limited circumstances, and of the stimulus which alcohol in perfect moderation may afford to brain power.

Again, while the exhibition of statistics regarding crimes originating from intemperance is most important, as affording much melancholy instruction, such exhibition must be strictly analytical. For any assertion as to drink being the prime mover of crime would be too sweeping, and if made would end in causing distrust of the analysis. For certainly many crimes of the basest sort, many crimes too darkly distinctive of our elaborate social system, even of our commercial organisation, spring from causes with which drink has nothing whatever to do.

As an economic fact, the statistics of the money spent by our population in alcoholic liquors, commonly called 'The Drink Bill of the Nation,' do present what at first sight seems an amazing total. Economists will be saying that the proportion thus represented out of the earnings of the people is high; that a further augmentation is to be deprecated, and that even some appreciable saving might be effected which would benefit other branches of industrial production, and would yet leave a vast business to be done by those engaged in the manufacture of stimulants.

Further, whatever may be the view of one party respecting the maintenance in essentials of the existing system of licensed victualling, that party would doubtless acknowledge that there are many individual cases which can be reclaimed from utter misery only by adopting some severely absolute method, like that of the pledge of total abstinence. However much they may doubt the applicability of such a system to all alike, the temperate and intemperate, still they will surely admit that many cases out of a large population will require exceptional treatment.

Again, those of the other party who advocate a further tightening of the present restrictions will allow that the existing system has grown up under the sanction of the laws, be those laws wise or unwise. I cannot from this chair pronounce whether it is, or is not, expedient to modify that system. But if such modification should be introduced by the Legislature, and should be found in its immediate operation to injure, interrupt, or destroy business which has long been established with the authority of the law and with magisterial cognizance, then compensation ought in justice to be afforded from the public funds to those who suffer in their business or in their property. The concession of this equitable principle would smooth away obstacles, if at any time or in any place public opinion should demand augmented restriction.

There will be some discussion as to who the authorities

for the future regulation of the liquor traffic ought to be; whether they should continue to be the magistrates as heretofore, whether they should be appointed specially *ad hoc* by some authority, or whether they should be elected by the ratepayers. Whoever they may be, we may feel sure that they will so arbitrate between conflicting opinions, so hold a just balance respecting all interests concerned, that general good may be effected for the people, as a whole, without injury to anyone in particular.

Further, again, those who may not concur in the maxim of some, that men can be made sober by Act of Parliament or by executive authority, will yet agree that very much may be done in this direction by moral persuasion, by the diffusion of enlightenment, and by elevating the standard of domestic comfort.

Lastly, we all know that in this country of ours legislation will not succeed if it be in advance of public opinion. Those who recommend change must be prepared to justify their recommendation before that popular tribunal to which our social disputants must be amenable, if they hope to give any effect to their opinions. And those who deprecate change will appeal to the same tribunal. But if this high tribunal is to pass decisions that will stand the test of time and experience, it must be well informed by all the evidence that is available. It is for the sake of helping to gather and collate such evidence, for its due presentation and submission to the arbitrament of public opinion and to the grand inquest of the nation, that this conference is assembled. Let us all breathe the aspiration that an all-wise Providence may direct its deliberations towards the attainment of the general welfare.

THE LICENSING LAWS.

What reform, if any, is desirable in the Licensing Laws? By the Rev. J. W. Horsley, M.A., on behalf of the Church of England Temperance Society.

My paper is read under a title 'What reform, if any, is desirable in the Licensing Laws?' which is that of the discussion, and not that of my paper; for I have never met or heard of anyone who contended that no reform was desirable. The extremely licensed gentlemen who are called, on the *lucus a non lucendo* principle, victuallers, are constantly clamouring for a removal of the arbitrary, tyrannical, and harassing restrictions which fetter their benevolent efforts for the well-being of the commonwealth. Their voices prevailed to the deformation of the Act of 1872, and yet they grumbled and kicked under that of 1874. The temperance party, on the other hand, is always complaining of men being made drunk by Act of Parliament, and appealing from the callous or ignorant Philip of the Government to the Philip of the people, that knows but too well the need of the further restriction of that traffic, whereby 'grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented.' And the middle body of the general public, which thanks God that it is neither publican nor teetotaller, has not been voiceless nor acquiesced in any idea that no reform was necessary, for it is represented, firstly, by the Report of the Lords' Committee on Intemperance, which put forth as the chief result of inquiry and deliberation twenty recommendations, every one of which indicated some desirable reform in the licensing laws; and secondly, by the popular pressure put upon its representatives in Parliament, so that thrice they affirmed that the inhabitants of a locality 'are entitled to protection from the injurious consequences of the present system.'

To indicate all the reforms that have been or might be proposed, from the heroic standpoint of the U.K.A.—the total and immediate suppression of the liquor traffic—down to the minimum of alteration which the owners of tied houses might not oppose, would be an unwieldy task.

To discuss with the utmost brevity even the twenty recommendations of the Lords' Committee, little as they would content the temperance party, would again be too lengthy an undertaking for the present occasion. The same objection would apply to the examination of the ten or dozen bills that may be expected to occupy the attention of the present Parliament.

I therefore propose simply to deal with one point, as to the principle of which there is but little controversy, however difference may arise as to the manner of its application. This principle is that the control of the liquor traffic should be given to the ratepayers of a district by means of their representatives on licensing boards: the difference will probably arise on the questions should such boards be solely composed of elected representatives of the ratepayers? and should such boards be elected solely for the purpose of dealing with the liquor traffic, or should they be sub-committees of boards that have many other functions?

It will here be desirable to carry our minds back to the report of the Lords' Committee on Intemperance, which dealt clearly and exhaustively with the mass of evidence and the variety of views and schemes that had been brought before that body, the labours of which formed and marked an epoch in the intelligent study of the question.

That Committee dealt *seriatim* with the five leading schemes for the alteration of the licensing laws. *Free licensing*, or free trade in the sale of intoxicants, they were unable to recommend, as 'it seemed altogether opposed to the spirit of the recent policy of restriction which appears to meet with the general approval of the country.' *The Permissive Prohibitory Bill* they thought would be unsound in principle and in practice, either inoperative or mischievous, and they could not recommend it 'as a measure either of justice or of sound policy, or as likely to promote the cause of temperance.' *The Gothenburg system* and *Mr. Chamberlain's scheme* may be coupled as differing only in detail, and the Committee thought that 'legislative facilities should be afforded for their adoption,' not as a national measure, but by such localities as desired to make the experiment. The fifth scheme differed from all others save the first by being of general application, and not merely tentative or optional. It was that of *Licensing Boards* specially elected for that purpose by the ratepayers. The Committee feared such boards might be less impartial and uniform in action than the licensing justices, and therefore did not recommend them, but made a sixth scheme by the suggestion that to *County Boards*, or Local Boards with an extensive area,

the licensing might be committed along with their various other public duties. This was taken up by Mr. Gladstone's Government, and the expectation of a County Boards bill in which a new licensing authority should be constituted, has been that with which temperance reformers have for the last few years been bidden to be content

Coming now exclusively to the systems or schemes which involve the existence of a licensing board, we may observe that four different kinds of boards are before us.

1. The licensing board already existing in the form of committees of Justices of the Peace. It may possibly be maintained that this works well, and that country gentlemen in the confines of Middlesex are obviously well fitted to decide on the needs of Whitechapel in the matter of fresh public-houses; but temperance reformers may well be pardoned some discontent with a system which is so loudly applauded and upheld by the publicans. What pleases one could plainly not please the other. On this point, however, little need be said, as a thrice-repeated resolution of Parliament has already declared that the present system is not satisfactory, but that the people, or at any rate the ratepayers, should be directly represented in a matter that so vitally concerns commercial and domestic prosperity.

2. It has been proposed in the bill drafted by the Church of England Temperance Society, and introduced originally by Sir H. Johnstone and Mr. Birley, and now by Mr. Stafford Howard and Mr. Houldsworth, that the licensing power should be transferred to a board elected *ad hoc* (*i.e.* for that definite and sole purpose, as is the case with school boards), and to consist of magistrates and elected representatives of the ratepayers, the latter being in the proportion of eight to four. Many radicals object to there being any on the board not directly elected by the people, and many temperance reformers fear that the magisterial influence might be, from their point of view, a source of weakness. On the other hand, it is urged that the proposal is politic, in view of the power of the magisterial body in Parliament, and just, inasmuch as the magistrates have not conspicuously betrayed their trust; while, moreover, in country districts their influence is more likely to be on the right side than that of other classes. The combined board, it is thought, would more probably be at once progressive and moderate, effective and fair. It is noteworthy that at a recent meeting in the House of Commons, at which nearly all the Members of Parliament present were liberals, the proposal to retain a certain proportion of magistrates was unanimously

approved. The cardinal principle of the bill of the C.E.T.S., the only English bill dealing with general licensing at present before Parliament, is that of Local Control, and it advocates Local Control advisedly in preference to Local Option, which is by no means the same thing. Local Control includes Local Option if the district be so minded ; but Local Option does not include the other benefits that Local Control would give. By Local Option the choice of a district is limited to all or none, the abolition of the liquor traffic or the continuance of the *status quo*. By Local Control a district by no means ripe for prohibition may yet decrease the number of licensed houses, shorten the hours of sale, adopt Sunday Closing, deal with Grocers' Licenses, and generally control and restrict the traffic without abolishing it. The great majority of places would certainly desire neither absolute prohibition nor the *status quo*. Local Option shakes off the dust of its feet against them as reprobates, and can do nothing for them ; Local Control would give them whatever they were prepared for and desired. The distinction between these terms cannot be too clearly known. A paragraph is going the round of the papers to the effect that some 350 M.P.'s are pledged to some form of Local Option. This is misleading, and not true in the accurate use of the phrase, for I know that many who are said to be thus pledged, many again who voted for the so-called Local Option Resolution, mean by that vote or promise simply that they desire that the control of the liquor traffic should be entrusted to the people directly, and are not prepared to limit the people's choice to the narrow limit of all licenses or none. Some, to coin a homely but expressive phrase, are Whole-hog-or-none-men ; others are Half-a-loaf-is-better-than-no-breadists ; some even Half-is-best-ians as believing that prohibition is, at any rate at present, neither practicable nor righteous. Personally I desire (though this is not the view of the Society I represent) that the manufacture, importation, sale, or use of alcoholic liquors as beverages should be prohibited. Practically I would rather welcome less heroic but more acceptable measures, and much regret that the advocacy of what would not be universally accepted nor lead in many cases to any relief at all, should hinder or have hindered what I believe every community would welcome and the Legislature willingly accord.

3. There is a proposal of Mr. Joseph Cowen and others, which differs only from the last in desiring that all the members should be popularly elected.

4. There is what we may call the Government proposal, to entrust the control of the liquor traffic to sub-committees

elected out of themselves by the members of county boards, to which a large amount of power is to be given in local and county matters, while in municipalities the town council or a committee therefrom is to be the licensing authority.

It may seem ungracious or rash to criticise this plan adversely before it has been unfolded; but yet it cannot be known too clearly that those most interested actively in temperance reform are, as far as can be gathered from their organs, or the resolutions of meetings and conferences, absolutely unanimous in refusing to accept this as in principle or detail what they desire. Details might be altered, but the principle is fixed; and while there is no direct representation of ratepayers by the election of a board or committee, chosen specially and solely for this one purpose, the proposed bill will never be supported by those whose wishes or parliamentary resolutions it is supposed or intended to meet. The objections they urge are briefly these:

(A) County boards or town councils have innumerable functions and objects: the licensing question demands more time and concentration of effort than could be afforded to it by such bodies.

(B) The representative principle, involving direct responsibility, would be nowhere if mixed up with many other side issues and varied qualifications. Similarly on school boards are found many valuable representatives who would yet never have been elected, or have allowed themselves to be nominated, to a board which dealt with education merely as one subject amongst many. And the county boards themselves would suffer if a strong local temperance influence elected, as it naturally would, men to represent its wishes who were not of necessity in the least qualified to discharge the other functions of a general board.

(C) The election of an *ad hoc* board would afford a most valuable opportunity of bringing the temperance question periodically before a community, and thereby preventing apathy and extending sound knowledge on points of great social and national importance, in the same way as the recurring elections of *ad hoc* school boards direct the attention of all voters to educational matters.

(D) County boards, it is affirmed, cannot possess the local knowledge that is necessary to determine the purely local questions of the renewal of licenses in this or that parish or street. These objections have even greater force when in municipalities the town council is to be the licensing authority, for the evidence given before the Lords' Committee shows that in many

a borough municipal affairs are largely controlled by those who are directly interested in the prosperity of the liquor traffic, and to such, naturally enough, restriction and reform would not be congenial cries.

The first of the four varieties of licensing boards may be said to be doomed by the resolutions of Parliament; the last, we venture to maintain, is not, and never will be, acceptable to temperance reformers. The difference between the two other plans is perhaps unimportant, compared with the unanimity and determination with which both declare that local control can only efficiently and satisfactorily be carried out by boards elected for this one special purpose. So long ago as 1871 delegates from twelve of the leading temperance organisations met in conference, and determined on these principles of direct representation by *ad hoc* boards—licensing boards instead of boards that license. They have not altered their minds, and have shown no readiness to accept the tardy and insufficient proposals of Government. We think little of the reputation for liberality which is gained by giving away what costs us nothing, and still less of the offer of that which it is known will not be accepted. It is to be feared that this latter plan is exactly that of the Government proposals, and the temperance organisations may be justified in saying, 'You might have known that this is not what we want and have shown to be necessary, just, and demanded by the people: if you did not know this, it is culpable ignorance; if you did, it is a mockery.' No Government dare refuse to consider, or even to propose, a scheme of licensing reform. No Government can expect to carry any comprehensive measure of the kind without the united support—still less in the face of the opposition—of the temperance party throughout the country. Why then propose that which, if menaces can kill, is already as moribund as was the famous (or infamous) proposal of turning railway carriages into locomotive gin palaces? The prohibitionists of the Alliance, under the banner of Sir Wilfrid Lawson, the progressive restrictionists of the C.E.T.S., under that of Canon Ellison, are not agreed on certain points; but they are at one firstly in a common demand for the right of local self-government in this matter, and secondly in the refusal to accept a board which shall occasionally, or by some of its members, more or less interested in the matter, consider and deal with the local control of the liquor traffic. If we cannot as yet agree as to what we want, at any rate we know what we do not want, and that is a continuance of governmental inaction, or the proposal of that which does not really and directly allow the people a hand upon the wheel. To the Government we say

'You have extended the electorate, you profess to trust us to represent the people; why then choose an indirect way when a direct one is before you of creating the necessary machinery, and investing with the requisite powers those whose interests are vitally concerned?'

I have, as I proposed, dealt simply with one point with regard to licensing reform, but that one is a cardinal one. Trust the people: let them have the control over what exists only for their real or supposed needs, and such details as the abolition or circumvention of the *bonâ fide* humbug who travels in order to drink will no longer occupy the time of the National Council; piecemeal legislation for Sunday-closing will no longer be required; no hardship will be inflicted on the varying dispositions of districts by the existence of a rule with which none are content; but quietly, gradually, without either strife, or expense, or waste of time, the real desires of the people will be ascertained by themselves, and every forward step will be confidently taken.

> 'O Statesmen, guard us, guard the eye, the soul
> Of Europe, keep our noble England whole
> And save the one true seed of freedom sown
> Betwixt a people and their ancient throne,
> That sober freedom out of which there springs
> Our loyal passion for our temperate kings.'
>
> *Tennyson's Ode on the Death of the Duke of Wellington.*

On the Same.

By Albert J. Mott, F.G.S., on behalf of the Country Brewers' and Licensed Victuallers' Societies.

Laws affecting a great trade, the consumers who create it, the property involved in it, and the people who live by it, are public securities on the faith of which individuals embark their separate fortunes and their lifelong interests, and the nation at large relies for those arrangements on which its supply depends. To alter them in any important respect is to disarrange a vast machinery, with the certainty that many may suffer by it; a machinery which the law itself has called into existence, and which it is essentially wrong to interfere with till the consequences have been well considered and carefully provided for. For the spirit of all social legislation should be a kindly spirit, seeking to do good to all with the least possible harm to any;

acknowledging the full national responsibility for the results of national law; inflicting unavoidable injury unwillingly, however few the sufferers may be, and finding for these, if possible, some real compensation.

We need to remind ourselves of these things when we approach such a subject as the licensing laws.

That the trade in alcohol, like many other trades, requires legal regulation is not matter of dispute. It is one of the best sources of revenue through indirect taxation, and is liable to abuses which affect the State. To protect the one and guard against the other are the objects of the licensing laws, but in discussing their provisions strong feelings have been aroused, and proposals have often been made which violate all principles of justice in dealing with the vast interests concerned.

The trade in alcohol, in the several forms of beer, wine, and spirits, is one of the very largest in the world. The capital embarked in it in Europe alone defies all calculation, but is certainly far more than a thousand millions sterling; the number of persons who live by it is vast in proportion, and the consumers are almost the entire population. In England the vast majority of the people drink beer more or less as part of their diet. Over a large part of the Continent it may almost be said that every man, woman, and child drinks wine. The consumers of distilled spirits are probably as numerous, and can, at all events, be only counted by the million. Vineyards, orchards, hop fields, corn fields, beet fields, potato fields, sugar plantations, breweries, distilleries, the wine press and the cider press, the cooper's trade, the cork trade, the glass bottle manufacture, the stone jar works, the making of measures, glasses, taps, bungs, corkscrews, beer engines, wine bins, pipes, capsules, hampers, and packing cases, are all either entirely devoted to this trade or very largely concerned in it. The number of patents relating to its machinery is immense. The shipping employed by it forms a considerable fleet; its carts and horses would supply the trains of many armies; every baker relies upon it for his yeast; every chemist for his tartaric acid and its compounds. The cellars made for and used exclusively by it would undermine a kingdom. The number of separate houses in which the trade is carried on in Europe far exceeds a million; the persons engaged in it as principals are at least as numerous, and the roll of those employed by them, with their dependent families, would people a great nation. To alter the laws under which this enormous trade is organised is to affect all these interests in a greater or less degree, while even in this long catalogue not only a great question of revenue

but the most important matters of all, the wants and wishes of the consumers, are altogether omitted.

Now changes in the laws under which the trade is carried on are perpetually proposed by certain organised societies, having two distinct objects in view. The abolition of the use of alcohol as beverage is one of these objects; the discouragement of drunkenness is the other. With the first the nation generally has no sort of sympathy, as the permanent nature of the consumption demonstrates. With the second it is in absolute accord. The total abstinence party seek to prevent the drinking of alcohol in any form. No straightforward, honest bill, for prohibiting the use or manufacture of beer, wine, and spirits, is offered to Parliament, because everyone knows that it would not be listened to. To propose openly that no Scotchman or Irishman should taste whisky again; that if a Frenchman crosses the Channel he must give up his claret, and a German his beer; that none of these things should be procurable at any railway station, at any hotel, at any club, in the House of Commons itself, at the Lord Mayor's banquets, at the balls and dinners of a London season, round Christmas fires, in private cellars, in messrooms and smoking-rooms, in the Queen's palaces, in the mansions of men who spend half the year among the vines of France, or Italy, or Greece; or to suppose that, in the choice of diet, the working classes would endure such loss of personal liberty any better than their richer neighbours, is so utterly unpractical a view of things, that those who entertain it might be left to themselves if this purpose were pursued openly without any disguise.

The object, however, though unattainable as a whole, is sought after piecemeal by indirect measures. These consist in proposals for putting difficulties in the way of obtaining alcohol wherever this is possible. To increase these difficulties by any means available is the single practical endeavour of the total abstinence party. The demand for change in the licensing laws, as it comes from them, has no other purpose than this, and no change has any value in their eyes except so far as it may obstruct the trade to which these laws apply.

I put this object aside without further consideration. It has no support outside the total abstinence societies, and presents no sufficient reason for legislative change.

The discouragement of drunkenness, however, stands on different ground, for in itself it enlists universal sympathy. But it is the main object of the existing law, which embodies the results of long consideration, long debate, and slow adjustment, and which was settled in its present form only a few years

ago. The objections to frequent changes in this law are of the gravest kind, and when any serious alteration is proposed, it ought to be the result of sound reasoning on established principles, presented in full detail by men who show not only that they are masters of the whole subject, and have made full provision for all that it involves, but that there are the strongest grounds for the expectation that a real decrease of drunkenness will be ensured. What then are, in fact, the proposals for this purpose?

I must at the outset emphatically disclaim, on the part of those who represent the trade in alcohol, any disposition to treat the question in a narrow or selfish spirit. They hold their trade to be as necessary and as useful as the traffic in any article of diet not absolutely essential to human life; but they object to drunkenness as strongly, if not as noisily, as any teetotaller can do, and any measures for its prevention, which were at once rational and just, would be cordially supported by them. But they are men of business habits, not accustomed to play either at business or philanthropy; they are well assured that an attempt to cure drunkenness by restrictive law is an absurd attempt; their judgment resting, not on hopes or fancies, but upon experience and reason; and they have no sympathy whatever with sentimental theorists, who, without taking the trouble to look through the consequences of their proposals, are ready to try any experiment, however foolish, at the expense of other people.

Now the proposals for discouraging drunkenness through further changes in the law, instead of being definite and complete, are merely vague suggestions of things supposed to be desirable, which no one has put seriously into practical form. The phrases Local Option, Direct Veto, and the like, are freely used as party cries, but they have at present no definite meaning, nor is the benefit to be derived from them ever stated in distinct terms.

The innocent people who draw imaginary Acts of Parliament, under which after a certain vote there are to be no public-houses in a certain district, and who think the matter ends there, forget that no man is suffered to pull a house down in a public street till he has determined something about the inmates, the rubbish, and the passers-by. You must say and settle what must be done with the buildings when their doors are closed, with the contracts concerning them, with the debts and liabilities of which the security is swept away, with the unsaleable stock and useless machinery, with the engagement of managers and servants, with the traders and their families

turned into the streets, with the rights of purchase left to the public, with the delivery of goods from other places, with the wholesale trade and the bottle trade under the enormous development of these which would instantly arise, with the rights of brewers and distillers, with the use of clubs, hotels, and railway stations; and you must answer the question whether beer, wine, and spirits are to be at the free disposal of the rich, while they are denied as far as possible to the poor. These are immediate questions demanding immediate answers from the authors of such bills. Whether settled justly or unjustly, every-one of them must be settled somehow, and a proposal which leaves them unnoticed is a toy for children, not an Act of Parliament for men.

Those, on the other hand, who with some dim notion of this truth can produce such a bill as that of the Church of England Temperance Society, introduced into the House of Commons last July, only show their utter inability to deal practically with the subject by venturing into some detail. This bill would give to any eight ratepayers who could get themselves elected on any licensing board an absolute uncontrolled power to stop every business in their district in which beer, wine, or spirits are sold by retail. These eight ratepayers might all be artisans, all women, all teetotallers, anything you please except bankrupts or persons having any sort of interest in the alcohol trade. They are to be elected by a method so preposterous that it is astounding that any member of Parliament could put his name to it—a method which might have been designed for the very purpose of giving full swing to bribery, forgery, fraud, and undue influence of every kind; a method which leaves a voting paper at a man's house for four-and-twenty hours, to be signed there and afterwards collected somehow, without a single provision by which anyone could ever know who signed it, who may have altered it, or under what sort of influence the whole was done; a method which gives the reins to canvassing of the most detestable kind, without even the poor safeguard of a ballot box, and this in the choice of men who are to exercise absolute power in the regulation of a great branch of commerce and over property that may amount to millions.

Those who can propose such a thing as this are of course unable to see through other portions of their scheme, and the folly of the whole is aggravated to the last degree by a clause of pretended compensation. In this extraordinary clause compensation for stopping an existing business is limited to licenses for consumption on the premises, to licenses that *would* have been renewed if the Act had not been passed, and to the holders

of the license only. But there are 30,000[1] retail licenses for consumption off the premises. You may, perhaps, say whether a license *ought* to have been renewed, but whether it *would* have been is an undeterminable question. As to the holders of licenses, the object of compensation is to do justice, and to do justice is to compensate those who are the real losers by your acts. The holder of a license may be the greatest sufferer if it is taken away, or he may be the very least, but he can never be the only one, unless his house of business is his own freehold, without a mortgage on it. On what principle is he selected as the sole recipient of compensation? To suppose that the authors of this clause knew what they were really doing would be to accuse them of an attempt to give a false appearance of fair dealing to an act of confiscation.

And what is to be said to the notion of granting new licenses to persons who would be the abject slaves of masters, not even permanent ones, but changed every three years by the lottery of a popular election, in a matter on which fanatical feeling is at its highest? What sort of people would take licenses of this kind, or invest their money in houses for this purpose?

And in the meantime the wholesale trade is left alone, and anyone who can buy a dozen of wine, a keg of beer, or two gallons of spirits, is independent of the law, whatever the eight ratepayers may have ordained concerning the supply of humbler individuals. What nation will tolerate a system of this kind? A rich man's cellar is his public-house, his butler the barman, his sideboard the counter, and to leave him fully licensed to drink as he pleases on the premises, while a working-man may drink only as he is told, is as impossible in practice as it is absurd in principle.

You cannot deal with a great trade relating to the daily wants of rich and poor in a fashion like this, and the members of the trade, with all their customers, have just reason to be indignant with the countenance given to follies of this kind by members of the Legislature.

In the presence, however, of these impracticable schemes, we have to deal with the vague popular ideas afloat concerning fresh

[1]

Beer	12,609	
Beer and wine	1,126	
Beer dealers, retail	4,001	Year ending
Wine dealers, any quantity	4,142	March 31, 1885
Wine retailers	3,192	
Spirit dealers, bottles	5,989	
	31,059	

changes in the licensing laws. They take at present the form of two proposals. One is to transfer the licensing authority from the magistrates to the future boards of Local Government, whatever these may be; the other is to reduce the number of public-houses. The public, generally, have no knowledge of what these changes would involve, or what they would result in; but the idea of benefit to be derived from them is taken on trust from the representations of the total abstinence and temperance societies. As to the first, the transfer of the licensing authority—what in the interest of these societies is the real object of this proposal? What is it that the magistrates do or omit to do that makes it desirable to supersede them? The question leads at once to the second of the two popular ideas. It is expected that a new licensing authority would bring about a great reduction in the number of licensed houses. How far such a reduction is in fact desirable I shall speak of further on. How it is proposed to effect it is the first question.

The licensing authority is not simply the administrator of definite law. It is trusted with a discretionary power of its own, and this, it is vaguely imagined, will be sufficient for the purpose if transferred to a new authority. But what is this discretionary power? There is a dispute about the legal interpretation of the wording of the Licensing Acts, but there is no dispute as to the common understanding under which the present licensing system has been carried out. All spirit licenses are grants for one year only as to their form, but they are permanent grants during good behaviour as to their intention. They have been issued by the magistrates, and accepted by the trader invariably on this common understanding. Manifestly it is impossible that it should be otherwise. The trader is called upon to invest a considerable capital in buildings and fittings peculiar to his trade. He has to stock himself with goods, paying heavy duties, of which he is the authorised collector from the public, and the trade itself requires long experience and very special knowledge on the part of those who find its capital and direct its operations.

To suppose that good men of business would go into it if their continuance in it for more than a year really depended on anybody's pleasure is absurd. They will not, we all know, go into any trade, except as temporary speculators, on any such terms. The understanding to the contrary in the present case is complete and absolute. The owners of property let it, and the tenants take it on long leases, for this business only, with as much confidence as if the license were a part of the freehold,

and the magistrates who grant the license know that this is the case. The general difficulty of defining good behaviour in rigid legal terms has doubtless been the cause of anything ambiguous in the wording of the law. It has been intended to leave in the hands of the magistrates a power to refuse the renewal of a license year by year, if there has been misconduct grave enough to require so severe a punishment, and the magistrates' courts have been trusted, and have deserved the trust, as courts of real justice and honourable dealing. In such courts to take away a man's property and income, unless he deserves it for some flagrant offence, is always impossible, even if they possess the power, and any clear understanding between the court and those it deals with is as binding as any statute law. It has been proposed by the total abstinence party that this code of honour should be blotted out; that those who have trusted their life and fortune to it should be told that their licenses are for one year only, and that for no cause but the pleasure of a court they may be summarily stopped and ruined in their trade. The proposers clearly hope that this view, rejected by courts of independent gentlemen, may be taken and acted upon by the delegates of some popular vote, and may finally be confirmed on technical grounds by legal tribunals. Such things, doubtless, have been done, but they disgrace the doers of them, and it is not thus that England deals with her engagements. The power, if it existed, could not be exercised without national dishonour, and any doubt about it ought to be settled at once by statute, in the only way that justice can listen to.

The discretionary power to be transferred to new local boards as licensing authorities can apply therefore only to the granting of new licenses and the refusal to renew old ones when the law has been persistently disobeyed. If the number of those already existing is to be greatly and suddenly reduced it must be accomplished by other means.

Now, if the nation really desires it, and is prepared to pay the full cost of doing it honestly, the way is straightforward and simple enough. There is no honest way of doing it but by buying the interests that would be extinguished. The cost would be great and the act supremely foolish, but nations spend much larger sums on much greater follies. The purchase must be a real one, on terms that satisfy the seller—not a seizure of property and income at the buyer's valuation. And if tradesmen on parting with their business are practically prohibited from working any longer in the only trade they understand, they suffer a further special loss which is one of the heaviest

the law can inflict upon them, and must be paid its full equivalent also if the transaction is an honest one. This has never been so much as thought of in any proposal for closing licensed houses.

We are Englishmen, however, as well as traders, and as we know the facts much better than the public or the Legislature, we are bound to state them before any such folly is perpetrated.

It is not the fact that drunkenness can really be lessened by this means. The belief that there is any direct relation between the mere number of licensed houses and the extent of drunkenness is contradicted by all the evidence that bears upon the subject. It has been rejected as unfounded in the two most elaborate inquiries of the last seven years—the Lords' Committee and the Swiss Commission. The evidence in its favour has been found to be nothing more than individual opinion; the proof to the contrary is that of accumulated facts. It does not follow that there are no reasons for reducing the number of licensed houses in England, but the expectation of some great results in the interest of temperance is simply a foolish expectation, and a great sum spent in trying the experiment, with that object in view, would be so much money thrown away. I am, of course, unable to give the evidence here.[1] I have pointed out its general nature in another paper.[2] It is for our opponents to show that they can examine it judicially, and disprove if they can, by reasoning and not by declamation, the conclusions which others find irresistible.

The example to the contrary of the thousand villages without a public-house in them, so often referred to in teetotal papers, hardly needs as much notice as may be given in a sentence. We need not ask on what evidence the real results are known, for it does not matter. Small villages in the hands of single individuals no more represent the world at large than a convent represents a city. What can easily be done in one cannot be done at all in the other by any law or any power, and to reason on the probable effects of the impossible is futile. If alcohol could be put out of the reach of an entire nation, something no doubt would happen. But as it cannot, there is no practical interest in asking what would happen if it could.

If the mere number of houses makes no difference, it is folly to suppose that shorter hours will do it. The question of

[1] See Note *b*.

[2] *Alcohol and the Law*: Allen & Co., 1885.

hours is one of public order and convenience, with which temperance has only an indirect concern. The same thing applies to Sunday closing. In both cases the public will get what they want, when they really want it, by some means or other.

The belief, therefore, that intemperance can really be materially lessened by either of the proposed changes in the licensing system is unsound in its whole foundation, and it is right and necessary to warn the well-meaning people who support the opposite view that in pursuing it they are only following a will-o'-the-wisp, which will lead with certainty to endless difficulty and danger, but with equal certainty to nothing else.

While, however, the warnings of real knowledge and ex perience are thus insisted on, it is not supposed by anybody that the licensing laws are perfect, or that no useful changes are possible. But to be really useful they must be founded on no wild dreams of coercive power, and they must recognise the following fundamental truths. The trade in alcohol is essentially a great branch of commerce for the supply of sober people. Drunkards are not the real supporters of this trade, but its chief trouble and difficulty. Laws of which the object is to prevent the free use of beer, wine, and spirits as part of the daily diet of the world are worse than useless, and their failure is a matter of course; for grown-up men and women will not submit to be coerced like children in their choice of diet, and on the question of the use of alcohol the world in general has made its choice. Those who do not want it are free to go without it; those who do want it assert an equal liberty, and insist on obtaining it through convenient channels and on good commercial terms.

And that public-houses themselves are absolutely indispensable must be recognised with equal decision. For what are public-houses? The false premiss that underlies most errors on the subject is the idea that drunkenness is the common object and effect of a visit to a public-house. The idea is an insult to the working classes. Public-houses are visited of necessity by every working-man who is not a teetotaller. The great bulk of their business is the ordinary supply of one part of his ordinary diet. They are the only shops where it is sold.

They have, however, another function equally indispensable in the social life of the working classes. All men in their leisure hours, or when the day's work is done, have a strong desire for certain things. They seek society, conversation, light, warmth, and exhilarating refreshment. The upper

classes find these in private houses. The working class, to whom this is permanently impossible, meet together for exactly the same objects in public-houses. What is the difference between a West-End dining-room and an East-End public-house? It is a difference of manners, not of purpose. There are six million working-men in England. If only half of these desire these social pleasures every evening, to say nothing of the women, there are three millions to be accommodated somewhere. Clubs, reading-rooms, and amusements provide only for a very small fraction of this vast number, and do not provide the things most commonly wanted either by the lower or the upper classes. It is this universal reason that makes the public-house a universal social institution in one form or other. It can no more be abolished than the social wants it supplies. This is the reason, also, why these houses must be very numerous, and why so large a number of them are as full as they can hold at certain hours. There are no restrictions on the establishment of public-houses where no alcohol is sold, and so far as they are preferred they will supplant the others. But they are never likely to be generally preferred, and you can only offer men the choice. To compel them to make it is equally beyond either your right or your power. And we must recognise the final fact that when public drunkenness is punished as a public offence, and when its general discouragement in all licensed houses is secured, there is nothing more of real value to the cause of temperance that can be accomplished by any licensing law.

It is by the management of public-houses, and by their number only as it affects their management, that drunkenness is encouraged or discouraged so far as their influence extends. On this subject I must again refer to my former papers.[1] The present number of licensed houses is greater than is necessary, but it would not long continue so if it were not increased. Sixty thousand new dwelling-houses in the suburbs of towns are built every year to accommodate 300,000 new people. They are equal to a row of buildings nearly two hundred miles long, and they require among them several hundred licensed houses for the public convenience. These have hitherto been supplied chiefly by the grants of new licenses, which have averaged about seven hundred in a year. To suspend these grants for the present, and in their stead to remove existing licenses from places where they are too numerous to the new suburbs where they are wanted year by year, would be a

[1] 'Alcohol and Total Abstinence,' *National Review*, May, 1884. *Alcohol and the Law*: Allen & Co., 1885.

measure of real practical utility unaccompanied by either public or private sacrifice. It would accomplish its purpose rapidly by the natural laws of trade, if such removals were encouraged and facilitated by a slight change in the law. The distribution of licensed houses would be very greatly improved, the proportion their number bears to the population would constantly diminish, and the chief cause of bad management, which is excessive competition in certain places, would disappear. If at the same time the permanent conduct of the trade by men of character and capital were in every way encouraged, by giving full security for their property, by relieving them from unfair responsibility and unjust suspicion, and by enabling the real owners of every business to conduct it openly in their own names, it would soon be difficult for a drunkard to find any licensed house in which his presence would be endured. The legal enactments necessary to carry out these suggestions would be few and brief, but I do not propose to draft a bill on a great social question in half an hour. The present law is working well in the hands of the magistrates, so far as temperance is concerned. The suppression of houses incorrigibly bad is steadily pursued; the general prevalence of good management is admitted by the police; the cases of public drunkenness are limited almost exclusively to the lowest stratum of the working class, to habitual criminals, and to a small number of men of higher station but disreputable character.

The law has had the following effect on the number of licensed houses. For consumption on the premises there are 1,300 fewer public-houses and 1,600 fewer beershops than there were ten years ago. Three millions have been added to the population in the same period, and the proportion of all these houses together, which was 1 to 225 inhabitants in 1876, is now 1 to 261. It would have been 1 to 280 if no new licenses had been granted in that period. To buy up 7,000 going concerns on any terms of equity would cost a very large sum, but if the suggested measures had been adopted ten years ago the present number would have been reduced to that extent without paying a farthing, while the redistribution of a similar number from overcrowded districts would already have occurred. There are other subjects not touched on here, in which the present law is defective—Courts of Appeal; private clubs; billeting; the amount and incidence of the license tax; the presence of teetotallers on licensing boards and the exclusion of brewers and spirit merchants. But I have confined myself to the broader questions.

The measures here suggested would accomplish all that licensing legislation can really do for the discouragement of drunkenness, while they would cost nothing and injure nobody.

APPENDIX.

(*a*) On the merely technical question as to the discretionary power of magistrates, I am authorised by Mr. George Candy, of the Inner Temple, to quote the following from a private communication :—

'I have no hesitation in saying that the *status* of a license-holder, as distinguished from that of a person who seeks to hold a license, is clearly recognisable in the legislation of 1872–4, and that if the question had been taken, as I hoped it might be, to the House of Lords, it would have been decided that the result of the legislation on this subject has been to circumscribe the area within which the absolute discretion of the magistrates is exercisable, and to create a "vested interest" in licensed property to this extent, that a license of any kind, once granted, can be withdrawn only for good cause shown, and that the supposed requirements of the neighbourhood are not a factor in the calculation, when the question before the tribunal having jurisdiction in licensing matters is not whether the existing accommodation in a given area shall be increased by granting an additional license, but whether it shall be reduced by withdrawing an existing license.'

(*b*) The proof that no relation can be traced anywhere between the number of retail houses and the extent of public drunkenness is overwhelming, if we look steadily at the ascertained facts. I give the following only as examples. They might be multiplied to any extent.

There are twice as many retail houses in France as in England, but in England the annual convictions for drunkenness are about 1 for 160 inhabitants; in France they are only 1 for 660.

There are no licensed houses at all in Portland, in the State of Maine, but the annual arrests for drunkenness are 1 for every 25 inhabitants, which is greater than in any English town.

In England, in 1881, the proportion of licensed houses for consumption on the premises was in round numbers the same in Chester, Ipswich, and Manchester; but the proportion of drunken cases was 1 in Ipswich to 4 in Chester and 12 in Manchester. The houses were the same in Exeter and Leicester; the drunken cases 1 in Exeter to 2 in Leicester. The houses were the same in Stockport and Liverpool; the drunken cases 1 in Stockport to nearly 5 in Liverpool. There were twice as many houses in Norwich as in Swansea, but

three times as many drunken cases in Swansea as in Norwich. There were more than twice as many houses in Shrewsbury as in Cardiff, but hardly any difference in the drunken cases. On the other hand, the proportion of drunken cases was the same in Rochester as in Hull, and nearly the same in Hereford as in Leeds; but there were twice as many houses in Rochester as in Hull, and more than twice as many in Hereford as in Leeds. I refer in all these cases to numbers in proportion to population.

In the well-known case of Gothenburg, in Sweden, the change some years ago from an unrestricted, unregulated trade in alcohol to a restricted, regulated trade brought that town almost immediately from a condition of great disorder and excessive drunkenness to the ordinary condition of other towns where the trade is under ordinary restriction and regulation. But nothing more has been effected by the enormous reduction in the number of licensed houses with which this was accompanied. The licensed houses in the town and province of Gothenburg are only one for 2,000 inhabitants, but the consumption of alcohol is about the usual average, and the public drunkenness is much greater than in most English towns.

If the general statistics for the whole of Sweden could be relied upon they would confirm all this in an extraordinary degree. They show us provinces in which, with the same number of licensed houses, there are the most extraordinary differences in the drunken cases, and others where the same number of drunken cases accompany equally wide differences in the licensed houses. But in a wild country like Sweden, twice as large as Great Britain, but with a population of only twenty-seven to the square mile, and only one-sixth of these living in towns, it is of course impossible that really accurate accounts can be obtained.

'It is in the countries where public-houses are least numerous that the abuse of alcohol is greatest,' say the Swiss Commissioners, and though this is not a statement of cause and effect, it disposes of the idea that there is any necessary connection between drunkenness and the number of licensed houses.

See 'Swiss Message,' p. 69, and the 'General Report,' pp. 7, 9, &c.

The following table shows the working of the existing laws during the last ten years. The new grants are from Mr. Arthur Peel's return—Licenses—August 21, 1883. This return is defective in several points, but the errors are errors of omission. The number of new grants is, therefore, a minimum number. The other figures are from the Inland Revenue Reports.

Retail Licenses. Magistrates' Grants. England and Wales.

Year ending March	Population	New Grants		Total Number of Licenses Issued								Number of Inhabitants to each License				Year ending March
		Publicans	Beer	Publicans' on	Beer on	Beer off	Beer and Wine on	Beer and Wine off	Total on	Total off	Total on and off	All on Licenses	All off Licenses	All Licenses on and off	Publicans only	
1876	24,300,000	252	498	69,209	38,845	5,387			108,054	5,387	113,441	225	4,510	214	351	1876
1877	24,600,000	276	519	69,233	38,459	6,690	Under 43 &		107,692	6,690	114,382	227	3,670	215	355	1877
1878	24,900,000	204	719	69,150	38,209	8,385	44 Vict.		107,359	8,385	115,744	232	2,960	215	360	1878
1879	25,300,000	215	787	69,096	37,851	10,075	C. 20.		106,947	10,075	117,022	236	2,530	216	366	1879
1880	25,700,000	183	685	69,112	37,639	11,762			106,751	11,762	118,513	240	2,190	217	371	1880
1881	26,000,000	196	453	68,562	35,092	12,469	3,217	577	106,871	13,046	119,917	243	2,000	217	379	1881
1882	26,300,000	188	588	68,397	34,150	13,797	4,008	915	106,555	14,712	121,267	247	1,790	217	384	1882
1883	26,700,000	148	215	68,222	33,725	13,756	4,191	1,083	106,138	14,839	120,977	251	1,800	220	391	1883
In eight years		1,662	4,464													
Yearly average		207	558													
1884	27,100,000	not returned		67,944	33,346	12,874	4,269	1,124	105,559	13,998	119,557	256	1,930	226	399	1884
1885	27,500,000	„	„	67,822	32,960	12,609	4,318	1,126	105,100	13,735	118,835	261	2,000	231	405	1885

This does not include the retail licenses connected with the wholesale trade; they are about 17,000, but two or three are generally held together. They are of course for consumption off the premises.

In ten years the number of publicans' licenses has decreased 1,387, notwithstanding the grant of about 2,000 new ones (the number of new grants is not returned for 1884–5). The beer 'on' licenses (including the 'beer and wine on') have decreased 1,567, notwithstanding about 5,000 new grants. The total decrease of 'on' licenses is 2,954. If no new grants had been issued the decrease would therefore have been about 10,000—equal to 1,000 annually. There is, meanwhile, a large increase in the number and proportion of 'off' licenses.

The new grants have been chiefly to new suburbs. Those to publicans have been equal to only one for 1,500 new inhabitants. The proportion through the country is one publican's license to 405 inhabitants, and one retail license of some kind, 'on' or 'off,' to 231. If half these numbers are sufficient for the public convenience, it would still be necessary to provide nearly 400 publicans, and 300 other licensed houses to the new suburbs annually. If these were provided by removal from other places where there are too many, instead of by new grants, the redistribution would go on at the rate of 700 a year; the new suburbs would have only half the present average of licensed houses, and the proportion in the old districts would steadily decrease.

If county boards had powers to buy licenses in order to extinguish them, by voluntary purchase, they would find a large number of small houses ready to accept moderate terms.

If the right of removal to any part of the country were made absolute, subject to the approval of the licensing authority, the smaller houses would be on sale for this purpose. The demand would be limited, however, to the number which the county boards thought fit to grant to the new suburbs, and high prices would rarely be obtained. As to an assumed increase in the general value of licenses, the object of the proposed changes is to lessen the consumption. If that is the effect, the general value of licenses will be lessened in proportion, and any increase in that value arising from diminished numbers will only make good this loss. The public pay nothing in any event. If anything is paid, it is competitors in the trade who pay it to one another.

DISCUSSION.

Mr. J. Kempster (Independent Order of Good Templars) said it seemed to be a general admission that the object of licensing and of the licensing laws was to meet a public want, and, in supplying that alleged public want, the will and the well-being of the community were to be respected, and its wishes were to be gratified. He wished to put forward a view of the question differing essentially from the opinions advocated in the papers which had been read. As practical men they had met, not for the purposes of recrimination, but to recognise the practical and political needs of the day; and any licensing system extant, or any reform of that system, would be

unsound in principle, according to the view of those whom he represented, if any licensing authority were allowed, by Act of Parliament, to force drink-shops upon a community that desired to be free from them. He agreed with Mr. Horsley that, in this matter, the people should be trusted. No licensing system would be complete unless it embodied that principle of trusting the people. But he dissented from the proposition that in any measure of reform the principle of 'control' should be incorporated as distinguished from that of 'option;' that was to say, the licensing authority should not be empowered to control the option of the people for whose benefit that system was to exist. In his opinion, the option of the people ought not to be controlled in its desire to reduce or prohibit the traffic. There was a great point of distinction here between the doctrines of 'control' and 'option.' His view was that the option of the people should not be controlled by any board or bench which might be appointed or elected. He thought they were all agreed on that point. He understood Mr. Horsley to assent to this. In that mixed Conference, however, there would be a disagreement as to details. Option must be free and unfettered on the part of the people; but when it was allowed the fullest force, there would still remain in many districts the necessity for some authority which should administer the licensing system. He used the word 'administer' advisedly in preference to 'control,' for he held that the licensing laws should be framed by Parliament, as representing the people, and carried into effect by an administrative authority absolutely independent of popular turmoil or popular election. The creation of an elected body which would have the power to confer favours broadcast according to its own will and discretion would introduce into the midst of the people an element of corruption such as had never yet been associated with any popular elections in this country. Those who were concerned in the liquor traffic, including all subsidiary trades, their relatives, friends, and dependants, would naturally do their utmost to secure the election of gentlemen who would promote the interests of the trade, while many of the more disinterested portion of the community would, in all probability, stay at home on the day of the poll, and would not trouble themselves about the election. An enormous impetus would thus be given to the action of persons selfishly concerned in fostering the trade in intoxicating liquors. An opinion expressed in the 'Law Times' had confirmed his own upon this question. That paper, referring to the proposal to transfer licensing powers to elected bodies, remarked as follows:—'We greatly doubt the propriety of the step, inasmuch as the licensing authorities discharge functions of a judicial character. There would be a considerable and not very desirable access of vitality to municipal elections, and proceedings by way of *quo warranto* and election petitions would greatly multiply, the teetotallers and the publicans forming strong and compact bodies of voters in each municipal borough.' To elect periodically by the popular vote a tribunal whose functions were to exercise an absolute option of patronage as to any trade, to give or to withhold favours, to grant or refuse the privilege of exercising any lucrative occupation or

employment, is to throw down into the midst of the people an element of electoral corruption which ought to be discouraged by the legislature. His proposal was rather this: Wise laws should permit localities to protect themselves by the direct popular veto. Where that veto was not exercised let the law clearly specify the conditions upon which licenses might be granted, and what evidence should be conclusive as to the wants of the inhabitants. Let the administrators of the law be only qualified legal functionaries, and let their decisions be only subject to revision by a higher court of law.

Mr. D. J. Flattely (Manchester Brewers' Association) who claimed to have had a wide experience of the licensing system, said he would always be on the side of temperance in legislation as well as temperance in drinking. Mr. Horsley's proposal that the licensing powers should be vested in the hands of the local authorities by the process of a paper vote had been taken from the Public Health Act, and if any law required alteration, it was that very point. In proof of this, every public body connected with the administration of the Act was endeavouring to prevail upon the Government to abandon that principle as being open to fraud of the worst kind. He was therefore persuaded that no member of Parliament whose attention might be drawn to that objection would support such a proposal if an attempt were made to apply it to the licensing system. He deprecated this endeavour to foist on the people such an objectionable restriction. The history of legislation of a similar character dated as far back as 1590, when it was enacted that any person found drunk should pay a fine of five shillings; that any one selling liquor who did not close his house during the hours of Divine service was liable to a penalty of twelvepence—a not inconsiderable sum in those days—and that a heavier fine should fall on any person found drunk on the premises. These and other extreme enactments were based on the same principle, which he condemned in present attempts at legislation—viz., liberty to extend restriction, but, as far as the public were concerned, ignoring the question of individual liberty. That was one of the great questions on which the public generally would be called upon to pronounce an opinion. Mr. Mott's paper, while it contained some wholesome truths, had also in it several fallacies. His statistics were open to criticism. The number of licenses had not decreased. That there was no immediate necessity for the legislation which had been so prominently put forward was clearly shown by simple facts. Since 1875 the consumption of wines and spirits in this country had decreased about 8,000,000 gallons, with only a slight increase in beer, about 40,000 gallons, notwithstanding an enormous increase in population. The police system had extended into almost every remote corner of the kingdom, and a most extraordinary zeal had been exhibited in detecting publicans when they seemed to be in fault, or in apprehending a poor fellow who had had the misfortune to get a glass too much. But, in spite of all this activity on the part of the police, the statistics showed a material decrease of drunkenness, and also a considerable diminution in crime. If it was a fact, as had been alleged, that drunkenness was increasing, and that

drunkenness was the cause of crime, how could that be reconciled with a decrease in crime? If any laws required alteration it was not those relating to licensing, but the laws which concerned provision for the social welfare and the housing of the poor. It was the want of such provision which presented a great obstacle to temperance. The late Earl of Shaftesbury, who studied the wants of the people, and with a knowledge and persistency which had made his name one of the brightest in the history of England, had stated that it was not drunkenness which had caused poverty, but poverty which had led to drunkenness. The true remedy, therefore, was not to deprive the poor man of his glass of beer, but to give him wholesome cottages, school-houses, and proper recreation, in order that he might be drawn from what was said to be the temptation of public-houses. According to a Parliamentary return for the last ten years, instead of a decrease in the number of public-houses (*i.e.* licensed places), there had been an increase of 941, and yet there had been a decrease of drunkenness. He had sat, as a county magistrate, for four days together, and that at a place with a population of 100,000, without a single case of drunkenness coming before him. Even in the larger towns the returns would not, he believed, justify a restriction of individual liberty on the alleged ground of prevailing drunkenness. The present House of Commons would never deal with the licensing question on the lines laid down, whether by Mr. Horsley or the speaker who had represented the temperance cause.

The Rev. G. Howard Wright (Superintendent, Church of England Temperance Society) admitted that, at the outset of his paper, Mr Mott had clearly established the fact that there was an enormous trade, which they were bound to take into account in the consideration of this question. The difficulty to be met was so great that, as Mr. Bright said long ago, he would be a brave man who dared to encounter it. It was a difficulty which, whatever the actual causes might be, brought about a state of things indicated in the words of the present Prime Minister, viz. 'that the evils of intemperance in this nation are greater, because more continuous, than those of war, famine, and pestilence combined.' In attempting to solve the difficulty this Church of England Temperance Society had not, as yet, entered into detail, but had only tried to lay down some leading practical principles, which might have a chance, at any rate, of evoking a fair discussion in the House of Commons. Therefore, the strictures of Mr. Mott, with regard, for instance, to the methods of voting were entirely out of place. The method of voting was a detail which might safely be left to the House of Commons to thresh out in committee. With regard to compensation, the Church of England Temperance Society might, at any rate, be credited with a fair and honest attempt to do justice, as far as they were able, by introducing a clause embodying the principle, leaving the details of that also to be discussed fully in committee. The society he represented was strongly of opinion that, in whatever bill might be brought forward, there should be a provision fixing the proportion between the population and the number of licenses—one proportion for country

districts and another for large towns. With regard to grocers' licenses, the Church of England Temperance Society had thought it wise to re-introduce into the House of Commons a bill dealing separately with the licenses of grocers. The object of that measure, was the withdrawal from the grocers, not of the wine, but of the spirit license. With reference to the question of the connection between the number of temptations and absolute drunkenness, he was greatly surprised to hear from Mr. Mott that the opposite had been proved; because he held that a direct connection had long ago been established; and in this shape, that drunkenness varied, not only with the number of licenses, but also with the rate of wages. Though cause for thankfulness might be found in the fact that in general both drunkenness and the amount of drinking had been decreasing during the last few years, and in connection with this they might take the words of the late Earl of Shaftesbury, 'that if it had not been for the action of the temperance societies, London would not, a few years ago, have been inhabitable,' yet there were two considerations which limited the cause for thankfulness: The first was, the lowness of the rate of wages, and the large number of persons unemployed. If trade were to revive, there would undoubtedly be also a great revival of drunkenness. The second consideration was the fact that the reduction in drunkenness had been chiefly among men, and that among women it was still increasing. This was proved by the Lords' Report, which stated that female intemperance was increasing on a scale so vast, and at a rate so rapid as to constitute a new reproach and danger. Surely, that terrible fact alone was a full answer to the question, whether any amendment of the law was required or not. To those who objected to the bill promoted by the Church of England Temperance Society he would say—Has any other definite bill yet been brought forward? As against Mr. Mott's statement that the present number of licenses was not excessive, a leading secretary of a large licensed victuallers' society a few years ago declared, most strongly, that there ought to be a reduction of at least 60,000 licenses. If Mr. Mott had any clear plan to put forward for reducing the terrible causes of intemperance and its results, why did he not frame a bill, and make some attempt to legislate upon the question? If, on the other hand, Mr. Kempster had any definite proposal, why did he not embody it in a measure to be submitted to Parliament? In the midst of these enormous difficulties, where no two persons seemed able to agree, at any rate in regard to matters of detail, the Church of England Temperance Society had made at least an honest endeavour to bring under the notice of Parliament and the country certain *principles*; and if anyone else desired to effect an improvement in the present law, and could bring forward a better bill, by all means let him do so.

Mr. J. James (Plymouth Wine and Spirit Trade Protection Society) remarked that the gentleman who had proposed a local veto was particularly careful not to give the Conference the slightest idea of the basis on which such a veto ought to be exercised—whether it was to be under a municipal, parliamentary, or universal fran-

chise. As a representative, not of a brewers' society, but of licensed victuallers, he did not hesitate to say that the large number of licensed houses tended greatly to the increase of drunkenness. It must be obvious to any one who lived in a large town that there existed a numerous class who were forced to commit acts which they would leave alone if they could possibly obtain a respectable livelihood by so doing. Having regard to the fact that there was one licensed house to a little over 200 of the population, it was clear that the earnings of the latter would not admit of their spending in luxury an amount of money sufficient to maintain that house in a respectable condition. Therefore, as to general principles, he agreed that there ought to be a considerable reduction in the number of public-houses. A statement had been made that he recommended a reduction of 64,000. He had, in fact, recommended such a reduction merely as a matter of opinion, and not in a dogmatic sense; but out of that 64,000, it should be remembered that there were nearly 30,000 off-licenses. All he wished was that the general public should take this question out of the hands of the brewers and of the teetotal party, and then proceed to legislate in a way which would afford the greatest benefit to a great and a free nation. With regard to the question of detail, how the board should be constituted, or what ought to be the licensing authority, he was an Englishman before he was a publican; and he was prepared to submit to any reasonable scheme that might be brought forward by an independent body of gentlemen. But the literature circulated by total abstinence societies was calculated to arouse feelings that should be allowed to lie dormant. Publicans were told, inferentially, that they were blackguards, that they ought not to receive any compensation; but that they should be ousted from their places of business, turned into the streets, and compelled to disgorge what they had robbed from the public. However, that was not the feeling exhibited on the platform of the Conference; and he hoped that any measure brought forward for diminishing the number of public-houses would aim at the accomplishment of that object in a just and an equitable manner. The introduction, by a temperance society, of the principle of compensation into a bill, for the first time, he believed, was a circumstance upon which all classes connected in any way with the consideration of this question should be congratulated; and he hoped, if it was not already sufficiently broad, it would be made so, in order that it might be a just measure. The society he represented asked for nothing more than that. Under the system which was peculiar to this trade, there are many houses in which, not the publicans, but the salesmen of the wholesale people live. Speaking from personal knowledge extending over the past ten years, he had ascertained, as an absolute fact, that there was a large number of public-houses in existence which were a disgrace to a civilised nation. He deeply regretted that the gentlemen representing the wholesale trade did not see their way to remedy these defects; they still cried *non possumus*; but at no distant date, if they continued to maintain that attitude of opposition, they might depend upon it the

British public, irrespective of party, irrespective of the societies represented at the Conference, would tell them that they were both able and determined to effect some equitable and moderate reform in the licensing law. In the first place, equitable compensation should be granted. The question as to the source from which the funds for such compensation should be supplied would lead to considerable controversy. But he hoped that a great deal of strife, which had been aroused between different parties, would be allayed, and that eventually they would come together on one broad footing, and agree upon a measure which would be the means, not only of diminishing drunkenness, but of raising the status of the trade he represented. In his opinion there was only one effective means of diminishing drunkenness, and that was by placing the publican in such a position that he would be able to earn a respectable livelihood without doing those acts which he, for one, would not mention. With regard to the practical part of the question, it appeared to be understood that prohibition would not be listened to for a moment during the present age. Nor did he believe that those who were working for prohibition, and who desired to diminish licenses by veto, would derive that benefit which, from their own point of view, they seemed to expect. Two things ought to be done. There should be a return, obtained from the House of Commons, showing the number of convictions of license-holders, and the number of transfers of licenses which had taken place annually for the last three years. These returns should be printed in two columns, distinguishing the houses belonging to members of the wholesale trade from those owned by the publicans themselves and by private individuals. Information thus arranged would afford a clearer insight into the question than any that had been given by writing or by speech up to the present time. Then, either a Royal Commission or a Select Committee should be appointed, prior to legislation, in order to examine into the extensive ramifications of the whole question.

Mr. J. H. Raper (United Kingdom Alliance) desired to take as wide a view as the preceding speaker, and to look at the question from a citizen's standpoint. One remark in Mr. Horsley's paper required correction, viz., that it was a mistake to suppose that 350 members of the House of Commons were supporters of local option. That was a misconception on the part of Mr. Horsley, and it arose from the wrong definition of the phrase 'local option.' Sir Wilfrid Lawson had always defined that term, in the House of Commons, along with the other phrase 'efficient local option.' Local option covered the choice of a community, as far as he and those who surrounded him were concerned, with regard to this liquor traffic, both as to totality and number. Whatever else it covered, it certainly included a veto on all. Three hundred and fifty members of Parliament, and even more, had given their promise to support measures which would give the community the power to deal with the traffic, to diminish it, and, in the case of 200, by a direct local vote, even to refuse the continuance of the licenses to public-houses. Mr. McLagan had for years been in charge of a bill in the House of

Commons which contained this definition and application of local option. It was to apply to Scotland, and it would give power to the inhabitants, by vote by ballot, to say how many liquor-shops they wanted; and if a majority declared they wanted none, these places would be shut up entirely, as far as the sale of liquor was concerned. This power was local, and it was also optional; but it covered either the totality, or half, or three-fourths of the existing liquor-shops. Mr. Kempster had raised a point of great importance in the course of this discussion on the question of local or licensing authority, and how far the people should be involved in granting licenses. The experience of other countries would serve as a valuable aid in the consideration of this subject. He had himself visited Canada and the United States, as well as Sweden, and had made full inquiries in regard to the authorities who granted licenses. The President of the Conference had also visited the North-West territories of the Dominion of Canada, where prohibitory laws were in force, and were operating satisfactorily. At Winnipeg, in Manitoba, speaking in regard to the Indian and white populations alike, Sir R. Temple had expressed his delight at what he had seen in that part of the world. In Sweden remarkable changes had been made. By what was called 'The King's Law' the licensing authority was given, as far as the person and the locality were concerned, into the hands of the Governor of the Province, an official somewhat like a Lord Lieutenant in this country, whose jurisdiction covered a wide district, and was outside magisterial work. This official had to fix the persons, but the community fixed the number. Each commune voted upon the number of spirit licenses that they wished to have in the parish or commune. This was the point at which Mr. Kempster was aiming, viz., to have an authority, outside magisterial functions and outside elected bodies, with sufficient instructions how to act, in behalf of the persons concerned, with regard to the question whether any licenses should be granted at all. According to Mr. Balfour's letter to Mr. Gladstone, there were, in the rural populations of Sweden, three millions and more of people living in communes where, by the vote of the people, instructing the licensing authority, they had only 450 licenses, because so many of the parishes had voted for none. There both the Government and the people had made up their minds that to force spirit-shops upon a community, when the community did not want them, was an injustice not to be tolerated. That was the direction in which English public opinion was now going. At the Local Government Office preparations were being made to transfer the licensing power from the magistrates to the county governments, and possibly to municipalities. In Lord Salisbury's Newport speech, delivered during the late election campaign, the suggestion was thrown out that, henceforth, this power would have to be handed over to somebody reflecting the will of the people. In Ontario, the largest of the provinces in Canada, there was a law, under which three commissioners were empowered to grant licenses according to specific regulations. The maximum was fixed, by provincial enactment, at two per thousand of population, but power was given

to decrease the number. The community could then come in and determine the number, by the vote of the municipal authority in the large towns, and by a vote of the people direct in rural parishes. Mr. Mott had twitted the temperance party with not having the courage to talk of prohibition. The bill of Mr. McLagan was unmistakably one of direct prohibition. There was not a single certificate-holder who was not bound to recognise the fact that his license only ran for a year at the end of the lease. Sir William Harcourt, when Secretary of State for the Home Department, in 1883, had said in the great discussion on Sir W. Lawson's motion: 'You have the local principle established, and you have conferred on certain local authorities the right to say whether there shall be many public-houses or few, and, I venture to say, that it may be construed as the law, whether there shall be any in the locality in which they have jurisdiction, because the law is that every license is annual and may be refused. You have, therefore, a local authority with absolute power to deal with this article of ordinary consumption, and the licensing magistrates had control over the right of dealing with this article, as great as that of the proprietors over their own estate, if they choose to exercise it.' In a subsequent part of the same debate, the right hon. gentleman, in reply to Sir John Kennaway, said: 'In his opinion there was only one way of strengthening authority in this country—namely, by giving it the support of the popular voice. For certain purposes the magistrates were the best and only authority. He referred to judicial questions. But the question whether there should be many, or few, or no public-houses was not a judicial question, but a social and administrative question. It was a question that did not properly come within the functions of magistrates.' When at Darwen 34 off-licenses were refused renewal, and without impeachment of character, it was held that the decision was based on the provisions of the old laws affecting public-houses which, in 1882, was extended to beer off-licenses. The great decrease of 1,500 mentioned by Mr. Mott was in consequence of this Act of 1882, which conferred a power and discretion upon the magistrates over off-licenses. If it was right to strike off thirty-four at Darwen without compensation, it was right to strike off a number in Plymouth or any other town without any amount of compensation.

Mr. H. A. Simonds (Country Brewers Society) contested the assertion of the previous speaker that there were 350 members of Parliament pledged to local option. He had himself been present at a public meeting where a similar statement was made and contradicted by one of the members whose name was included in that list. Mr. Horsley had stated that the trade seemed to be largely in favour of the present system. The fact was that the trade were not in its favour. The reason why they were apparently so was that every other system produced had been oppressive and confiscatory in its nature, and they would rather stick to the existing system than commit themselves to any new plan. The reason why the trade did not produce a bill for the reform of the licensing law was self-evident. If

by any possibility the brewers and the licensed victuallers could combine, which was scarcely likely, considering the diversity of their interests, and if they succeeded in framing a bill, what would be said to them? The measure would be cast aside and torn to pieces, with the remark: 'This bill is dictated by self-interest, and we will have none of it.' What the community wanted was a bill, calmly drawn up, and covering the various trade interests concerned, as well as those of the public at large. It should be prepared by an independent body, including neither the earnest gentlemen who so strongly advocate the cause of temperance, nor any of those who were interested in the trade. He had seen a great many changes in the law on this subject, from the first bill which was introduced by the late Duke of Wellington, onwards, and every alteration of any importance had been made directly contrary to the advice given on behalf of the trade. In most cases, within one or two years of the passing of the Acts, their authors admitted their failure, as predicted by the trade whose counsel had been disregarded. The trade were not unwilling to help, where it could do so; but they certainly had not met with much encouragement in their former endeavours to promote legislation, and they would be wisely advised never to attempt again to put their hands to any bill. With reference to the question of electing boards for the special purpose of licensing, the necessity of settling the principle had been strongly insisted upon; but while, of course, a certain broad principle must underlie any system, its success or failure must depend upon the details. No greater bone of contention could be thrown before any community than the annual, biennial, or triennial election. He could not imagine an engine of corruption greater than an elected board for licensing purposes. Any one of the plans he had seen on paper would, before the end of three years, prove a certain failure. The magnitude of the interests to be dealt with was not to be lost sight of. The trade was one in which millions of money were embarked, and about a million and a half persons employed. If a bill were passed for one year and did not work, thousands of people would, meanwhile, be deprived of employment. The interests concerned were too great to justify such experiments. The whole expense of administration of the proposed system was to be thrown on the publicans. Now the avowed reason for establishing these boards was to reduce the number of public-houses. A large expenditure was to be incurred in order to reduce them. The trade was already so burdened that many publicans could hardly get a living; but by this plan their burden would be trebled, and it would become intolerable if, while the number of licensed houses was reduced, their taxation was to be increased upon the ground that they would individually do more trade: this was an argument that the number of licensed houses did not affect the volume of trade, and therefore they might as well be let alone. Another point to be carefully considered was that these boards were to be elected for the ratification, or carrying out, of the principle of local option; and great benefit, it was said, would be derived from it. But the other side of the case must be looked at. If local option were given it must include the power of

increasing the number of licenses to any extent, otherwise it would no longer be local option, but pure coercion. A further serious difficulty had to be met in the question of clubs; supposing that those interested in the trade failed to secure such a majority on the board as might be necessary for their trade purposes, they might open each one of their houses which were closed by the licensing authority as a working men's club, and he would defy any power to close them. That was a question of the greatest difficulty. Already 12,000 of these working men's clubs had been established. Attempts had been made to legislate with regard to these places; a bill had been drafted, and upon its being submitted to a very eminent counsel, he threw up his hands, and said: 'Gentlemen, can you define a "club," because I cannot.' Two or three men might meet together in a cottage, and call that a club. No power could prevent the existence of a club. If public-houses, which were practically clubs for the working-classes, and over which the magistrates had control, were abolished, those who frequented them would be driven into the other clubs which were not subject to police or any other supervision.

Mr. Commissioner Miller, Q.C., said he approached the question from an entirely different side from any of the previous speakers. His experience was that of a county magistrate, in which capacity he was entrusted with the onerous and thankless task of determining what licenses should be granted and what refused. He would be pleased to see that duty handed over to any other authority so far as his personal feelings went; but prohibition as opposed to regulation he objected to. Prohibition must be either in the direction of every bill yet presented to Parliament, that was prohibiting the retail trade only, not dealing with the wholesale trade, in which case it would be one of the most atrocious pieces of class legislation ever attempted, as it would only affect the men who could not afford to brew their own beer or keep their own cellars; or it would prohibit the wholesale trade as well; in other words it would render it impossible for a temperate man who desired to do so to supply himself with liquor, which would be to perpetrate one of the most atrocious pieces of individual tyranny which could be conceived possible in any civilised country. Such an attempt would not succeed, for any legislation interfering with private liberty, when it went beyond the point of public utility, was sure to be evaded. For his own part he considered himself a very temperate man, and yet if a law were passed which rendered it impossible for him to have his wine for dinner in England every day, he would go over to live in France or Belgium rather than go without it. But regulation was an entirely different thing. He did not believe in free trade in alcohol; he agreed to this extent with the advocates of temperance, that there ought to be some distinct control over the sale of liquors, although he would not undertake to say what that control should be. The people ought to be able to say there should be a certain maximum of places for the sale of liquor which should not be exceeded; it should not be a question simply of competition. His experience was that every additional public-house in a district produced in itself a certain addition to the amount of

drinking. But he objected to every scheme for giving direct popular control which he had yet seen. The districts proposed were much too small. No district less than an average county—he should be inclined to say a county court circuit—ought to be entrusted with such an authority. Wherever you had continuous districts of different opinions you produced a border line where the evil would be greatly aggravated. And if the districts were too small, the number of such border lines would be increased. Again, though certain large areas of population ought to be a control as to the amount of convenience which should be given for the traffic; still it was a legitimate traffic and was not to be unduly harassed. He was opposed to the idea of administrative functions being vested in any elective body; these should be vested in some judicial body. It was the duty of the people to say what the law should be, and of the judge to carry it out. No public body could be trusted to elect men who would be impartial. The county magistrates were not, perhaps, the best body for the purpose, but they were better than the men who would be chosen as the result of a contested election, in which every parish would be split up into opposing parties, and men would be appointed, not for their fitness, but for their partisanship.

The Rev. W. Kipling Cox (Church of England Temperance Society) said he desired to speak rather in his individual capacity than as a representative of the society. He wished to take exception to one remark of Mr. Mott's to the effect that total abstainers, as such, were violently opposed to the liquor traffic; he knew many who were so opposed to it, but he also knew many who had no very strong feelings on the matter. He could not accept the statistics as to the relation between the amount of drunkenness and the number of public-houses. There was a considerable element of uncertainty and weakness in the comparison of towns with different kinds of population. If we found more drunkenness in Leicester than in Exeter, we must remember that Exeter was a quiet country town, and that Leicester was a manufacturing town with a higher rate of wages. A vast seaport was a place where we found a concentration of drunkenness and other evils, and to make a comparison between Swansea and Stockport would be to forget many things we ought to remember in making comparisons. It would be very difficult to frame a satisfactory bill, but the Conference had from Mr. Horsley the most temperate proposal that was likely to come from the temperance side, and from Mr. James the most temperate that was likely to come from the licensed victuallers. With regard to compensation we could hardly expect any great measure of reform to be passed without interfering with some vested interest. At Coventry, when the French Treaty was signed, the staple industries were well nigh blotted out, but there was no compensation. If he were a farmer of the old school he would say that the alterations in the corn laws were fraught with injury to the agricultural interest. Members of the Church of England Temperance Society were generally in favour of their scheme, and he considered they were about the most moderate men in the field. He doubted if there were any need to make a change in the law at all; he would

be satisfied if the law were carried out. He did not wish to say a word disrespectful to the magistrates, who had done their duty as a whole, but had they been more particular in endorsing the licenses when licensed victuallers were convicted of offences, there would have been a vast diminution in the number of public-houses without any compensation being found by the country.

Mr. Alexander Wylie, W.S., Edinburgh (Parliamentary Agent of the Scottish Wine, Spirit, and Beer Trade Defence Association) considered that local option, properly understood, was the option in every individual mind, heart, and conscience. Every individual had the option of being a total abstainer, and with that he agreed. Every one had also the option of being a moderate drinker, when, and as he deemed proper; and with that he also agreed, and considered that the public ought to have fair and reasonable opportunities for being so. He deprecated any one abusing the option within himself and becoming a drunkard. But the local option wished for by the advocates of temperance was the reverse of option; it gave the power to reduce, but none whatever to increase the number of licenses according to the requirements of the district, or the wish of the people; it refused to trust the people with power. The option should be for the people or individual to do as they believed to be best, whether in one direction or another. If they continually went in one direction, they would find it necessary to turn back. The so-called 'local option' presented to them by the 'temperance' party in the form of bills, such as Mr. McLagan's Local Veto bill, was not option at all. It was the reverse. The primary object of Mr. McLagan's bill was the total prohibition or annihilation of the trade—failing that, under the so-called 'restriction,' it was still as much prohibition as possible; it might be a half, a third, or a fourth, according to the number fixed in a notice of which the voters might know nothing; and failing that, again total prohibition; but limited only to new licenses. He objected to total prohibition; moderate restriction he did not object to. The restriction at present exercised was beneficial, and it had gone on for thirty years. Mr. McLagan's bill could not be turned to any practical or useful purpose, because it did not give the householders power to fix the kind of licenses that should be granted, or their number, but it would give to a majority of two-thirds of those who went to the poll, irrespective of their proportion to the whole population, the right only to prohibit or unduly restrict 'the sale, barter, or disposal of intoxicating liquors in any burghs, ward of a burgh, parish, or district in Scotland.' The injustice of such a proposal would be easily seen on a consideration of the number of persons who usually voted at popular elections. For practical purposes, those who would vote under that bill might be considered as identical with those who voted at school board elections. The number who voted at the last school board election in Edinburgh, which was an eminently educational city, might be taken as fully equivalent to those who would vote under the bill. The population of Edinburgh was about 230,000, and of that number, 56,300 were entitled to vote. In the last election only

13,234 went to the poll, and two-thirds of that number was 8,833, so that about one-sixth of those entitled to vote, or one twenty-sixth of the population would settle the question. As a similar result would probably occur in any of the divisions mentioned in the bill, it would not be even an approximation to the general wish of the population, and it might be totally adverse to their general wish. If 8,833 persons were to vote in favour of prohibition in Edinburgh, every brewery, distillery, hotel, and licensed house would be closed at the next licensing court. There was not a word in the bill as to punishing men for drinking too much; there was not a word to regulate the traffic and cause the people to drink moderately and sensibly, and he did not think that such a measure would commend itself to the judgment of the House of Commons. So far as Edinburgh was concerned there was no need for it, as the number of hotels had been reduced from 47 in 1854 to 43 in 1880, and the number of public-houses from 511 in 1854 to 336 in 1880. And this was a fair example of what was going on in Scotland under the present licensing authorities.

Mr. Hastings, M.P., said he wished to draw attention to two points in which he took an interest so long ago as the introduction of Mr. Bruce's bill. He tried to introduce those points into the bill, and succeeded, so far as one was concerned, and failed in the other. He failed in endeavouring to get a maximum number of licenses fixed for certain districts, such as a county, or the metropolitan area. He suggested that the maximum should be the number of houses in existence at the passing of the bill, and he proposed to give power to transfer a license from one place to another, so that all the public-houses should not be too close to each other. He had been much struck by the number of houses held by small men, from which houses the principal complaints came. In the metropolitan area we found a number of these houses by the river side, and from which district the real population had to a large extent passed away, and they only produced a miserable living. To abolish these would be a boon to the public. On the other hand, suburban districts were springing up, and when a public-house was desired in one of them the license of one of these old houses could be purchased and transferred to the newer locality. The same system would apply to a county or other administrative district. His other proposal, which was to a certain extent adopted by Mr. Bruce, was that there should be a county licensing committee. There was such a committee in his county, and the result was that there was greater uniformity and decision in licensing questions. That committee had made a rule that, except under great stress of circumstances, they would grant no new licenses, and the consequence was that they had long ago practically attained the maximum number of licenses in the county. Fixing that maximum would diminish the number of houses relating to the population, which would increase. The principle was adopted in Canadian legislation. It was a mistake to place the licensing power in the hands of either municipal or county elective bodies. If the proposed county boards were invested with that authority it

would make them either a good licensing authority and a bad administrative body for general purposes, or *vice versâ*. He asked both sides to remember the cardinal principle of all legislation, that no legislation could be permanent which did not commend itself to the sentiments and conscience of the great bulk of the people for whom it was made.

Mr. FLATTELY asked the speaker whether he was aware that the county committee was illegal ?

Mr. HASTINGS said the committee was created by Act of Parliament, and was regularly appointed by the Court of Quarter Sessions. The committee had power to refuse applications for new licenses sent up to it, and no new license was valid until confirmed by the licensing committee.

Mr. W. G. Cox (Irish Association for the Prevention of Intemperance) said he wished to draw the attention of the Conference to the question of the relation between the number of public-houses and the drunkenness in any place. At the Congress of the Association in Dublin in 1881 a Parliamentary return referring especially to Ireland was referred to. That return showed that in the year 1880 in Ulster there were 25½ public-houses and 139 arrests of drunkenness per 10,000 of the population; in Leinster 36 public-houses and 172 arrests per 10,000; in Connaught 25 public-houses and 123 arrests per 10,000. Again, taking urban populations, between which and rural populations there was a vast difference in respect of crime, there were in that year in the Dublin metropolitan district 37 public-houses, and 346 arrests per 10,000; in Belfast 37½ houses and 354 arrests, and in a group consisting of Cork, Waterford and Limerick there were nearly 75 houses and 437 arrests. The Inland Revenue Returns for the past four years, gave the following results for all Ireland :—

	Number of Houses per 10,000 Population	Consumption per Head in Money Value	Arrests for Drunkenness per 10,000
		£ s. d.	
1881–2	32·0	2 1 3	153
1882–3	32·5	2 3 3	171
1883–4	33·3	2 3 6	180
1884–5	34·3	2 4 4	188

These figures showed that there was a direct ratio between the number of public-houses and the arrests for drunkenness. Baron Dowse had framed a mathematical formula upon the subject. He said : 'the amount of liquor consumed in any community is the measure of its degradation.' He was not over sanguine that we were going to get rid, immediately, of public-houses altogether, and that being so we should, in the meantime, minimise the evils resulting from them as much as possible, by every means in our power. There was a great need for a codification of the licensing laws, of which there were now constantly conflicting interpretations in

different Courts of Law. Some legislation was imperatively required in the matter of clubs; they ought to be placed on the same footing as licensed houses, and to that publicans could scarcely object. Houses should also be open for the exclusive sale of liquor; in Ireland many of the smaller publicans were ironmongers, grocers, &c., probably two-thirds or three-fourths of them. That state of affairs was productive of a great deal of evil. Applicants for spirit-grocers' and beer-dealers' licenses should be open to all the objections that now prevailed where a publican's license was applied for. At present, if a man was refused a publican's license, he would apply for a grocer's license, and it could not be refused him. Every house in a street might possess a grocer's license, provided that nothing was known against the character of the tenant. There should also be a compulsory endorsement of convictions on licenses. By the Act of 1872, compulsory endorsement was enacted, but by the Act of 1874 it was changed to permissive endorsement, and it required a magistrate of very strong mind to enforce it. We might, with advantage, copy a law which prevailed in very many of our colonies. When a man was wasting his substance and ruining his family by drinking, although he might never have been apprehended for drunkenness, the family could go before a magistrate and, if the fact were proved, an order would be issued to all publicans within a certain area, prohibiting them from serving him upon any terms, on pain of losing their license.

Mr. William Storr said he did not quite understand how it was that Mr. Mott's paper was read on behalf of the Country Brewers and the Licensed Victuallers' Societies, when it had been avowed in the Conference, and was indeed well known, that the two branches of the trade were diametrically opposed in their interests. The programme contained a statement made on behalf of the Country Brewers Society to the effect that, whilst London brewers advanced money to publicans on the mortgage of their houses, country brewers bought houses out-and-out; and these two things constituted the 'bound' or 'tied' system of which the publicans said that it was answerable for many of the evils of the trade. It was alleged that, under the onerous conditions imposed upon them, publicans were driven to connive at and encourage tippling and drinking, and the evils associated with them, and, further, that they were compelled to be the distributors of inferior and adulterated drinks supplied to them. Yes, but what freedom was there for the public, if all the houses in a district or in a town formed part of one monopoly? The consumers were interested quite as much as the trade in the alleged supply of deleterious drinks; but the public had a still larger interest in the question, as it was put by the brewers themselves. They said that the advantage of their monopoly, the ground upon which they defended it, was that it gave them the power to control the management of the houses, and to eject publicans who conducted them improperly. Houses so conducted could be found in our great thoroughfares and in the slums of London and of the large towns. Many of these houses must be embraced in the moral monopolies of

the brewers. Let the brewers explain why it was that so many houses were ill conducted. On their own showing, they had it in their power to put in charge of them men, who should be moral policemen, and should put an end to the social scandals which gave rise to the demand for licensing reform. If the brewers, distillers, and wine merchants could not vindicate their boasted monopolies, that fact might have an important bearing upon the question, whether the licenses should attach to houses or to individuals, for it was affirmed that in the public interests the licenses ought to be personal and not saleable as property. The root of nearly all the evil was the concentrated pressure of pecuniary interests upon the sale, for consumption, on the premises. That pointed to a remedy, which was, in principle, distribution for immediate consumption by persons having no profit upon the sale. The argument that facility of drinking necessarily implied temptation, and submission to it, was abundantly disproved by the fact that facility existed without being abused in our homes, in clubs, and at dinners, public and private, and the increase of this kind of facility had been concurrent with admitted improvement in the sobriety of all classes. The principle of distribution without profit, by tenants or agents trading in food, and hotel accommodation, involved no interference with individual liberty. The objection that men had to being coerced, and still more the objection that men had to putting coercion on others, rendered it impossible to stop the retail sale where interference was most needed. The principle of distribution without profit, as carried out in Sweden, was advocated by Mr. Chamberlain before the Lords' Committee, who made it the subject of their first recommendation. This principle seemed to promise the realisation of the greatest and most needed good in the shortest time, and therefore he pleaded earnestly that any scheme of licensing reform or of local option should facilitate the adoption of this principle, which certainly would involve total abstainers in no more moral complicity than they now shared as citizens of a State deriving so large a part of its revenue from the trade.

Mr. J. Danvers Power (Secretary, Country Brewers Society) said that brewers were blamed because they, being the landlords of the public-houses, could not guarantee the conduct of those who made use of them. He would point out that the first blame should be laid on the police, if such things as had been described actually existed. As a matter of fact, London public-houses were not owned by brewers. As regards the question of statistics, he would point out that Mr. Mott had made a most exhaustive inquiry, and that the brewers believed his figures were correct, and he submitted that, as that was a national Conference, some better answers than had been given would be expected by the public. Reference had been made to the Lords' Committee. To show how statements with regard to it could be cooked he would, after what they had heard and would hear about it, merely read them the following sentence: 'The Committee have failed to discover any general cause to account for the great variation of statistics in large towns, nor does the evidence show that any relation exists between the number of licensed houses and the amount

of intemperance.' The temperance gentlemen present had not said anything about this. One had attempted to explain away Mr. Mott's statements to the same effect by contending that, seaport and large manufacturing towns were always more drunken than agricultural centres like Exeter. But he did not tell the audience that part of the evidence was that the proportion of drunken cases is the same in Hereford as in Leeds. That did not suit his theory, so he omitted reference to those towns. That was not worthy of a Conference expected to have any authority. Again, Mr. James' evidence with regard to the 64,000 licensed houses which ought to be suppressed had been freely used, and no one had stated that 30,000 of these were off-licenses which could not be called public-houses in the ordinary sense at all. Mr. James had been obliged to state this himself, and he hoped it would be the last time they would create a wrong impression by the use of Mr. James' opinions. Mr. Cox asked why Mr. Mott's scheme was not proposed some time ago. This again showed that a speaker had been put forward who was not master of his subject, because the proposal *was* made to Mr. Gladstone ten years ago and rejected by him. With reference to the Church of England Temperance Society's bill, it was an elaborate bill with twenty-two clauses and four schedules, and he did not think it was fair to state, as Mr. Howard Wright had done, that the Church of England Temperance Society only offered it as a suggestion. It was before Parliament and in charge of two members who would pass it in its present shape if they could, and one of its provisions was that it was not to apply to the metropolis. He should be glad to know why this provision was put in? He trusted that during the remainder of the discussion there would be some attempt to deal with facts and figures in the exact and comprehensive way which Mr. Mott had endeavoured to do.

Mr. T. Fry, M.P., said they were told by the publicans that the drunkard was an enemy to their trade, and for that reason, although he was of opinion that they could not close every house in a district, they ought to get the co-operation of the publicans to abolish what they themselves said was an evil. At present they had given no hints as to how drunkenness was to be diminished. He would suggest that there should be some legislation for the purpose of shortening the hours during which drink could be obtained in the evening, and especially on Saturdays and Sundays, and clubs should be treated in the same way as public-houses, if found needful. It could not be necessary for anyone to drink at half-past eleven at night. They might also do something to enable publicans to refuse to serve persons who were well-known drunkards—people who were constantly being brought before the magistrates. The temptation to those people was so great that they could not resist going into the public-houses, and he would like to see a provision for fining publicans supplying such persons. In small towns the names of such persons might be sent round to the publicans. With reference to Sunday closing the number of persons—estimated at over 800,000—employed in public-houses on Sundays, should be remembered, and

how delighted they would be to get a day's rest after such long hours on week-days. An ordinary man worked nine hours a day, while in public-houses the assistants were sometimes working for seventeen hours. He would ask the trade if it could not assist the temperance party by trying to reduce all the unnecessary drinking which tended to the misery and pauperisation of our people. They knew the good done by 50,000*l.* in a Mansion House Fund; how much good could be done if, say one half of the 130 millions spent in drink every year were devoted to other purposes; it would give such an impetus to our trade and make such a general improvement in all its branches that we had little conception of.

Mr. George Hicks (a working man) said he considered that the class from which he came ought to be considered more than any other, and if a certain number of houses were taken away in the country, the effect would be to remove that number of workmen's clubs, and the meeting places for Oddfellows, Foresters, and other societies. He did not deny the evils of drunkenness, but he did not think they would be cured by restricting the hours and the number of houses. In Swansea no house could be opened on Sunday, and the consequence was that the steam-tramway to the Mumbles was doing a splendid business. We should not, by electing a licensing body, get at the true feeling of the country; and it had never been got at yet. The way the temperance party must effect their object was by example and persuasion, rather than by Act of Parliament. In that respect he had no fault to find with the temperance party, but when they desired to bring in a bill to prevent a man having drink if he wished, then he had fault to find with them. It would be no use trying to restrict the number of houses or shorten the hours in London. It had been tried once, and the club windows were smashed. They were told of the enormous amount of money spent in drink, but what about that spent in betting, and in other houses in London that were not public-houses? If we could see our way to diminishing the amount of drunkenness, the working-classes would give the effort their hearty support; but in doing it we must not make the innocent suffer for the guilty. That would be injustice. His next door neighbour had no right to say when he should go for his beer or whether he should have any at all.

The Rev. J. Clark (United Kingdom Alliance) wished to correct the statement of Mr. Hicks that riots took place in London to protest against the interference with the liberty of the people to drink. The bill which caused those riots was one directed against general Sunday trading in the metropolis, and it contained a clause to the effect that its provisions should not apply to the exercise of the ordinary business of a licensed victualler, or the keeper of any inn, hotel, or public-house, or other house licensed for the sale of excisable liquor. London, with respect to moral questions, moved more slowly than the rest of the country, and the Church of England Temperance Society was wise in excepting London from its bill, thus showing how much good could be done for which London was not prepared. A paper containing a list of those pledged to local option or direct

veto had been sent to all members of Parliament who had been spoken of, and three corrections only had been received—two from gentlemen whose views did not go as far as they were represented, and one for whom the representation did not go far enough. If gentlemen had put the paper in the waste paper basket and made no reply, it was assumed that they agreed with the contents. Mr. Mott had assumed that all possible knowledge upon the subject was contained in his own person, but the other side would not be led astray by him. They would consider his paper as that of an advocate who had one side to defend, and who had done it without stint or for a moment swerving from his position. Nor had he made one admission which would help to remove the mischief of which they were complaining. All attempts to regulate the traffic must fail, and therefore the only remedy for the evil was to get rid of it altogether. Mr. Mott had treated the temperance party somewhat lightly, but it had a right to be considered; its members were citizens of the country whose feelings were touched by the miseries entailed by the drink traffic. The suggestion that if a man continued a total abstainer he would never be hurt by the traffic was a fallacy, and he could give instances of personal injury received by such men. Total abstainers contributed nothing to the traffic, and yet they had to suffer in seeing the sufferings of their womenkind who were married to men who drank, and who brought shame and misery upon their homes.

Mr. H. C. Crews (Liverpool and District Off-License Holders' Association) said he utterly failed to apprehend the schemes of the Church of England Temperance Society: they were incomprehensible. They had brought forward various bills, and one last session which he supposed was the bill for the suppression of grocers' licenses. There were such things in Ireland, but they were totally different from the licenses in this country, which only permitted the grocers to sell for consumption at people's own homes. That bill would have affected not only every licensed grocer, but nearly every wine and spirit merchant in the country, for it provided that the sale of wines and spirits in quantities of not less than one reputed quart bottle should only be carried on in houses devoted specially to that purpose. That would entirely extinguish the rural wine and spirit merchant, who was often an insurance agent, coal merchant, or something of that kind. The temperance party alleged that great evils arose from the issue of grocers' licenses; he wanted proof of that, and the *onus probandi* rested with the accusers. All these questions were thoroughly threshed out before the Lords' Committee, and considerable trouble and expense entailed, but now the other side would not accept the result of the arbitration, and were constantly bringing forward measures entailing further expense on the license-holders. Possibly there might be some need for regulating indoor licenses, but there was no such necessity for the regulation of outdoor licenses. We must keep strongly in view the difference between a license allowing drink to be sold for consumption on the premises, and one allowing it to be sold for consumption at the purchaser's home only. People who got drunk were generally illiterate, and one of the chief

remedies for drunkenness was education, as evidenced by police statistics which he quoted. Referring to the members of Parliament who were said to be agreed to local option, he remarked that he knew one who considered the recent inquiry made by the United Kingdom Alliance was impertinent, and would not reply to it. He would not give the name, as it would be a breach of confidence.

Mr. Robert Sawyer (Church of England Temperance Society) said that members of that society desired legislation, but they knew there was great difficulty in getting it, and all were not in favour of prohibition. If he considered that all alcoholic drinks were poisonous, he should say prohibit their sale at once. He believed that there was a great deal of bad liquor sold in the country, but that there was a possibility of brewing a liquor from malt and hops which, taken in reason, might not be injurious at all, and he should consider it wrong to support the theory that a majority of two to one should prohibit its sale altogether. The people, however, ought to have some control over the sale. The practical way of dealing with the question was to treat others as we would be treated ourselves. The object of the bill referred to by Mr. Crews was to repeal the statute by which every butcher, baker, and tailor could obtain the right to sell bottles of spirits to all comers. Clubs had been referred to: he was a member of a Pall Mall club, and also of a working men's club, of which he had been secretary for seven years, and it was scandalous to say that all working men's clubs were badly conducted. If it were a fact that so many persons got drunk at such clubs, why did not the police take them into custody, or stop the drinking? He was of opinion that there was no harm done by many of these clubs. He had not felt much interested in the question of an Act of Parliament upon the matter; he knew the difficulty of framing one, and had declined to undertake the duty. The other side should not abuse the temperance organisations for trying to bring about a reform which it was generally admitted was much needed.

Mr. Colin Oliphant (General Secretary and Parliamentary Agent of the Beer and Wine Trade National Defence League) said he had hoped that such an important matter would have been discussed in a fair manner, and that no words would have been uttered which could give pain. Mr. Horsley had sneered about the publicans in his paper, and asked why they did not initiate some measure for restricting the trade and placing it under some other governing body than the present one. Looking at the history of Wales and of Scotland, he should judge that it would be very difficult to bring about a reform on the lines suggested by the temperance associations. The report of the Chief Constable of Wales stated that since the Sunday closing of public-houses, a number of wretched clubs had been substituted for the well-regulated public-houses, and very bad scenes were the consequence. There were five exempted towns in Ireland, and the drunkenness was less in those places than in the towns and districts where Sunday closing was in operation, thus showing that repressive legislation tended to make things worse rather than

better. The result of the legislation which the teetotal party would like to see carried would be to abolish a large number of industries which at present existed. The most practical method of dealing with the question was that suggested by Mr. Mott, to suspend the granting of new licenses, and to remove the existing licenses from one place to another, as required.

Mr. Edward Whitwell (Sunday Closing Association) of Kendal, said that, looking at the question as a whole, it appeared disgraceful that we should have ten times the crime, and double the pauperism and misery we need have for the sake of a drink we could do without. Wherever there had been an extension of the facilities for drinking there was a consequent increase in the amount of drunkenness. Every place in England was sober before a public-house made its appearance in the locality. The evidence of Parliamentary returns was that the amount of spirits per head consumed by the population of Scotland was one-fourth less than before the passing of the Sunday Closing Act of 1854, and the drunkenness in Edinburgh and Glasgow was one-half less than before Sunday closing came into operation. There had not for the last twenty years been a single petition against the Act, which would not have been the case if the people objected to it. In Ireland the consumption per head had decreased more than five gills per head since the enforcement of Sunday closing. There was evidence on all sides that grocers' licences had increased the amount of female drinking, and that increased facilities increased the general amount of drunkenness. So that the position was that where there had been increased restriction there had been an improvement, and where there had been increased facilities there had been a retrogression. There were places in Westmorland where the public-houses had been abolished and not a single petition was presented in favour of their re-establishment. The increase of the duty on the alcoholic liquors was a restriction, and if the duty were increased, it would considerably reduce the consumption. Low wages acted in the same way.

Mr. J. Saunders said that he represented a society called 'The Licensed Victuallers' Alliance,' which maintained that Bible teaching, human experience, and the highest medical testimony combined in attesting the great benefits from alcoholic beverages to the human race, and which sought, by means of lectures, discussions, and printed information, to instruct the masses of the people, as to the error of those total abstinence advocates who were trying, some by persuasion and others by legislative compulsion, to deprive the population of its alcoholic drinks. He could not find amongst authorised total abstinence advocates any two of them who agreed as to what local option really meant. Mr. Bright had said that 'we possessed local option already, since every one could choose for himself whether or no he would enter a public-house.' No one had published in detail any plan as to the power for enforcing it. The terms, 'popular veto,' 'control by the people,' 'confidence in the people,' had been much vaunted upon that platform, but in the measures now being pressed upon Parliament there was not a trace of any of these. It had been

shown that under 'The Liquor Traffic (Scotland) Veto Bill,' taking the last Edinburgh School Board election as a parallel case, one thirty-fourth of the inhabitants might obtain a despotic power over the whole of the rest, and even were all the ratepayers in favour of the veto, they did not constitute one fifth of the population, and yet would dominate the rest, who would have no power or voice in the matter. Upon that platform, as elsewhere, there were bold and discrepant statements by total abstinence orators. Mr. Horsley had stated that the Government compelled people to drink by Act of Parliament. Where could he find such an Act? One gentleman had put the amount spent annually upon intoxicants at 100,000,000*l.* and another at 120,000,000*l.*, whilst in a publication by the National Temperance League, called 'The Nation's Drink Bill,' the amount was placed at 136,000,000*l.*, but none of these informants had told the whole truth, viz., that in the reports drawn up by Professor Leone Levi, for a Committee of the British Association, it appeared that of the sum spent annually in alcoholic drinks, no less than 30,000,000*l.* was paid by the vendors in duties and licenses to the revenue, and between 50,000,000*l.* and 60,000,000*l.* for materials and profits, and wages to above a million of employés connected with the trade, leaving the balance only, as the actual cost of the beer, wines, and spirits. It was the avowed desire of such total abstinence advocates as Mr. Saunders and Mr. W. S. Caine to extinguish all licenses at the close of their current year without any compensation, by which all employés would be deprived of their livings, and over a million people sent to compete in an already overstocked labour-market, and yet Mr. Caine had made the astounding assertion that the result of such legislation would be full employment for six days a week to all the working people of England. It seemed incredible that Dr. Dawson Burns should assert, as the speaker had heard him do, that alcohol in any form, and in however small quantities, was as truly a poison to the human body as in larger quantities, and that Mr. Robert Rae, another prominent total abstinence advocate, should have recently asserted that total abstinence never had injured and never could injure anyone, and these, contrary to recorded facts by Drs. Carter, Moxon, Rayner, &c., &c., and to the knowledge by hundreds of persons, the speaker included, of those who had been brought to death's door by persisting too long in the change from moderate drinking to total abstinence. On the matter of health he would adduce one most eminent example. In the tables published by the 'Pall Mall Gazette,' containing the pledged opinions of members of Parliament, he found that an overwhelming proportion of members pledged to 'local option,' were devoted admirers and followers of Mr. Gladstone. Now in answer to an inquiry by Mr. E. Reade, Mr. Herbert Gladstone states: 'Mr. Gladstone drinks a glass or two of claret at luncheon, and the same at dinner with the addition of a glass of light port. The use of wine to this extent is especially necessary to him at the time of great intellectual exertion.' This wine, necessary to Mr. Gladstone's health, involves, as has been shown by Mr. Mott, the consumption of about

seven gallons per annum of proof spirit, which is half as much again as the average consumption of the adult population of the nation. The speaker went on to say that a challenge had been thrown out to non-abstainers for a plan to remove the admitted evils in the conduct of the liquor trade. He had a complete plan, but had not time to expound its details. Its general lines were—Let the Legislature decree as follows:—1. Within what area in each new neighbourhood one licensed house be permitted. 2. No new licenses to be granted for a special lengthened period to come. 3. All existing license-holders to be confirmed in their possession permanently. 4. All license-holders to be permitted to sell or remove their licenses upon payment of full compensation to the owner of the premises for the suppression of the trade there. 5. Let the privilege of exclusive sale in new neighbourhoods be sold by public auction for the period during which the discontinuance of new licenses has been decreed, and let the proceeds go to the revenue. 6. At the expiry of any privileged terms in event of the present tenant not continuing, let the value of his outlay during his term be determined by a Government surveyor, and if not paid off by the incoming tenant, become a first charge, with interest, upon the premises and license therein. Finally, the speaker denounced all legislative proposals yet advanced as opposed to religion, health, justice, and liberty.

Mr. W. Storr said he desired to offer a personal explanation. He had been contradicted as to the ownership of houses in London by the brewers. The Conference programme stated that London publicans obtained advances on mortgage from brewers, distillers, and some merchants, that country brewers bought the public-houses out-and-out, and that the two plans were 'substantially the same in practice.' That being so, the responsibility of a mortgage was 'substantially the same' as that of an owner, and his question was addressed equally to both, as parties to a system charged with most of the evils of the common sale.

The Rev. J. W. Horsley, in reply, said the only meeting he remembered of equal interest was a similar one held at Shoreditch Town Hall some years ago, which Dr. Oakley, the Dean of Manchester, arranged. One thing was very evident at that time, that publicans were groaning under the 'tied'-house system, and many things they had now heard would impress that upon them. Publicans said they would gladly have the Sunday rest and shorter hours, but that they were prevented by those who were their masters. Mr. Mott's paper was fair and able, and although that gentleman pointed out the number of people who lived by the drink traffic, he apparently forgot those who died by it, and gave no explanation of the fact that those engaged in the traffic headed the death list. If there were no demand for a change in the licensing laws, how came it that three resolutions were passed in the House of Commons in favour of a change? He was told that in Canterbury no improvement could be made, because two out of every three persons on the council were interested in the liquor traffic. In Clerkenwell the inhabitants and landowner wished that a certain license should not be renewed, but

the Middlesex magistrates acted in opposition to their wishes. It must be obvious that shorter hours would reduce intemperance, for police reports showed that most drunkenness occurred at a late hour. Mr. Mott said that the drunkards were not the real supporters of the trade: if that were so, why did not the publicans refuse to serve persons whom they knew to be drunkards? People came to Clerkenwell Prison time after time for drunkenness, and yet they were served directly they left the gaol as if they had never been there. The blue-books stated that certain small houses were set down year after year as the resort of thieves, and over 100 out of 800 are public-houses or beer-shops: why does not the trade purify itself? He wished the publicans would do something in that way. Country houses were generally well managed, but it was not so in London. He distinctly repudiated the charge that drunkenness was limited almost exclusively to habitual criminals; a thief could not be a drunkard, or he could not do his work properly, and if he did drink at all, it was after the job was done. The proportion of 261 persons to each house was not large, especially when we considered that a certain number of those persons were children; others teetotallers; there were also a good many people who had their own cellars and never used the public-house; thus reducing the number per house considerably, to about 120. A bill had been mentioned on the temperance side in conjunction with the term local option; if the bill simply provided for local control, he would appeal to the publicans to accept it. Various returns showed that there was a decrease of drinking, but did not evidence any decrease of drunkenness. Mr. Simonds had spoken of corruption at the election of *ad hoc* boards; but if there were to be any such talk it should not come from the side most interested pecuniarily in the result of the election. The consumption per head per night in workmen's clubs was but little over one pint, and if ever the Government found that they were public-houses under another name they could put a stop to them. He objected to a remedy coming from above; we must trust the people themselves. As to the Church of England Temperance Society's bill having to be altered in Parliament, he was not aware that any bill went through Parliament without being altered; that was no objection. He wished that education were a panacea. The publicans could do much by supplying coffee early in the morning, and victuals with the drink; they could do much by co-operating with the temperance party, but if they did not act as Englishmen, they might find their trade abolished before they knew.

Mr. Mott, in reply, said as they had heard each other's views it would be better to let them rest for consideration at a future time; they had not met to come to a decision at that time. No doubt most of them would go away with the same opinions they had before they came, but the results of the ideas placed before them would be shown by future action. He recognised the good intentions of the Church of England Temperance Society, but would remind them that more mischief was done by the ill-directed efforts of well-intentioned people than by any other cause. Such people too often had their way

simply because the folly of their proposals was overlooked through respect for their motives; they were now proposing to carry out a perfectly foolish measure. The bill of the Church of English Temperance Society was a disgrace to whoever drafted it; it would not work, and would only land them in trouble. He referred to the measure to show that those people who were trying to lead public opinion were not qualified to do it, as it was a purely practical question. We all desired to stop drunkenness, but it must be done in a practical way, and the only people who were fitted to lead the public were those who could see through the result of their own proposals. The bill was foolish and unworkable, and he found the same fault with all the temperance proposals, whose supporters did not take the trouble to learn all the facts of the case. They learnt the mischief of drunkenness, but did not learn sufficient to show when a scheme was only theoretically good or was practically good. The traders in alcohol were interested parties, but they knew the facts, and could consequently reason better as to their practical results than uninterested parties who did not know the facts.

SECOND DAY,
FRIDAY, FEBRUARY 26th, 1886.

COMPENSATION.

Should Compensation be given on the compulsory extinction of Licenses, and, if so, from what source? By ERNEST W. NORFOLK, on behalf of the Licensed Victuallers Protection Society of London, the London and Provincial Licensed Victuallers Defence League, &c.

THIS is a question of grave interest and vital importance to every section of the commercial and working community, for what is held good towards one branch of property directly affects all others, and in its bearings upon the trade licensed for the production and sale of alcohol, is of equal moment to the owners of every description of land and house property in the kingdom.

Compensation may be defined as that which is given or received as an equivalent for services, want, loss, suffering, reward, or satisfaction, and in the majority of instances several economic rights are affected. Freeholders, leaseholders, sub-tenants, contractors, and in the case of the licensed trade, generally, brewer, distiller, and wine merchant, and mortgagees may all be injuriously disturbed by the closure of a public-house. Fixtures, stocks, and furniture are also injured; indeed, in cases of forced removal, 'the occupiers of houses and premises, whether owners, lessees, or yearly tenants, may claim compensation for loss of profits during removal, and for damage done to furniture and stock-in-trade, and also for expenses of removing.' (See 'Ingram's Law of Compensation,' and 'Newcome's Licensing Question.')

Looking at the question of compensation from a general point of view, it must not be forgotten that an essential condition to the proper management of a business, and to induce respectable persons to embark their capital therein, must be the sense of the security of property.

The value to the owner and tenant of property such as that I am dealing with must be considered in relation to the sum invested, whether for freehold, leasehold, or for premium and goodwill, as well as in connection with the income which such

investment has produced or may produce, and in addition consideration must be given to the burden of taxation.

The advocates of prohibition as applied to the production and sale of alcohol deny to license-holders any vested interest in their property on the ground that licenses are granted for one year only and are renewable entirely at the discretion of the magistrates. My first duty, therefore, in dealing with the very complex question of compensation is to show that the renewal of a certificate cannot be legally withheld, unless from the proved misconduct of the license-holder, and then to proceed to the question of compensation and the source from which it should be derived.

In referring back as far as the reign of Edward VI., when the first licenses were granted, we find that the Act granted 'permits' for the sale of alcoholic drinks by retail, and gave the justices no authority to cancel such licenses, unless the recognisances for good behaviour of the holder had been forfeited by reason of his conviction for misconduct. Without such conviction the permission to sell was continuous.

In the year 1758, in giving judgment in the case of The King *v.* Young and Pitts, Lord Mansfield said:—'If they have no reasonable objection to the man they ought to license him, and if they have any reason they ought to give it. For though they have a discretion in these cases, yet *they must not be permitted to exercise an arbitrary and uncontrolled power over the rights of other people, and in cases where their livelihood is concerned.*'

Passing by other old Acts dealing more particularly with charges for spirit duties and retail licenses, and other statutes that have been repealed, we come to the reign of George II., when the justices were given yearly licensing powers. As a proof that Parliament had no intention of bestowing on the magistrates the arbitrary power of refusing a renewal during good behaviour, the 2nd Section of the 3 Geo. IV. c. 77 reads thus:—

'And for the better preventing the granting of licenses or authorities to unfit and improper persons to keep ale-houses or victualling houses, and the occurrence of disorderly conduct in such houses: Be it enacted, that no license or authority for such purposes shall be granted to any person not thereunto licensed or *authorised the year preceding*, unless such person shall produce at the general annual meeting, &c., &c.'

While in many of the later Acts of Parliament there is undoubted and undeniable evidence that the Legislature never intended to give the justices any such power as that now

claimed for them, it is clear that Mr. Secretary Bruce, in introducing the Licensing Bill of 1871, considered that a license was renewable to the owner, or, if not, what is the meaning of the following clause which occurred in that bill?

'Every publican's certificate of whatever description, and whether a new certificate or granted as hereinafter provided to holders of licenses existing at the commencement of this Act, shall be continued annually, as hereinafter mentioned, until the general annual licensing sessions which is held next after the expiration of ten years from the commencement of this Act, and shall absolutely determine at the end of such sessions.'

To talk of there being no vested interest in licenses granted from year to year, and in the same breath of the compulsory sale of licenses at the end of ten years, is absurd and inconsistent.

Mr. Bruce, speaking in the House on the same bill, said:—'I cannot accede to the proposition of the honourable gentleman, the member for Carlisle, that these houses have no sort of interest. They certainly have one.' He further on added:—'It must be borne in mind that licenses cannot be refused without an appeal to the quarter sessions, and has anyone ever heard of such an appeal being decided except with reference alone to the conduct of the holder of the license?'

Mr. Locke, in the debate on Mr. Bruce's bill, said:—'In reference to the proposed ten years' system, it seems to me that a great deal of hardship would be occasioned by it. After ten years of hard work and respectable conduct a publican might be driven out of his house and his whole business cut away from under his feet, which would certainly be a very harsh proceeding. I trust, therefore, that a more equitable method of diminishing the public-houses will be adopted.'

Then we come to the Lords' Committee on Intemperance, and on examining the report issued by them in the year 1879 we find this remarkable opinion:—

'Apart from the question whether powers which may safely be entrusted to magistrates may with equal safety be entrusted to the people at large, it is certain that the power of granting or withholding licenses has been given to magistrates, not for the suppression, but for the regulation of the liquor traffic, and that any attempt on their part to use such power, not for the regulation, but for the suppression of the traffic, would be inconsistent with the principles hitherto observed by the Legislature.'

What, again, is the meaning of the 42nd section of the Licensing Act of 1872, which is as follows, and which relieves a license-holder from personal attendance on the magistrates to renew his

license, and also requires that full notice should be given of any objection to its renewal?

'Where a licensed person applies for the renewal of his license the following provisions shall have effect:—

'1. He need not attend in person at the general annual licensing meeting, unless he is required by the licensing justices so to attend;

'The justices shall not entertain any objection to the renewal of such license, or take any evidence with respect to the renewal thereof, unless written notice of an intention to oppose the renewal of such license has been served on such holder not less than seven days before the commencement of the general annual licensing meeting: Provided that the licensing justices may, notwithstanding that no notice has been given on an objection being made, adjourn the granting of any license to a future day, and require the attendance of the holder of the license on such day, when the case will be heard and the objection considered, as if the notice hereinbefore prescribed had been given;

'3. The justices shall not receive any evidence with respect to the renewal of such license which is not given on oath;

'Subject as aforesaid, *licenses shall be renewed* and the powers and discretion of justices relative to such renewal shall be exercised as heretofore.'

The Earl of Kimberley, speaking on the bill in the House of Lords, said:—'Having dealt with the grant of new licenses, I now come to the renewal of licenses. As to these and all other questions—apart from the grant of new licenses—which are now decided at Brewster Sessions, and as to which there is an appeal to the Quarter Sessions, we propose to make no change. We do not attempt to introduce by special enactment the control of the ratepayers over the grant of new licenses, the renewal of licenses, or the transfer of licenses. But we do propose that any person who objects to the transfer or the renewal, or the grant of a new license, may appear before the Brewster Sessions, or against the grant of a license in the first instance, and having so appeared, shall have a right to appeal to the Quarter Sessions, or to the confirming body, in the same manner as he would now have in certain specified cases in which alone such a right exists. But, to protect the publicans, we provide that any one so appearing or appealing shall enter into sufficient recognisances to pay costs, and that in cases where the court considers that the opposition was frivolous or vexatious *they may award com-*

pensation for the trouble, annoyance, and loss of time caused to the publican. Then, as to the publicans, we propose that they should have a greater guarantee than at present against being harassed by objectors. At present, evidence may be given against them without notice to the holder of a license, and may be acted on by the magistrates at their discretion. That is said by the publicans to be a great hardship, because they have had no notice of the charges brought against them, the evidence is not given on oath, and both for that and other reasons, they have not the power of testing it which is possessed by a defendant in other cases. We think it is reasonable that, in all cases where objections are to be made to the transfer or renewal of a license, those objections shall be duly notified beforehand to the parties against whom they are to be brought, and that the evidence shall be given on oath.'

By the Act of 1872 it is provided that the magisterial authorities shall keep a register of the names of the owners of every licensed house, and in case any tenant shall be at any time convicted of an offence against that Act, notice shall immediately be given to such owner.

If this does not recognise the license as being attached to the house, and part of the freehold, what does it mean?

Again, section 26 of the Licensing Act, 1874, says:—'Whereas by section 42 of the principal Act, it is enacted that a licensed person applying for the renewal of his license, need not attend in person at the general annual licensing meeting unless he is required by the licensing justices so to attend. Be it enacted, that such requisition shall not be made, save for some *special* cause, *personal to the licensed person*, to whom such requisition is sent.'

Now on what ground has the right of the magistrates to refuse the renewal of a license been claimed? Simply this, that in the year 1882 a grocer applied to the magistrates at Over Darwen for the renewal of a certificate held by him since 1875, which they refused on the ground that it was not required in the district.

The magistrates' decision was upheld in the Court of Queen's Bench. This decision affected 34 refusals out of 72 licenses, but of this 34, 15 were withheld through insufficient annual value, and some on account of convictions. It must be borne in mind that these licenses were what are termed 'Off' licenses, and the decision cannot be strained to apply to full-licensed houses or to wine and beer retailers.

My firm belief is, that had the cases which were refused without due cause been taken to a higher court the decision of

the court below would have been upset, and I am strengthened in this view because in the Queen's Bench Division the theory of the Over Darwen magistrates has since been refuted in the cases of Reg. *v.* Justices of East Essex, of Reg. *v.* Justices of Lancaster, and on April 21, 1883, by the Middlesex Court of Quarter Sessions in the case of Reg. *v.* Justices of Brentford, and because the 19th section of the Wine and Beerhouse Act, 1869, provides that:

> 'Where, on the first of May, one thousand eight hundred and sixty-nine, a license under any of the said recited Acts is in force with respect to any house or shop for the sale by retail therein of beer, cider, or wine, to be consumed on the premises, it shall not be lawful for the justices to refuse an application for a certificate for the sale of beer, cider, or wine, to be consumed on the premises in respect of such house or shop, except upon one or more of the grounds upon which an application for a certificate under this Act in respect of a license for the sale of beer, cider, or wine, not to be consumed on the premises, may be refused in accordance with this Act.'

In the face of these facts, the renewal of a publican's license cannot, in my opinion, be successfully opposed, unless the holder of it has in some way committed a breach of the law.

The licensed victualler is compelled by law to perform certain duties towards the public, and he has been licensed to do this from year to year simply to convenience the Government in collecting fees at certain times. A license is not a notice to the holder that he may be refused a renewal, but on the contrary implies a renewal on good behaviour, and is an incentive to good behaviour. Mr. Ruskin says:—'The first necessity of all economical government is to secure the unquestionable working of the great law of property—that a man who works for a thing shall be allowed to get it, to keep it, and to consume it in peace. This, I say, is the first point to be secured by social law, without this no political advance, nay, no political existence, is in any sort possible. Whatever evil, luxury, iniquity, may seem to result from it, this is, nevertheless, the finish of all equities.'

Now, let us examine for a few minutes the opinions of the judges of the Court of Queen's Bench upon this question, and it will be found that they have never held any doctrine other than that a publican should not be deprived of his license so long as he fulfils the requirements of the law under which he obtained his certificate.

At their annual meeting in 1884, the justices of Merthyr Tydvil, before hearing applications for licenses, called into their private room the police superintendent, who, not being sworn, gave them a list of several holders of licenses who had been convicted or otherwise were objected to by the constable. No notice of objection had been served before the general meeting, nor was any objection then made in open court, and it was announced that all these cases on the list would be adjourned. Meanwhile a notice of objection was served on the parties before the adjournment day, stating in one case an objection that the house was not structurally adapted for a license, in another case that a spirit license had not been taken out, that the holder had been convicted, &c. On rules for *mandamus* it was held that a notice as to structural adaptation did not come within any of the four grounds specified in 32 and 33 Vict. c. 27, sec. 8, and Chief Justice Coleridge said:—'I am of opinion that this rule ought to be made absolute. The rule, I observe, states that the justices should hear and determine this application, and my only doubt is whether we ought not to make the rule absolute so that the justices shall renew this license without allowing them any discretion in the matter as regards hearing and determining. For the words of the Act 35 and 36 Vict. c. 94, sec. 42, are very precise, namely, that the justices shall not entertain any objection to the renewal unless they comply with certain specific requirements, which implies that they are bound, as a matter of course, to renew the license unless those requirements are complied with. On considering the circumstances of this case therefore, I have doubted whether or not the applicant might not have asked for a *mandamus* to the magistrates to grant the license, as they could only proceed under the statute, and there had been no objection at all within the statute. There was no objection at all on the first occasion, and for that reason the magistrates had no right to adjourn the hearing. If, indeed, the policeman had gone into court and had openly said, "I object to the application on such a ground," then it might have justified an adjournment. But there was no objection so taken, and what passed was merely this—that a conversation took place behind the back of the applicant between the magistrates and the superintendent of police. I have had before this to express my strong opinion that nothing could be more improper or irregular than such practice, which, no doubt, had been proved, in other cases as in the present, to exist—and a most discreditable practice it is—that is, the practice of the magistrates having private conversations with the superintendent of police about the cases that are to come on, the very

cases on which they are to adjudicate. It was no answer to urge that the magistrates were highly honourable men, as no doubt they were, and that they only followed a practice already established. For it is very important that persons of the classes who came before the magistrates should see that the forms as well as the substance of justice were duly observed; and I feel it to be my duty in the place in which I sit judicially to disapprove of this practice, and to declare it irregular and improper, as magistrates ought not to hear anything as to the cases on which they are about to adjudicate; and especially they ought not to hear anything from one of the parties in the case. I therefore think that as there had been no notice of objection given at the proper time and place the justices had no power to adjourn the matter at all. Then what happened when the justices professed to hear the case at the adjournment on October 6? The notice given by the superintendent of police referred to a previous conviction having been made against the applicant. Now the only grounds on which the justices could refuse to grant the renewal are set forth in the 32 & 33 Vict. c. 27, sec. 8. That section says that no application for a certificate shall be refused except upon one or more of the following grounds: 1st. That the applicant has failed to produce satisfactory evidence of good character; and there were other three grounds not, perhaps, material. Now, all that had been attempted to be proved under the first head was that inasmuch as the applicant had once been convicted of an offence, this was evidence against his character within the meaning of the first ground. I think it is not admissible evidence. We have held in several cases which are well known, that a publican may be liable to a penalty for some act done by his servants—done, it may be, in his absence, and possibly even against his orders given expressly to such servant to abstain from any such acts or practices. The Court has held that if the servant in course of his management break the rules laid down by the Licensing Acts the master may be, nevertheless, technically convicted, though he may himself hold personally the highest character. Therefore I take it that there was here no legal objection whatever to the justices granting the renewal of this license, nor do I see that a notice as to structural defects comes within any of these four grounds. There was really nothing at all of the least consequence which came under any of the four grounds of objection. I am, therefore, of opinion that this rule for a *mandamus* should be made absolute.'

This opinion was concurred in by Mr. Justice A. L. Smith.

Then in the case of Ruddock *v.* the Justices of Liverpool,

Sir James Hannen held, in giving judgment, that— 'The issue is very definite. It is to express an opinion between this Court and the magistracy as to whether, under the Act of 1872, the magistrates have or have not any jurisdiction in determining as to the renewal of a license how far the house may be necessary. The Act specifies certain grounds on which a license may be withheld, and this Court has considered that the magistrates *are restricted to those specific* grounds, and that those cannot be gone into without specific notice to the applicants, and moreover that the magistrates *must* determine *on some one or other of those grounds and cannot refuse a license on any general notions of expediency* with reference to the number of licenses in a district.'

This doctrine was again held in the case of Skinner *v.* the Justices of Exeter, and in Ireland in the case of Clithero *v.* the Recorder of Dublin, in which all three judges of the Irish Court of Queen's Bench were unanimous.

Although Acts of Parliament affecting the licensing trade have undergone numerous modifications in principle, these opinions have remained unchanged, and I am convinced that no publican has ever been deprived of his license except upon proof of misconduct in the management of his house; and in this connection I would refer to a challenge thrown out in the year 1884 to the whole teetotal party and their advisers to touch a single license where the publican had not broken the law. They accepted the challenge, and selected the town of Liskeard in Cornwall as their field of operations, where they objected to the renewal of five licenses. And what was the result? Why that their opposition simply collapsed. This being so, I maintain that license-holders have a right to say that on the faith of the continuance of existing laws they have embarked their capital and have a vested interest which must be fully compensated if they are compulsorily swept away.

Having now, I think, fully established the legal right to a renewal on good behaviour, I will pass on to the question of compensation.

The plea that this trade should be destroyed without compensation because it is licensed may also be applied to every other body where the license system is in existence, and it would be as just therefore to do away, without compensation, with lawyers, universities, medical and law schools, auctioneers, the tobacco industry, &c., &c., indeed, with any that are paying licenses.

It seems a most monstrous proposition that the Legislature should induce persons to go into a certain business by licensing

it for the purpose of revenue, and after compelling the license-holder to alter his premises from time to time to adapt them to the public convenience, suddenly to turn him adrift without compensation.

On the faith of successive Acts of Parliament, some of them, as I have before mentioned, dating back for upwards of three hundred years, the present owners of breweries and distilleries, public-houses, and grocers' businesses, have been induced to embark their capital, and instances can be quoted where a license has been attached to a house for two or three hundred years without a break.

The right to compensation has been admitted by Parliament in nearly every instance in which a vested interest has been interfered with.

On the abolition of the slave trade, so jealous was the British Parliament of the rights of property, that, in 1833, Mr. Stanley, then Secretary of State for the Colonies, proposed on the part of the Government to advance a sum of 15,000,000*l.*, to compensate the slave owners for the loss of their slaves' labour, and although the idea of this loan was subsequently abandoned, we find a little later on that 20,000,000*l.* was granted for the same purpose, and among the members who supported the same was Mr. W. E. Gladstone, then M.P. for Newark, who, in appealing to the House to adopt the principle of compensation, said :—'Let not any man think of carrying this measure by force. England rested not her power on physical force, but upon her principles, her intellect, and her virtue.'

Sir Robert Peel declared that if the House of Commons declined the planters' claim to compensation they would incur an imputation upon their good faith such as they had never incurred before, and in his opinion Parliament was bound to make full compensation.

It is advanced against the principle of compensation, that when stage coaches were done away with nothing was awarded to the owners. Of course not, they were killed by competition, not prohibition, but the owners of land taken for railway purposes were compensated, for in the year 1845, a Select Committee of the House of Lords, who held an inquiry into a proposal to legislate for the purpose of compulsorily taking land for the extension of the railway system, stated the opinion 'that a very large percentage, amounting to not less than 50 per cent. upon the original value, ought to be given in compensation for the compulsion only.'

The 14th section of the Act of 1869 disestablishing the Irish Church, enacts that:—'The Commissioners shall, as soon as

may be after the passing of this Act, ascertain and declare by order the amount of yearly income of which any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church will be deprived by virtue of this Act; after deducting all rates and taxes, salaries of curates found by the Commissioners, on inquiry, as authorised by the 15th section of this Act to be permanent curates, payment to diocesan schoolmasters, and other outgoings to which such holder is liable by law, but not deducting income tax; and the Commissioners shall have regard to the prospective increase (if any) of such income by the falling in or cessation of the shares thereon; and the Commissioners shall, as from the first day of January, one thousand eight hundred and seventy-one, pay each year to every such holder, so long as he lives and continues to discharge such duties in respect of his said archbishopric, bishopric, benefice, or preferment, as he was accustomed to discharge, or would if this Act had not passed have been liable to discharge, or any other spiritual duties which may be substituted for them, with his own consent, and with the consent of the representative body of the said Church hereinafter mentioned, or if not discharging such duties, shall be disabled from so doing by age, sickness, or permanent infirmity, or by any cause other than his own wilful default, an annuity equal to the amount of yearly income so ascertained as aforesaid.' Then follow provisions dealing in a similar spirit with curates, schoolmasters, &c.

When moving the Disestablishment of the Irish Church, Mr. Gladstone remarked: 'I said in the course of the discussion on the Irish Church that not less than three-fifths of the whole money value of the properties of the Church would be given back to its members in any form of disestablishment that Parliament would probably agree to.' Mr. Gladstone estimated the interest of those dependent at fourteen years' purchase.

The tendency of the British Parliament has always been to refuse to acknowledge any interference with interests, vested or otherwise, without compensation; and in the year 1870, in delivering a speech on the Irish Land Bill, Mr. Gladstone declared his sympathy with the policy of securing compensation for improvements and of 'securing the evicted tenant, if he fulfilled his contract, from the danger and fear of being thrown out upon the world, without carrying with him a fair and reasonable compensation, not only for improvements he had effected, but also for the deprivation of those means of livelihood which had been afforded him by the occupation of land from which he had been ejected.'

In concluding his speech, Mr. Gladstone added: 'It is our

desire to be just to all. The oppression of a majority is detestable and odious; the oppression of a minority is only by one degree less detestable and less odious.'

In the debate upon the Regulation of the Forces Act, 1871, abolishing purchase of commissions in the army, the then Secretary of State for War said: 'The principle of the Government Bill was not properly described as being one of compensation. It was rather a complete indemnity given to every class of officers for their fair pecuniary claims,' and that 'the business of Parliament was to give complete indemnity, neither more nor less, to those affected by what it was now doing. If it was impossible, in minute arrangements, to do perfect and accurate justice in every case, then the balance would be cast in favour of the officer. For the pecuniary value of the present commissions it was proposed to give complete compensation both as regards regulation and over-regulation prices.'

Mr. Gladstone added: 'When the people of England set about political reforms they never accomplish them in a niggardly spirit, but their practice is to make liberal compensation to those who have suffered or who may imagine themselves to have suffered, and in every doubtful case adopt liberal action.'

At this time, according to the Queen's regulations for the army, any officer who accepted or paid for a commission a larger sum than that allowed by the regulations forfeited his commission and was cashiered.

And yet in spite of this, compensation was awarded to officers on over-regulation prices.

These are only a few instances out of the many which may be culled from only a cursory glance over the statutes demonstrating that Parliament has always acted in harmony with the traditions and feelings of the people.

If such a proposition as compulsory extinction without compensation is adopted, it means that a person who by dint of hard work and industry has saved sufficient money to purchase a lease is to lose not only the amount he has paid for such lease, but the income which the business bought by that money returns him, and that he may be cast practically penniless into the world.

It is impossible to imagine why it should now be sought to apply the doctrine of confiscation to this particular property, when it has not been so much as dreamt of previously, or generally in connection with other property. The effect would be as if land were to be confiscated to the State, when not only the landlord, but the tenant with all his improvements, and his

labourers and servants with their weekly wages, gardens, and homesteads, would be hopelessly and entirely ruined—and in the case of the property now under review, not only the owner of the property, but his tenant, servants, and dependents, as well as all the trades existing by this business, would be ruined, the number of people so affected would amount to several hundreds of thousands—and the capital annihilated would amount to many millions.

I maintain that I have proved a right to a license in perpetuity or to full compensation, provided nothing is done by which a license is forfeited. Do you mean to assert that any Government would be guilty of such a proposal as to ruin the holders of 100,000 licenses without giving them full compensation; or that, if they did so, any Parliament would be so iniquitous in their dealings or so forgetful of the nation's traditions as to sanction such a proposal? As I have before mentioned, they gave compensation to the officers of the army on the compulsory abolition of purchase of commissions. They awarded compensation to the slave owners, the present Prime Minister's family receiving 110,000*l.* as compensation for over 2,500 slaves (see Parliamentary Papers, 1837–8). They award compensation to medical officers of unions, and to all who by alteration in the parochial laws are got rid of; to government officers whose positions are abolished or relegated to others, and to persons employed under the telegraph system. Take again the proctors, who had a monopoly in the proving of wills. Their work was purely routine, and the fees obtained in many instances realised fortunes. When the law disestablished them, however, and their business was thrown open to solicitors, these proctors were converted into solicitors without being articled or passing any examination, and every one of them compensated in addition with a life annuity. They still give compensation to their civil officers.

You have heard in the paper read yesterday the immense amount of capital employed in the production and sale of fermented liquors; you have heard of the extraordinary number of industries directly and indirectly connected with this trade, and the large number of persons employed in these industries; and if you compare the liquor trades with other industries you will better appreciate the extent of the mischief proposed in the compulsory extinction of licenses.

On November 26, 1879, the present Prime Minister, in the course of his Midlothian campaign, said: 'If Parliament shall think it wise to introduce radical changes into the working of the liquor law in such a way as to break down the fair expecta-

tions of persons who have grown up—whether rightly or wrongly, is not the question, it is not their fault, it is our fault—under the shadow of these laws, then fair claim to compensation ought, if they can make good their case, to be considered, as all such claims have been considered, by the wisdom and liberality of the British Parliament.'

Let me again quote a few words from a speech of Mr. Bright, with reference to the Permissive Bill: 'Now my opinion is this, that if a trade in this country is permitted by law, that trade has a right to be defended by law—that the trade of the licensed victualler, of the sale of alcoholic drinks, is a trade that has been permitted, and is now permitted, and I think Parliament and the law are not justified in inflicting upon it unnecessary difficulties and unnecessary irritation. I will apply that to the case of this great town and another town as great with which I was politically in former years connected—the town of Manchester. In Manchester and Birmingham there are 4,000 houses connected with the sale of intoxicating drinks. Now those 4,000 houses, without being perfectly accurate, I may say, were in the occupation of something like 4,000 persons and families, but in the bill which was submitted to Parliament, there was no consideration of the interests of those families. There was no valuation provided for, there was no compensation offered or suggested, and the plan was one of what you would call root and branch reform, and the publicans and the licensed victuallers, wherever you got a majority, were to be exterminated as if they had been vermin. Now, I don't think a policy of this kind in any country—I am sure not in this country—when it is fairly examined, will be held to be statesmanlike or just. I am against dealing with a question of this nature, affecting the interest of so many people, by what you may call a hurricane that is fit only for a revolution. I should like to deal with it in a more just and what I call a more statesmanlike manner according to the legislation that becomes an intelligent people in a tranquil time. Well, now, those are grounds which presented themselves to my mind so strongly that whilst wishing success to all reasonable efforts for promoting temperance, I was unable to support that bill.'

I have treated this question on the known and expressed desires of those who oppose the use, and therefore the manufacture, of alcohol to do away at once with it; but having, I think, proved that the trade are entitled, and that their right has been acknowledged, to compensation, I do not believe that any Parliament would think of dealing with this matter without granting compensation.

Now, it is understood that the late Government proposed to deal with this burning licensing question in a county government bill, and the views of the Marquis of Salisbury, as expressed in his memorable Newport speech, are therefore worthy of close attention. He said: 'Well, then, there is another question in which I think local government may do something for us, besides those sanitary questions and those matters connected with the relief of the poor which are so familiar to you. There is another matter of which you know something in this or in the neighbouring locality, and that is the burning question of Sunday closing. Sunday closing, looked at from a purely impartial point of view, and I am bound to say that those people who do not go to public-houses are very impartial in the matter, presents these difficulties—that though in Scotland you have unanimity, in Ireland practical unanimity, and in Wales you have unanimity qualified by a certain amount of recent experience—and I am bound to admit that in Cornwall you have what appears to be unanimity—yet when you come to the strictly Teutonic portion of the community you have anything but unanimity. I remember the present Lord Ebury, when Lord Robert Grosvenor, introducing a bill for enforcing strict Sunday closing which applied to eating as well as drinking in London; he got it as far as Committee, but the moment the population of London heard of it they took effective measures; they marched into Hyde Park and broke the windows of every member of Parliament they could find; and though there was not a logical connection between the remonstrance and the evil, the remonstrance had its effect and the bill was immediately withdrawn. I do not know that the population of London has since changed very much, and my impression is that if you tried Sunday closing upon them you would be very tired of it before you got very far. Looking upon it from an impartial point of view, it is impossible not to see that the difficulties of a uniform system for the whole country are extreme, and if we were not afraid of running against some antiquated doctrines on the subject, we should adopt the simple principle of letting each locality decide for itself what it should do in the matter. I venture to say that, as regards most of those who hear me, two words have rushed to their minds. They have said, "He is professing local option." The value of local option differs exactly according to the value of the thing about which the local option is to take place. I do not think local option is a bad thing where that matter upon which local option takes place is legitimate, but where local option is also used for a different process I have no kind of

sympathy with it. It is proposed that localities shall have the power, where the number of non-thirsty souls exceeds the number of thirsty souls, that the non-thirsty souls shall have the power of saying that the thirsty souls shall have nothing at all to drink. That seems to be trenching upon the elementary liberties of mankind. If I like to drink beer it is no reason that I should be prevented from taking it because my neighbour does not like it. If you sacrifice liberty on the matter of alcohol you will eventually sacrifice it on more important matters also, and those advantages of civil and religious liberty for which we have fought hard will gradually be whittled away . . . If any encroachment on the legitimate interest and industry of the publican is made, undoubtedly fair compensation must be given, and the local authority would have to provide that fair compensation; and I believe that the terror of having to provide that compensation would furnish a not inconsiderable motive to induce the local authority to observe a wise moderation in the exercise of their functions.'

As in the past and in the present, so in the future, full compensation must be awarded when a business is hurt, and in the case of a licensed house in the large towns you have not only to consider the loss of income, but also the amount of capital invested, whether by brewer, distiller, freeholder, leaseholder, sub-tenant, contractor, mortgagee, or license-holder; and this brings us to the most difficult and complex question for decision, and that is as to whence compensation is to be derived.

If the Corporation of the City of London, a Vestry Board, a Local Board, the Metropolitan Board of Works, or any similar body require premises for improvements, and such premises have a license attached, they award such a sum as in their judgment is full and fair compensation taking the license into consideration; and so has the Government done over and over again. In the event, therefore, of a County Board having the power granted of doing away with the sale of alcohol, whether in all or in only some of the houses in their district, they must grant full compensation, and that compensation must be given according to the circumstances of each individual case, and to the rights of all parties interested in each such individual case, taking into consideration not only the capital invested in the house, but the loss of income and the deterioration of the value of the house by reason of the license being taken away. One of the stipulations made by the Metropolitan Board of Works in connection with the rebuilding of the London Pavilion was, that if a license was obtained, the proprietor should pay them 15,000*l.*

Mind, I utterly and unhesitatingly deny, looking at the decrease in intemperance, at the reduction in the number of houses, and in the quantity of alcoholic liquors sold, that there is necessity for any alteration such as that suggested; and to those who accentuate their prohibition theories I would suggest for consideration the question of how they propose to supply the Revenue which would be lost if their extreme opinions were carried into effect; to supply the money for compensation, for assuredly compensation will be exacted, or to supply those with labour whose occupation will be lost.

Several proposals have been put forward by teetotallers and in bills introduced into the House of Commons promoted by them. Some of them suggest that the consumer of alcohol should be compensated instead of the producer and vendor; well, of course, this is ridiculous. Others that those done away with should be compensated by those remaining; others, again, that one or two years' *profits*, calculated on the last three years' business, should be granted to a tenant, one and a half year's *profits* to leaseholders for less than three years, and one and a half year's profits to leaseholders for any amount of time with two alternatives. No suggestion is made as to how the sums paid as premium and goodwill are to be refunded, or how the freeholder is to be recompensed for the reduction in the value of his property by reason of loss of license, or indeed how any but small tenants are to be recouped.

It will be seen that the owner of a lease for a long period would thus receive no more consideration than the owner of a lease for three years; and it is peculiar that the very people who, as an excuse for further taxing the trade, alleged that a license constituted one-third of the then value of licensed premises, are those who only recently made a proposal on the above lines as their principle of compensation.

No notice is taken of the fact that the premises which would be disqualified would be structurally unfit for other business, nor of the large sums spent to adapt them to their present purpose.

It appears to be assumed by the prohibitionists that there is no capital invested in a house held on an annual tenancy, whilst it is a well-known fact that in many parts of the United Kingdom such a thing as a lease is practically unknown, because the tenant, believing in his landlord, feels that he is dealing with a man of honour, one who will respect the interests of his tenants and who would not think for a moment of ejecting them unless for sufficient reason.

Further, it must not be supposed that a goodwill is entirely

dependent on the length of a lease, because the condition of the commerce of the country and the state of trade are very important factors.

Such propositions, looking to past experience and the faith upon which the business has been entered upon and in which colossal sums have been invested, can surely never be adopted by a British Parliament or in the face of a free-born, liberty-loving people. If the Imperial Legislature deem fit to pass a law prescribing the compulsory extinction of licenses, they must fully compensate all interested directly or indirectly in such licenses out of the Imperial Exchequer. If they hand over such a duty to local or county boards, then these bodies must find the necessary compensation out of the rates, and, in the words of the Marquis of Salisbury, 'I believe that the terror of having to provide that compensation would furnish a not inconsiderable motive to induce the local authority to observe a wise moderation in the exercise of their functions.'

The license-holder, from his constantly increasing taxation and the reduction of his receipts from want of business consequent upon depression in trade, can now hardly make both ends meet. How could he then give compensation to his fellow whose abolition would undoubtedly intensify the present depression by throwing thousands more of the labouring classes out of work?

If such compensation should have to be found, would it be unfair to insist that those who clamour so unceasingly for the extinction of licensed houses should pay the penalty; and I would here just inquire how they would in such an event obtain the money to compensate all persons, meaning between one and two million persons, and the capital invested estimated at 130,000,000*l*. Let them seriously contemplate this in all its bearings, none more important than the loss of revenue to the country, and the practical destruction of all the very numerous industries connected with the trade; and also what in these days of depression is to become of those deprived of their living. But it is not a reduction in the number of licenses but complete prohibition of the sale of alcohol for which the teetotallers contend. Let them then supply the compensation necessary for carrying their wishes into effect. Certainly it would be the mockery of justice to ask those to find the money who would practically be the losers, either as producers, vendors, or consumers.

In the opening of this paper I said that the question I had to discuss was of grave interest and importance to every section of the commercial and working community; and most

certainly it is, for if compensation is denied to such a gigantic industry as the liquor trade, it may well be denied to every other industry or calling, and would seriously impair the value of every description of property.

Under the Land Clauses Consolidation Act powers are given for the sale and purchase of land.

Under the Superannuation Act powers are given to award compensation to persons holding civil offices in the public service.

Apply these principles then to all interested in the trade.

So far as a tenant is concerned, it must not be forgotten he would practically be at the ruinous disadvantage of being 'evicted' from the only business he understands, without an opportunity of going into it again.

Where a compulsory sale of licensed property is insisted upon, in compensating, consideration must be had to the value of the building with a license attached, and to the trade profits of the whole business; stock and fixtures being sold at a valuation on the basis of the Lands Clauses Act. The income derived from the sale of alcohol in licensed houses must be regarded as permanent income.

In this paper, while I have addressed myself to the professed doctrinaire and to the extreme temperance man, I am anxious to invoke the spirit of justice and liberty of the lawmakers of this country, and to appeal to the conscience of our countrymen to uphold the rights and privileges which law and industry have created, to see that if a vested interest is destroyed it receives full recognition and that due protection is given to property legitimately accumulated. If the State considers that the continuance of the licensed trade is detrimental to the general good, let the law be changed, but let those who are injured by such change be fully indemnified, inasmuch as their past actions have been sanctioned and directed by the law.

On the Same.

By Stephen Bourne, F.S.S., on behalf of the Church of England Temperance Society.

The principle that where the carrying out of measures for the public good requires an interference with private rights, property, or convenience, the sufferer should receive adequate recompense, is so well established both by law and practice, that no discussion upon temperance legislation could be complete without the question of compensation for enforced withdrawal or withholding of licenses being entertained. When lands or houses are taken for public improvements or by private bodies for purposes of general utility, Parliament sanctions a compulsory sale. When common lands are appropriated, or established foot paths are closed, there is a just outcry if no compensation is afforded to those who lose their use and enjoyment. When, in short, any advantage which law or custom has sanctioned or allowed to accrue to any individual, ceases, it is usual to accompany its withdrawal or destruction by the gift of some corresponding privilege. So whenever it may come to pass that the power to keep open any place for the sale of intoxicating liquors is restricted or abolished, the claims of the dispossessed will at least have to be investigated, and as the general acceptance of any such plans as are put forward by the Alliance or the C. E. T. S. must depend upon the answer to be given to the questions now propounded, it is well that they should be calmly considered on the present occasion.

The possession of a license is too often spoken of as a privilege that has been conferred, rather than a restraint that has been imposed. It is evident that at common law there is no restriction upon the sale of intoxicating liquors, and that, were any new possession to be added to the British Crown, it would require some specific enactment of the Legislature to preclude any and every inhabitant from as freely offering them for sale as unfortunately our traders now do to any uncivilised nation they may visit with their wares. It is instructive to notice that on the very first occasion on which our Legislature interfered with this freedom, power was given to the local justices to 'put away common ale-selling,' and that the first licensing Act confirmed the exercise of this authority 'where they should think meet and convenient.' In the Canadian Dominion it has been found necessary to make it penal to serve the Indians with intoxicants, and one of the latest diplomatic efforts of our Government has

been directed to the absolute exclusion of spirits, if not of beer, from the trade to be introduced into the region of the Congo —so essential has it been found in all ages and in all places to curb the free use of so potent an instrument in the promotion of crime and disorder. But another reason was found in the necessity for protecting the Revenue by confining the custody and sale of these liquors to approved persons, and in suitable premises, as well as by the imposition of a charge in aid of the Exchequer, not only upon the liquors when made, but upon the persons by whom distributed. The origin, therefore, of the license law was twofold, the preservation of order and the safety of the Revenue.

It is wholly unnecessary here to draw any distinction between the various kinds of retail liquor licenses, whether granted by the Justices of the Peace or the Excise authorities; whether for spirits, wines, or beer; attached to inns, public-houses, beer, or confectioners' shops; or whether for consumption on or off the premises at which obtained. One characteristic belongs to all, and though the specific regulations may vary according to the nature of the house, the locality in which situated or other circumstances, they are directed to the same end—protection against the unlimited dealing in substances, the use of which is attended with so much evil, and the danger from which if unchecked is so great. For this purpose are the provisions that the licensee shall be of 'good character'; that the police are empowered to enter 'as they should think proper'; that they shall only be open during prescribed hours; that they shall not be 'the habitual resort of prostitutes,' or be used for 'harbouring thieves'; that spirits shall not be 'sold to,' or 'consumed on the premises' by 'any person apparently under sixteen years of age,' and that 'every licensed person shall keep painted or fixed on the premises his name, and the express purpose for which his license is granted.' All these, together with many other conditions—to the violation of which first a warning in the shape of endorsation of the license, and in case of repeated offence its forfeiture, attaches—act in the direction of restriction on trade; and the frequency of their variation from time to time by the Legislature, as the public safety or convenience may dictate, all rebut the supposition that any right of compensation exists.

Again, the provision that those licenses which are granted by the justices at any rate, shall only be so granted or transferred after 'notice to be fixed upon church doors,' and 'personal attendance,' 'for taking the evidence of both the applicant and any person opposing'; that then it is subject to 'the confirma-

tion of such grant by the confirming body of justices'; that 'if the continuity of the license-holder has been broken,' 'the subsequent application is for a new license;' that recent decisions have established the 'absolute discretion of the justices to refuse new licenses or the transfer of old; and above all, that when granted it shall be 'for one whole year—and no longer,' leave no room for the claim to any vested interest as existing, either in the holder of the license or of the premises in respect of which it is granted, for any period beyond the unexpired portion of the one year.

Nevertheless it cannot be gainsaid that the Legislature has at all times acted upon the assumption—happily now no longer tenable—that the trade in alcohol has to be sustained, though under restrictions, for the public benefit, and that under the licensing system the owner of the license has become the possessor of certain advantages, the compulsory deprivation of which may constitute an equitable claim for pecuniary consideration. In itself the exemption from the restraint imposed on all others becomes an advantage, heightened in its value by the growth of consumers and the wealth of the country. Then, in the interest of the public it was required that the buildings in which the selling for consumption was carried on should be worth a certain rental, and structurally adapted, not only to the exigencies of the seller, but also to the comfort and convenience of the purchaser. The person to whom the license was granted had to produce proof of good character, and needed special fitness or training for the business before he was entrusted with powers which it was possible to exercise to the detriment of the general welfare. These requirements led to the expenditure of money, the investment of capital, and the employment of time and skill in the provision and maintenance of both buildings and persons, which it would be scarcely fair arbitrarily to sacrifice, for however good an object, without the restoration of the unexhausted improvements, which had been made on the faith of continued opportunity for pursuing the trade. It is hardly correct to compare the possession of a license, though only secured for one year, to that of a lease which has only the same term to run. In that case the duration is fixed, and no prudent person would fail to obtain an extension prior to any expenditure which could only be repaid by continued occupancy. It is rather analogous to a yearly tenancy in which the presumption is that so long as the tenant faithfully fulfils the conditions of his holding, he may remain in the use of whatever he has erected or improved. Where that tenancy has existed so long as to create confidence in the good-will or integ-

rity of his landlord, a tenant may be somewhat imprudent in laying out money for his own future benefit; but the landlord is justly deemed to be dealing arbitrarily, even in the exercise of his undoubted legal right to summarily determine the occupation and destroy that which the tenant has provided. The Legislature, acting by the authority of the community, has sanctioned the existence of much in the present condition of affairs, and has through its negligence permitted the growth of much that was never contemplated. Should the country choose to determine the relations in which it stands to the license-holders or the premises which they occupy, it must bear the penalty of past imprudence, and the Legislature will have to consider to what extent that penalty must reach. Were all restrictions upon the trade to be removed, those in possession would at least have the advantage of being the first in the field, and the best prepared for meeting the competition which would arise; but if the sale of liquors should be altogether stopped or greatly curtailed, though no legal right to compensation existed or any vested interest had been created, it would not be consonant with English ideas of justice to let the whole loss fall upon those who had trusted in its continuance.

What measure of compensation should be given, and in what shape it should be granted, are questions of which any practical solution is of extreme difficulty; but some definite principles may be laid down, and the mode of their being carried out must be as equitable as the circumstances of the varied cases will admit. In the first place, it should be confined to that which has been already expended, the recompense for which has not been obtained, and which would lose its value from the cessation of the purpose to which it has been applied. It must be limited also to that which the law has created, either in the person or the premises. For instance, the man who holds a license may have devoted his time in qualifying himself, and invested his money in procuring a sphere in which to employ his skill and industry, upon the reasonable presumption that good conduct would secure him in the possession of the income to be derived from such occupation. It would be hard to confiscate his means, acquired probably in some other walk in life, say, as often happens, that of domestic service, and to deprive him of the opportunity on which he had relied for his own support and that of his family. Or a builder has erected premises in a position and of a character suited for a trade, which the Legislature has not only sanctioned but surrounded with certain securities, and for which it has enforced certain expenditure. It would be hard treatment to destroy the value of

his property without some equivalent for that which he had a right to believe he would be protected in enjoying. The nation, unwisely or wisely, has called into existence, or fostered the growth of, both the person and the building, and must not decline the responsibility of what it has done or suffered to be done. On the other hand, if the person has enjoyed his advantages so long as to have reaped an abundant harvest, or the building has been so long thus appropriated as to have rewarded its owner for his outlay, these returns having been the result of legislation in one direction, there can be no shadow of right to ask for their duplication by enactments of an opposite design.

In the next place, it must not be extended to anything which is not the legitimate outcome of that which the law has prescribed. For instance, the house is required to be of a fixed annual rental, according to the population of the district in which it is situate. This being the minimum, any additional rental having for its object the respectability of the house or the purpose it is designed by the Legislature that it should serve, is in fairness so much increase of expenditure to be considered. But whatever is merely designed to attract the unwary or induce undue drinking must be rejected. All the display of plate-glass, flaring gas-lights, and spicy attendants—intended to obtain illegitimate customers—is but so much in contravention of the spirit, if not the letter, of law. Still more, the addition of music-rooms, facilities for gaming, conveniences for illicit meeting of the sexes, are quite outside the question. So with hotels, stables, and business premises—for the real value of these should remain unaltered, even if not increased by withdrawal of the drinking which keeps away the most respectable users for these attendant advantages. A railway company might with as much propriety ask for the value of its station, as the proprietor of a music-hall for its cost, in the event of either losing its license for the refreshment bar.

Thirdly, no cognisance must be taken of any future profits. Nothing but what is already irremediably sunk in existing arrangements can be deemed worthy of appraisement. The present taste for the consumption of liquors has been generated by the meretricious allurements with which they have been surrounded. That taste is evidently on the decline much more from the growing intelligence and right feeling of those who, now too young to become customers, will, there is every reason to believe, to a great extent fail to swell the ranks of the consumers in future. To attempt to discount the business of the future on the basis of its present extent would be as futile as

to estimate the gains from patent rights beyond the period of their duration. Again, whatever distress or depreciation there may be in the trade at this time, springs from accurate forebodings of the future. Whether it arise from a strengthening conviction that for all practical purposes alcohol is worse than useless—or from a deficiency in purchasing power, there can be no doubt that temperance practice is spreading. It is not only to be hoped, but also believed, that to the former cause this is greatly owing, and if so it will increase and be permanent. If it be attributable to the latter it is still likely to be enduring, for there is no reasonable expectation that the present depression in trade is either passing away, or is likely to escape becoming more intense for some years to come. But were it otherwise there is no reason why the nation should be taxed to avoid prolonging the system which has done so much to exhaust its resources and depress its energies, concurrently with securing to the manufacturers and dealers the possession of colossal fortunes, the status of territorial magnates, the wearing of titles and membership of the House of Peers. If past gains are not to be interfered with, prospective ones must not be purchased. Further than this, there can be no doubt that every step taken to repress expenditure in drink will lead to outlay in supporting other pursuits calculated to enhance the value of personal service, and so permit exchange of employment for those now engaged in the trade, and a greater demand for the buildings and sites now appropriated to this purpose.

One word more on this branch of the subject. What has preceded and what of this paper is to follow, is written from the stand-point of the Church of England Temperance Society, which assumes the right of every individual to judge for himself in the matter of drinking, so long as the indulgence of his taste does not outrage public order and decency, or impel him to cast upon the State the obligations resting upon him to provide for those who are his dependents, or to violate the rights and comforts of those amongst whom he dwells. It seeks to lessen the temptations to which he is exposed, to neutralise the efforts of those who, appealing to the weaker side of his nature, profit by drawing him aside from the path of rectitude, and thus have exercised so fatal an influence upon the welfare of the nation. It looks not to compelling men, or women either, to become sober by legislative restrictions, but by these to leave him open to those prudential, moral, and spiritual influences on which alone it places much dependence for the reparation of the social fabric it seeks to promote.

In precisely the same spirit and to the same end does it promulgate the scheme of local control now before Parliament, in which its proposals for awarding compensation are embodied. These are, that where the licensing body, to be created for the purpose and having absolute control over all licenses and the premises in which they are to run, shall determine in the interests of the public to withhold renewal or transfer of existing licenses, it shall pay to the person thus injured such compensation for the value of the good-will of the business and the expenses as it may be found he has incurred or will have to sustain.

The basis on which this proposed enactment rests is that there are in many places more licenses than are needed for the legitimate wants of the inhabitants; that their maintenance is injurious to neighbourhoods by reason of the encouragement they offer to assemblies for drinking purposes, and the temptations they unnecessarily present to the weak-minded and young, whether those who are already intemperate or those who are in danger of becoming so; that they thus operate in restraint of thrift, in promotion of intemperance, in encouragement of disorder and crime—by all of which means loss of comfort and money, together with other evils, is inflicted upon the locality so burdened. Seeing that the proposed board is to be elective, and thus will represent the wishes of the inhabitants, the bill will follow in the wake of public opinion, not proceed in advance of it, in the expectation that year after year fewer licenses will be renewed, and few, if any, new ones applied for. The promoters of this measure, whilst believing that the frequenters of these houses will be lessened in numbers, and especially that accessions to their ranks will be retarded or prevented, are not so sanguine as to believe that the shutting up of a house will all at once destroy the demand. Hence it follows that when one door is closed others will be more frequently opened, and that for some time to come the stoppage of one license will be decidedly to the advantage of those that are continued. If only one-half the custom withdrawn from one house be bestowed on others, it would increase their profits. This is constantly found to be the case when, as often happens, interested parties buy up the smaller houses to swell the traffic of the larger. If, then, it be contrary to justice and sound policy to refuse compensation to the one person whose business is brought to an end; it would be equally unjust and inexpedient that no compensation should be taken from those to whom a large portion of the consumers will transfer their favours. If only one-half of the old ones should become cus-

tomers elsewhere—seeing that they would be supplied with little or no increase of expense to the sellers—these may fairly be called upon to supply the sums paid to the deprived person or house.

This transfer of profits gained by some to the others who are losers is to be effected by the creation of a 'licensing fund,' to be supported by the imposition of a license rental on all the houses allowed to remain open; and out of this fund all awards for compensation are to be drawn; should it fail to provide all the requisite sums, the deficiency is to be supplied out of the local rates. If, on the contrary, after all disbursements are met, a surplus remains, it will be applied in relief of the local rate charges.

It must be borne in mind that the licensing body, being so constituted as to be representative of all sections of the community, the minority as well as the majority, may be safely trusted to interpret and give effect to the prevailing wishes of the inhabitants, and to do justice to all who are concerned. Whilst on the one hand, repressive of what is noxious and evil as well as preservative and restorative in its action, it will also be prospective in its arrangements for the future, and instrumental in bringing about that change in our social condition which must be the ardent wish of every true citizen of this great country.

In conclusion, let me acknowledge that this Paper would have been still more imperfect than it is had the question here propounded been, How to effect the desired reforms? These it will undoubtedly require much care in arranging so that they may be effectual in discouraging intemperance without infringing upon such liberty as it is desirable to retain. The present is a fitting time, whether by the method of 'local control' or through the instrumentality of county boards, which the existing Government, as well as its predecessor, seems to favour. In either case the will of the people must have full expression, and that will is certainly in favour of change, for the country is passing through a crisis which it will never surmount until its drinking customs are amended. Without any desire to bear hardly upon the makers and sellers of alcoholic liquors, we must see in the fruits of their industries the destruction of many others.

With thousands starving in our streets, tens of thousands seeking for the work they cannot find, and hundreds of thousands pining in hopeless wretchedness; their homes bereft of every comfort, their morals debased and their souls enslaved by the curse of drink, it is no time to be irresolute. Justice must be meted

out alike to those whose misery claims our sympathy, as well as to those whose claims we have now been considering. A nation which exhausts one-tenth of its available powers in the production and distribution of intoxicants, and wastes nearly another tenth by the consequences of their consumption, will never rise from the depression under which it is staggering until this stupendous obstacle no longer bars its way to renewed prosperity.

On the Same.

By Joseph Malins, G.W.C.T., on behalf of the Independent Order of Good Templars, Grand Lodge of England.

At the outset it may be said that the form of the question conveys an erroneous impression. Many temperance politicians would doubtless desire that the ratepayers should have power to *immediately* suppress all *existing* drink licenses. But I take it for granted that in any vote under Local Option, prohibition would not be operative until the current licenses had all expired on the next annual licensing day. This is the operation of the Canada Temperance Act of 1878, which (in contradistinction to the disallowed Dominion License Act of 1883) was, on appeal, declared constitutional by Her Majesty's Privy Council on June 22, 1882. Under that Act, a majority of the voters of any locality can vote the cessation of drink licenses; but, says Professor Forster, M.P.:— 'In no case can the Act go into operation in less than five months after its adoption, and generally it is a full year or more. *No licenses are revoked or annulled.* The dealers get all they have paid for under the terms of their licenses, and are simply advertised by the community that when their present licenses expire they will not be renewed.'[1] I think the temperance men of this country would accept a 'Temperance Act' upon the same lines as the above.

The question heading this paper, however, is intended to have a wider meaning. Its purpose is to raise this question: In cases where licenses have been granted to individuals, and it is determined in any locality not to again grant them, have such individuals a claim to be compensated; and, if so, from what source?

[1] *Canada Temperance Manual*, by Prof. G. E. Forster, M.P. Montreal, 1884.

My contention is that the monopoly conferred by granting a drink license terminates each year with the license; and that the non-issue of a succeeding license when the law, or the people—when lawfully empowered—shall declare against any such issue, will leave the holder of the expired license no claim for compensation for loss of a prospective trade—the continuance of which was never guaranteed by law.

There is no free and open trade in the sale of intoxicants. The business has proved so injurious to the community that it is, of necessity, limited by many restrictions and even prohibitions. Thousands of presumably respectable people have, in recent years, been prohibited from entering this business their applications for licenses being refused. If the drink-license system were merely fiscal, a thousand men could to-morrow each get a public-house license as easily as they would each get a license to sell tea, or a gun license. But the applicant for a drink license must give notice to the public, and any person can legally oppose its issue. Even when issued, the holder is only entrusted with it for one year. It is a privileged monopoly, granted to enable him to supply a supposed public want during that one year only.

I. Drink Licenses have a Tenure of only One Year.

The tenure of each license under Act 35 and 36 Vic., cap. 27, sec. 6, is thus defined:—'It shall be in force for one year from the date of its being granted;' and Act 9 Geo. IV., cap. 611, sec. 13, under which alehouse and licensed victuallers' licenses are generally granted, says the license is 'FOR ONE WHOLE YEAR AND NO LONGER.' Act 35 and 36 Vic., cap. 94, says:—'The renewal of a license means a license granted at a general annual licensing meeting by way of renewal.' Mr. Justice Stephen, in the Court of Queen's Bench, Nov. 24, 1882, said:—'The Legislature says, *when we talk of a renewal of a license we do not mean that, but we mean a new license granted to a man who had one before.*'

II. The Re-issue of Licenses is often suppressed without Compensation.

Any drink license can be suppressed (*i.e.* not 'renewed') by the magistrates, and no compensation is even possible. The Incorporated Law Society, at its annual provincial meeting in 1883, had a paper read[1] showing that, save in certain off-licenses

[1] *Laws Regulating Licenses for the Sale of Intoxicating Liquors in England*, by E. T. Payne, Clerk to the Bath Justices.

(and certain beer licenses *not* now exempt):—'The justices in their unqualified discretion can renew or refuse to renew licenses, so that it will be seen that public-house and beerhouse property is of very precarious value, affected as it is by the possible misconduct of the licensee, or even by more general objections entertained by the licensing justices, as, for instance, that there are too many public or beer-houses in the district.' Even in case of premises built for a public-house, and for which a provisional license has been granted, Mr. Patterson, in his book on the Licensing Acts, in referring to the Act of 1874, says:—'There is nothing in this or other Acts to make it compulsory on the justices to renew the license any more than in ordinary cases.'[1] A subscriber to the *Justice of the Peace* journal, in referring to the power of justices to refuse the transfer of a victualler's license, asked the editors whether the transfer could be refused if there were no conviction against the previous owner of the license. The reply (August 18, 1883) was:—'*The discretion of the licensing justices to grant or refuse a transfer of a victualler's license is absolute, and they are not bound to state any reason for their refusal. . . . The justices are not under any personal liability for such refusal.*' Lord Chief Justice Cockburn, in the Court of Queen's Bench, May 1878 (*Smith* v. *Hereford Justices*), said:—'According to the Act of 1828, the justices had the same discretion to refuse a renewal as they had to refuse a grant of a new license.' These and similar decisions were reflected by Sir Richard A. Cross, when Home Secretary, declaring that magistrates 'had just the same power to refuse renewals as they had to refuse new licenses;'[2] and also by Sir William Harcourt, who, when Home Secretary, in 1883, said: '*The law is that every license is annual, and may be refused. The magistrates have the power to prohibit any sale.*'

On behalf of the people, all this power is given to the magistrates to refuse to grant licenses to new or old applicants, and such magistrates '*are not under any personal liability for such refusal.*' Now if, by 'Local Option' law, this power to grant or refuse be conferred on the people, would it not be a mockery to place them under any 'personal liability' for such refusal, and so impose upon them an enormous fine if they dared to use the legal power thus given to them?

[1] *No Vested Interest in Licenses*, by W. C. Amery. Blandford, 1885.

[2] Quoted in *The Legal Status of Licensed Victuallers*, by F. G. Hindle, Clerk to the Darwen Justices. London, 1883, 2nd ed.

III. The Publican has no Legal Vested Interest in the License.

No 'vested interest' is involved in the possible successive issue of licenses to any one publican or public-house. The license is certainly not the 'vested' property of the publican. He is only the lessee, and his license lease expires with the year for which it was granted. Mr. Justice Field, in the Court of Queen's Bench, November, 1882, said:—'In every case in every year there is a new license granted. You may call it a renewal if you like, but that does not make the license an old one. The legislature does not call it a renewal. The legislature is not capable of calling a new thing an old one. *The legislature recognises no vested right at all in any holder of a license. It does not treat the interest as a vested one in any way.*'

Mr. Baron Pollock, in the Queen's Bench, Jan. 31, 1884, said that 'the notion that there is a property of the landlord in a license cannot be considered as sound law.'

The late Mr. Thomas Nash, barrister-at-law, and Counsel to the Licensed Victuallers' Association, summed up the whole matter of 'vested interests' in the following letter in the *Morning Advertiser* of 5th September, 1883:—

'*A still more unfortunate result of the Darwen case was that it promulgated and divulged what had hitherto been more or less a professional secret, viz., that, subject to appeal, the licensing magistrates can refuse to renew the license of any and every holder of an on-license. Till then it had always been popularly supposed that the holder of an on-license, certainly a full license, had a vested interest, and even the teetotallers always spoke as if they recognised such an interest. Now, I am sorry to say, having looked into this question most exhaustively, and compared notes with many of my brethren well versed in these matters, that there cannot be the smallest doubt that in the strict sense no such thing as a vested interest exists, and that, subject to appeal, the magistrates can refuse to renew the license of the largest, most useful, and best conducted hotel in England. I daresay that this will stagger many owners, but it is high time that the trade fully realised their position, and did not remain an instant in a sense of false security. More than this, as a matter of policy, the mere mention of the term "Vested Interest" should be avoided, as it infuriates every Court, from the Queen's Bench downwards.*'

Thus, so far as the liquor traffic is concerned, that myste-

rious something called 'Vested Interest' is now widely known to be a mere effigy, the very sight of whose red rags has so infuriated Mr. Justice John Bull that he has tossed it out of Court.

IV. Parliament and Compensation to other Interests.

The question of compensation for the discontinuance of licensing has latterly been dealt with in the interests of 'the trade' by three writers, to whom some reference may be made: viz. the late Mr. H. C. Edwards, General Secretary of the Licensed Victuallers' National Defence League,[1] Mr. Frederick N. Newsome, A.I.A., F.S.S.,[2] and Mr. J. James, President of the Plymouth, Devonport, and Stonehouse Spirit, Wine, and Beer Trade Protection Society[3]—the latter being a member of the executive of the Licensed Victuallers' National Defence League. The views of the last may be reserved awhile, but those of the first merit attention, as having been read at 'the Parliament of the Trade,' in 1883, and ordered to be widely circulated.

(1) The Abolition of Slavery.—Mr. Edwards, after erroneously saying that Parliament has always spoken of compensation, adds that 'It would be strange indeed if it were otherwise, when the dealings of past Parliaments with other interests are considered. Perhaps it will be well to glance at a few cases. Take slavery, to start with.' Mr. Edwards then shows that in 1807 Parliament abolished the slave traffic (*i.e.* the importation of slaves from Africa to the West Indies), and in 1833 abolished slavery itself; and, says Mr. Edwards, 'at this stage the planters "spoke out," and appealed to the British Parliament to make good their losses.'

In this connection it may be said that the compensation afforded was not on account of the traffic in slaves, as abolished in 1807. The slave dealers and planters reckoned their vested interests at 100,000,000*l.*, and mooted compensation, and Mr. Pitt, for the Government, said:—'Let them produce their case, and if upon any reasonable ground it shall claim consideration, it will then be time for Parliament to decide upon it.' But the fact was published in 1831 that 'to this hour, after a lapse of twenty-four years, not only has not a single claim to compensation been established by any one of these then noisy claimants,

[1] *Compensation*, by H. C. Edwards. *Licensed Victuallers' Defence League Report.* Birmingham, 1883.

[2] *The Licensing Question: Its History, its Laws, &c.*, by F. N. Newsome. London, 1883.

[3] *Temperance Legislation and Licensing Reform*, by J. James. Plymouth, 1883.

but not one has even been preferred.'[1] Thus not a penny was voted for losses by the slave traffic ceasing and slave-ships being rendered useless.[2] When, in 1833, the slaves themselves were declared free, Parliament voted only 20,000,000*l.*; and even then O'Connell protested against it being called compensation, and seventy members voted against it—Buxton only tolerating the grant to insure the passing of the bill.

Mr. Edwards says of the slave trade:—'The horrors attendant upon the *traffic* (please note the word, for it has been revived to damage you [the licensed victuallers] by association), the horrors, we repeat, attendant upon it were simply shocking, and one cannot read about them without wondering how it was ever tolerated at all.' Every mind will be irresistibly drawn by association to the horrors attendant upon the other traffic which calls itself 'the Trade.' Lord Brougham, in referring to claims for compensation for vested interests in the slave trade, said: 'Trade is honest; it is innocent; it is useful; it is humanising; it is universally beneficial; whereas this infernal traffic is exactly the reverse, and can only be called a crime!'

Even admitting, however, that compensation was due on the compulsory extinction of slavery, the case of the extinction of licensing furnishes no parallel. Each slave was held as inherited, or bought for life-service to its holder. Each license is 'apprenticed' to its holder for one year, and cannot be lawfully worked a single day after the year has expired.

(2) Compulsory Acquisition of Land.—The next Parliamentary illustration which is cited is the acquisition of land for railways and other public purposes &c., under the Joint Stock (1844) and Lands Consolidation (1845) Acts. But the cessation of licensing does not necessarily involve the acquisition of anything. Under local prohibition, the land and houses, in which men have so profitably speculated, will still be theirs—though shorn of the enormously increased 'unearned increment' of value which the license temporarily gave it. The contents of the houses will still be theirs. There will be no forced removal, but the owners can, if they please, transfer the stock to some non-prohibitory area. The State will acquire nothing—not even the old license it gave. It simply declines to give again, as hundreds of magistrates decline—and without any liability for compensation.

In vain does Mr. Newcome cite the compensation awarded to a brewer for prospective loss of sale of beer when his house was required by a railway company. If the magistrates had

[1] *Anti-Slavery Monthly Reporter* 1831, vol. iv. pp. 89-92.
[2] *The Parliamentary Providence of Compensation, by* Edward Pearson.

previously refused to again issue a license, the railway company would only have had to pay for the land, house, and fixtures—but no compensation for prospective drink sale. So, where the people have power to withhold further licenses, they will have to pay for the land, house, and fixtures, if they want them—and not without—but will not have to pay compensation for the non-sale of drink which cannot then lawfully be sold there.

(3) Irish Church Disestablishment.—Mr. Edwards also cites the compensation granted to the clergy on the disestablishment of the Irish Church. But the clergy were licensed to preach for life, while the publicans are only licensed to practise for a year. The clergy were presented to livings for life; the publicans are only granted a license for a year. Moreover, the Irish clergy were compensated out of the State Church endowments. The accumulated wealth of the liquor traffic has not been in charge of the State. The State has only received a moderate fee for a license in actual use, and a duty on liquor actually on sale. All the accumulated wealth is in the hands of brewers, distillers, and others interested, and not in the national treasury, nor in the pockets of the ratepayers—and what is not in cannot be drawn out.

(4) Abolition of Army Purchase.—Another illustration cited relates to the abolition of purchase of commissions in the army, and the '*repayment of over-regulation prices* paid for unmerited promotions.' There are doubtless many cases of the payment by publicans of over-regulation prices for unmerited licenses. But the over-payment has been made to fellow speculators, and if it is to be refunded it must be by those who have had the funds. The State has only had the usual regulation fee for the license, and it leaves the license to work itself out. Mr. Edwards cites Mr. Gladstone as saying, in reference to this Army Purchase question, that Parliamentary practice 'is to make liberal compensation to those who have suffered, or may imagine themselves to have suffered, and in every doubtful case to adopt liberal action.' In this liquor traffic case, however, there can be no doubt that the license was only a trust for one year. With all officers' commissions it was different. Such officers were entitled to serve under the commission till they had attained a given age, and then they were entitled to a pension. The license only allows the bearer to serve until he is one year older, and then no pension is due, and therefore no compensation can be claimed.

(5) The Stoppage of Highways.—Mr. Newcome's *History of the Licensing Laws and How they are Administered* touches most of the same points dealt with above, and advances

a new argument. He says (pp. 7, 8):—'No highway can be stopped up or diverted, or its maintenance discontinued, without involving some possible right to damages; nor, to take an extreme case, can any common rights be interfered with by the War Department without endangering a recognised claim for compensation.' In reply to this I would say that the license system is not a public highway, but rather a closely fenced Government covert, where a small minority may be licensed to enter for one year's shooting; and if they stay one day longer without getting another shooting permit they are liable to be fined for poaching—*i.e.* selling without a license. A public highway is free to every man, but a Parliamentary return shows that between the years 1876–1882 over fifteen thousand of her Majesty's subjects who, license toll in hand, prayed to enter this so-called public highway, were refused by the Government agents—the magistrates—and not one of the excluded claimed damages.[1] More than this. During the same period 3,570 of those who had been privileged by license to use the covert applied for permission to pay and stay one more year, but were refused the privilege. They had right of entry for one year, and no longer, and the year had expired. License-holders are only a privileged minority. Surely the power which lawfully excludes the many may exclude the few, and no claim for compensation is possible in such circumstances.

(6) The Freeing of Tolls.—The compensation paid for freeing turnpikes and bridges is also alluded to. But the owners of these possessed a legal and continuous saleable or leaseable 'vested interest' in the tolls; while there is no such continuous 'vested interest' in an annual license. If an owner lets a toll-gate to a tenant for one year, and then gives him notice that his tenancy will not be renewed, the tenant cannot claim compensation. The position of the latter is on all-fours with that of the thousands of tenants—so-called landlords—of the thousands of 'bound' beerhouses owned by rich brewers, who annually eject numbers of them without a penny of compensation: as is admitted in Mr. James' startling pamphlet.

V. British Restrictive Liquor-Legislation without Compensation.

Mr. Edwards' essay declares that 'Parliament, when it has been pressed to do something sensational with us, has always spoken of compensation.'

Upon this I join issue, and say that Parliament has never

[1] *Parliamentary Return on Licenses* (Mr. Arthur Peel), Aug. 21, 1883.

effectively spoken of compensation in reference to this traffic. Look at the footprints of past centuries. When, in the time of Edward III. (1327–77), it was ordered that only three drinkshops should exist in London, others were doubtless suppressed, but nothing reaches us about compensation. In 1495, during the reign of Henry VII., the justices were empowered 'to reject and put away common ale-selling in towns and places where they thinke convenyent;' and in 1552 (5 & 6 Edward VI.) justices of the peace were empowered 'to remove, discharge, and put away common selling of ale and beer in the said common ale and tippling houses where they should think meet and convenient.' No compensation appears to have been given. Mr. Newcome admits (pp. 15–16) that in 1606, 1609, and 1623 (reign of James I.) there was enacted such repressive legislation that 'in juxtaposition with such edicts even the Maine Laws themselves are merciful;' yet he does not indicate that any compensation was allowed under what were even worse than Maine Prohibitory Liquor Laws! In March 1757 Parliament proposed for awhile to prohibit distillation from grain, meal, or flour, so that it could be utilised for food. Smollett, in his *History of England*,[1] shows how the farmers declared it would ruin them, while the distillers laid the blame on the brewers, and prayed Parliament to abstain from prohibition or grant compensation. But Parliament ignored the claim, and 'made the prohibition absolute,' thus reducing the spirit consumption by two-thirds, till December 1759, when the resumption of distilling drew a remarkable protest from Scotland, which appeared in the *Edinburgh Magazine* in April 1760.[2] Having, for the common good, ruined the English distillers, the next step was 'ruining the Scottish beer trade,' by extending to Scotland the heavy English duties. The result was that the consumption of beer, which was from 400,000 to 500,000 barrels before 1760, 'immediately fell off to between 100,000 and 200,000 barrels' annually. By reopening the distilleries, the spirit consumption, which previous to 1760 had only been 60,000 gallons, reached in forty-two years to over 2,000,000 gallons![3] Yet the brewers received no compensation from Parliament, or from the distillers who thus flourished while they perished. In 1796-97 the distilleries were again stopped, owing to scarcity of grain, and then the people fared better than in years of plenty with open distilleries.[4]

[1] *History of England*, by Smollett, 8vo. ed., vol. xv.
[2] Quoted in *Temperance Encyclopædia*, by Rev. W. Reid. Glasgow, p. 346.
[3] McCulloch, quoted in Newcome's *Licensing Laws*, p. 30..
[4] Colquhoun's *Treatise on the Police of London*, 6th ed., 1800, p. 328.

In 1809–10 and 1813–14 the distilleries in Ireland were stopped by Parliament, the result being that an average annual consumption of seven and a half million gallons was reduced by three millions—to the great gain of the people.[1] In 1830 the Beer Bill was passed amidst publican protests, in response to which the Chancellor of the Exchequer (Sir H. Goulburn) admitted that 'diminution of the present value of their capital would follow the adoption of the bill,' but the only alternative was this—'would he lean toward the supposed interests of the smaller classes or toward those of the country generally? This being so, he could not hesitate upon the decision he was bound to take under the circumstances;' and the bill passed without compensation. In 1853 the Scotch Sunday Closing legislation passed, whereby the yearly sale of spirits diminished by 1,250,000 gallons.[2] In 1860 Mr. Gladstone's Wine Act was passed with the avowed intention of lessening the public-house trade. In 1869 Sir H. Selwin-Ibbetson's Bill raised the ratal qualification of beerhouses, and all below the standard then set up were extinguished, about three hundred being closed in Liverpool alone. In 1872 Mr. Bruce's Act reduced the time allowed for sale by about twenty-four hours a week. In 1878 Meldon's Act, raising the rateable qualification of Irish beerhouses, closed 557 beerhouses in Dublin alone. In 1877 the Irish Sunday Closing Bill drew forth a proposal to re-commit it for the insertion of a compensation clause, but the House rejected the idea and passed the Act now in force. In 1881 the Welsh Sunday Closing Bill was passed; and in 1882 the Scotch Steamboat Sunday Closing Bill. In 1883 came the prohibition of the use of public-houses as election committee rooms; and another Act prohibiting their use for the payment of wages. No compensation was given in any of these cases.

In the face of these facts the Licensed Victuallers' Defence League allow it to go forth in Mr. Edwards' paper that 'Parliament, when it has been pressed to do something sensational with us, has always spoken of compensation.' Now and then certain Ministers and members of Parliament have spoken of it; but Parliament has done many sensational things with the liquor sellers, and has never yet spoken of compensation for the legal restriction or suppression of the manufacture or sale of intoxicants.

[1] *The Suppression of the Liquor Traffic* (pp. 124-8), by Dr. F. R. Lees 1857.
[2] *Report* of Royal Commissioners on the Act, vol. i. p. 93.

VI. United States Prohibition, with No Compensation.

The State of Maine, in prohibiting the common sale of intoxicants as early as 1851, provided no compensation for those whose traffic, it held, had too long injured the State and its people. True, its law is not utterly prohibitive, for, under United States treaties, Maine cannot close its ports to the importation of intoxicants, but it enacts that such shall only be sold in the imported packages, which cannot be opened for retailing. The 'common sale' was, and is, therefore outlawed, and the numbers of people who had licenses had to quit the business. More than thirty years under prohibition has seen no enactment for compensation. On this point I have felt it right to refer to General Neal Dow, who was Mayor of Portland after the State enacted prohibition, and who has had too intimate an experience of the matter to be in doubt on a simple question of fact. His reply is as follows:—

Portland, Maine, U.S.A.,
January 18th, 1886.

Dear Sir,

I have to say that in this country there has never been put forward by the liquor traffic any claim for compensation for the prohibition of the trade, nor has any been granted in any of the States where the trade has been suppressed. In all the decisions of our Courts, both State and National, where this matter has been determined, the liquor traffic has been treated as a public nuisance, liable at any moment to be summarily abated. In all our Prohibitory laws the traffic has been expressly declared to be a public nuisance, and has been commanded to be treated as such. The subject of compensation has never been discussed in this country. By universal consent it is considered that no claim for it, either in law or equity, can be maintained.

Very respectfully yours,
NEAL DOW.

I have copies of laws of the other States now also under Prohibitory Acts, viz., Vermont, New Hampshire, Iowa, and Kansas, but in none of these laws can I find a trace of provision for compensation on the suppression of licensing.

VII. United States Local Option and No Compensation.

The State of Massachusetts for a time had a prohibitory law covering the State, but afterwards, by an Act of May 12,

1882, it gave each locality Local Option over licensing. The result is thus reported to me by Mr. L. Edwin Dudley, Secretary of the 'Massachusetts Law and Order League,' who, writing from Boston, January 18, 1886, says:—'I send you a compilation of the Liquor laws of Massachusetts;[1] 241 of the towns and cities of Massachusetts now absolutely prohibit the liquor traffic by Local Option vote, and 100 towns and cities authorise the granting of licenses. We formerly had in this State an absolute prohibitory law, but at no time have we given compensation to those whose licenses were suppressed.'

In view of the fact that Massachusetts has had every variety of licensing, prohibitory, and Local Option laws, ending in the present Act under which a bare majority of electors can suppress the license system in their respective localities, I wrote the State Librarian, Mr. C. B. Tillinghast, to know if in the statutes of the past or present there exist laws providing compensation to those thus prevented from continuing as dealers in intoxicants. He replies, in a letter headed 'State Library of Massachusetts, State House, Boston, January 19, 1886,' as follows:—

I beg leave to say that the State of Massachusetts for several years had a prohibitory law, but that forseveral years past a Local Option law has been in force, and is the statute to-day.

The question of compensation has never been the subject of discussion, and, in fact, I do not think it has ever been suggested here—certainly never seriously.

The States of Connecticut, New Jersey, Maryland, North Carolina, South Carolina, Missouri, Kentucky, Arkansas, Georgia, and Texas also possess Option laws, mostly passed within the past dozen years, whereby in each year or alternate year the electors of each locality can by vote abolish all drink licensing for one or two years, and until an opposite vote is obtained. My search through the liquor laws reveals no provision for compensation on the discontinuance of licensing. I know that on January 21, 1886, Judge Brewer, of Kansas, awarded compensation to the owner of a brewery; but this was because the brewer was denied a permit to make for the 'medicinal, scientific, and mechanical purposes' allowed by law.[2] The decision may be revised by the United States Supreme Court, where the Hon.

[1] *Laws on the Sale of Intoxicating Liquors*, compiled by H. H. Faxon. Boston, 1884.

[2] The Hon. James Black, of Pennsylvania, writes, January 1886, that under the 1873 Local Option Act 161 breweries were closed in his State, and no compensation was claimed or allowed.

Justice Carton has already decided that (5 Howard, 577), '*If the State has the power of restraint by license to any extent, she may go to the length of prohibiting sales altogether.*'[1]

VIII. Canadian License and Local Option without Compensation.

Government Commissioner Manning, of Ontario, reporting several years after the adoption of the 'Crook' Act—the Ontario Licensing Act of 1876—says: 'When this law was passed, one effect was that at a stroke of his pen the Governor removed 1,947 licenses in Ontario, and they had yet to hear of the first man who had asked for compensation because he had been deprived of his license.'[2] More than this: the candid licensed victuallers of Canada, on January 6, 1876, in a memorial to their Attorney-General, declared the measure to be 'A FAIR AND JUST ENACTMENT.'[3] The Hon. Alexander Vidall, Ontario senator in the Dominion Parliament, writes January 1886, that, though the above license law 'closed up thousands of formerly licensed drinking places, with very little if any notice, no one ever dreamed of presenting any claim for compensation.'

'*The Canada Temperance Act*,' passed in 1878 for the Dominion of Canada, provides that in any part of the Dominion a majority of the local electors may, by vote, suppress the existence of drink licenses throughout the next three years, when another vote could be taken. The appeal against it delayed its operation till Her Majesty's Privy Council sustained the Act as constitutional. Mr. Henry Trotter, the chief officer of the License Branch of the Ontario Provincial Secretary's Department, Toronto, in reply to my inquiries, sends me copies of the Ontario License Acts and Government reports thereon, and, writing January 23, 1886, refers to the 'Crook' Act, and says:—

By referring to the Ontario License Act, compiled sections 19 *and* 20, *you will find provisions that were introduced for the first time in* 39 *Vict., cap.* 26, *sec.* 2, 3, *limiting the number of tavern licenses to be issued according to the population of the municipality. If you will turn to the Report of* 1884, *page* 15, *you will find that the effect of those provisions was to reduce the number of tavern licenses from* 4,459 *to* 2,977. *During the same year* (1876) *the number of* [*drink*] *shop licenses were reduced from* 1,257 *to* 787. *There were, therefore, during the year* 1876 *nearly* 2,000 *persons within this province, whose*

[1] *Liquor Laws of the United States*, p. 208, New York, 1884.
[2] *Statement of Mr. Commissioner J. W. Manning*, p. 8.
[3] *The License Question*, Toronto, 1883.

premises had been licensed for years, suddenly cut off by and through legislative enactment without the slightest compensation.

The same principle of limitation is involved, but in a larger degree, in the Canada Temperance Act; and it is therein provided that in counties and cities, if the electors so decide by their votes, no tavern or [drink] shop licenses shall issue therein. As soon as the Act comes into force all such licenses expire, and no provision has been made for compensating those whose means of livelihood have been suddenly suspended, or whose property has been depreciated or rendered almost valueless. During the past year this Act has been brought into force in about ten counties, and after the first of May next it will come into force in about fifteen more, making twenty-five of the thirty-eight counties of this province. It is also in force in many of the counties of the other provinces.

In reference to the other provinces which also enforce Local Option laws[1], the before-quoted Mr. Henry Trotter, of the Ontario Government License Department, further writes on January 23, 1886:—'*Each of the seven provinces has also a separate License Act of its own. I have this morning carefully examined all these Acts, as well as the Dominion License Acts, and found that no provision had been made for compensating those who may be deprived of licenses.*'

Sir L. Tilley, K.C.M.G., who, as Finance Minister of the Dominion, visited England in 1883, adds his testimony on compensation by writing (January 4, 1886) that, '*So far, the principle has not once been recognised in any of the provinces constituting the Dominion.*'

Sir Charles Tupper, K.C.M.G., High Commissioner of the Canadian Government, also writes Jan. 11, 1886, that he '*is not aware that any legislation exists in the Dominion authorising compensation for licenses that may be suppressed under the Act. In the North-West Territories of Canada, and a part of Manitoba, the sale of drink is entirely prohibited.*'[2]

IX.—A Licensed Victualler's View of Compensation.

That able member of the executive of the Licensed Victuallers' National Defence Association, Mr. James, in his pamphlet on *Temperance Legislation and Licensing Reform*, sketches out an elaborate plan whereby licenses may be ultimately re-

[1] *Local Option*, by W. S. Caine, W. Hoyle, and Dr. Burns (p. 130), 1885.

[2] In *New Zealand* the License Boards can cease all licensing, without compensation; *Queensland* enacted Local Option without compensation, Nov. 1885. The *Bahamas, Legislature* enacted the same, without compensation, and violators of the law were imprisoned last year.

duced about one-half, or possibly by 64,000. He would leave to magistrates full power to decide which shall be suppressed (p. 79), but compensation must be given. He holds that a fair compensation would be made by giving a sum equal to seven years' rateable value of beerhouses, and ten years' in case of public-houses. He suggests that 35,000 licenses might be so extinguished on payment of 28,254,000*l.* He proposes that this amount shall be mainly advanced by the Government, whose revenue from a revised drink duty, and from a higher annual license charge on the remaining drink-shops (which are all to have spirit licenses), would in twenty-one years produce full repayment of the sum thus advanced from the national treasury. He thinks the remaining publicans should be willing to thus pay compensation to the outgoing drinksellers, because the trade of the latter would then be monopolised by the former.

Now the Queen and the successive Chancellors of the Exchequer have practically admitted that the national losses through the liquor traffic exceed the revenues derived from it. In 1874, Sir S. Northcote said that, if the nation became more abstemious, 'THE WEALTH SUCH A CHANGE WOULD BRING INTO THE NATION WOULD UTTERLY THROW INTO THE SHADE THE REVENUE FROM SPIRITS!' But Mr. James allows for no national loss. He even allows nothing for the cost of levying and collecting the drink revenue throughout 21 years. The nation is to bear all losses, to pay all costs; and to apply all receipts to compensate these retired publicans.

The above project is further objectionable:—

(1) Because it asks the country to regard each license as a seven years' or ten years' lease, whereas each one has been specifically granted for one year, and no longer.

(2) Because it proposes to convert all remaining beerhouses into spirit shops—a course which everyone but a licensed victualler would regard as fraught with evil consequences.

(3) Because it would require the money of the nation to be advanced to pay out those who have only paid to the Government its legal charges up to date, and who, having advanced nothing to the Government, should have nothing returned to them.

(4) Because it would draw existing and future Governments into partnership with the publican interest, and create that continuous 'vested interest' which English law has never conceded to the liquor traffic.

(5) Because much of the money would not come back at all unless a given consumption of intoxicating drink were maintained; and the country ought not to require the publicans to guarantee the quantity that the nation shall drink.

Lord Derby, in referring to a different case of compensation, said that we had drunk ourselves out of the 'Alabama' difficulty. We trust that, as a nation, we shall not be called upon to drink ourselves out of the drink difficulty.

X. Dropped Scotch Proposals for Limited Compensation.

In 1882 Lord Colin Campbell introduced his Licensing Acts Amendment Bill, of which the Licensed Victuallers' League said:—'Spoliation absolute is not proposed, though the terms of compensation are little better.' The temperance politicians, however, were opposed to its concessions. It mainly suggested that: (1) annual tenants be paid equal to one year's profit; (2) leaseholders to at once stop on payment of the equivalent of one and a half year's profits, or to cease in three years without compensation; and (3) the owner should have the equivalent of one year's rent if his tenant were an annual one, or the equivalent of two years' rent if he had leased to a tenant for a longer period.

Of the above, little need be said here. It was Lord Campbell's own bill, and these clauses had not the endorsement of any one temperance organisation in Scotland, the leading political temperance men in Scotland specially protesting against these provisions. The bill never came to a vote, and is a dropped measure.

In 1883 Mr. McLagan's 'Liquor Traffic Local Veto (Scotland) Bill' was introduced, to enable ratepayers of districts by majority vote to prevent the common sale of intoxicants therein; and clause 12 proposed that, on such cessation of licensing, all such license-holders as had not previously enjoyed the license for five years should be repaid only for loss on the value of any structural alteration which the licensing authorities had desired them to make. This indicated the wholesome truth that neither the public nor the licensing authorities order the building of drink-shops, and can be in no way bound to continue licensing such houses; but it indicated that where the magistrates had interfered, the loss on that account should be recouped from the police rates. The temperance people, however, hold that the magistrates' order was not imperative; that the publican could have refused a license under such terms, and that he voluntarily speculated in the alterations to secure a license which he knew could only be guaranteed for one year and no longer. In this case the Scottish Permissive Bill Association, while supporting the bill for its other features, have also expressed themselves 'as a matter of principle disapproving of

the 12th clause'[1]—the one on compensation—and its Secretary reports (February 8, 1886) that 'over and over again the Scottish people have voted down at meetings all compensation proposals, on the ground that the license is a privilege of only a twelve-month's tenure.' It is therefore no wonder that Mr. McLagan has eliminated this clause from his bill, which now comes before Parliament without any such feature in it.

XI. The Church of England Temperance Society's Bill for Full Compensation.

The Church of England Temperance Society's Bill proposes to entrust licenses to a board of one-third magistrates and two-thirds of elected representatives. The board is to levy license rents, and compensation is to be allowed. As to the license rent the bill says, '*Should there be any surplus after paying the expenses, it is to be applied in relief of the local rates; and should there be any deficiency, it is to be made good out of the local rates.*' The bill professes to leave the board 'absolute discretion' to grant or refuse licenses, and declares that it '*shall not be in anywise bound or prejudiced by any previous grant, renewal, transfer, or withholding of any license, whether before or after the passing of the Act,*' &c. Yet it goes on to declare that if the board refuses to 'renew' a license '*under circumstances under which the same would, but for the passing of this Act, have been renewed,*' the person whose license is thus 'unrenewed' may claim compensation!

To begin with, we utterly object to any plan whereby the local rates may be relieved by receipts from the liquor traffic. To promote this would be to give local bodies a semi-vested interest in the traffic. It is akin to the Gothenburg system, which I have repeatedly seen in operation, and which, while it may somewhat lessen the evil, tends to give it a longer lease of life. In Ontario, when I was there, prior to 1876, municipalities could license and locally use the funds thus received. This resulted, said the *Toronto Mail*, in 'granting licenses to almost every applicant.' Said the same paper, on January 6, 1876—'*A great point is to wholly dissociate the granting of licenses from the financial advantages which local treasuries derive from multiplying drinking-houses.*' And this financial interest had to be then taken from the local bodies which had 'in relief of the local rates' so multiplied drink-shops that, on their deprival of this power, nearly two thousand of these licenses had to be suppressed. Similar evils might occur under

[1] *Scottish Permissive Bill and Temperance Association*, Report, 1882–3, p. 32.

the proposed licensing boards. On the least prospect of the passage of any measure which would thus tempt local bodies to raise revenue from the traffic, I believe the temperance men of England will rise and crush the proposal.

The rule by which the proposed board is to be prohibited (under penalty of compensation) from refusing to again issue a license 'under circumstances under which the same would, but for the passing of this Act, have been renewed,' seems a remarkable one. Suppose a case. Take a licensing bench, the majority of whose active members are themselves owners of licensed premises, and who license and annually re-license each other's tenants —among other applicants of course. Or take any disinterested bench which grants licenses readily. This new bill passes, and the enfranchised ratepayers, finding these houses produce pauperism, &c., elect a board to no longer issue say two-thirds of these licenses. But, as the bill says, if 'the same would, but for the passing of the Act, have been renewed' by the licensing magistrates, must the board pay compensation for the non-re-issue of licenses which ought never to have been granted? Besides, who in future years, under the new law, could define the circumstances under which each license would have been again granted under a non-representative bench? Many a magistrate and many a publican, even now, would find it difficult to define the circumstances under which the one helped to grant, and the other again received, a license only last year. There are sometimes strange influences at work in the matter of licensing.

In regard to existing licensed houses, the bill takes the standard of magisterial discretion as one which shall never be surpassed by the ratepayers' representatives, except under the possible penalty of an enormous fine on the ratepayers. It should be called a bill for the Total and Immediate Suppression of the Exercise of Advanced Public Opinion—unless it be paid for. Under this bill, public opinion may advance to prohibition, but the prohibition is to be prohibited unless the magistracy would have alone refused the license, or unless a ransom is paid.

And who is to pay the ransom? The publicans are to pay license tax, and if there are many public houses left and few closed, the income may pay the claims. But the more the people pressed nearer to prohibition, the more demands would come upon them for compensation. Mr. Edwards' endorsed paper suggests 400,000,000*l.* as compensation, but Mr. James, as an experienced licensed victualler, thinks that about 70,000,000*l.* would pay off half of the claimants, and he insists that the surviving licensed publicans should pay it. He confesses that '*it is not at*

all probable that the public as a body would ever submit to be taxed' to pay it. He is right, and the Church of England Temperance Society will not easily induce the general public, and will still less easily induce the other temperance bodies, to ever submit to it. If it be pressed, thousands of temperance societies will probably protest against it. The temperance bodies which have wrought on true lines through decades of years before the Church Society existed, will not allow the National Church Society to speak for the temperance nation in this compromising manner. They will not allow churchmen to give national security to an injurious trade which temperance workers have already made the most insecure of all. They will not consent for the adherents of the Established Church to establish the drink traffic as a vested interest. The people will not endure a drink-rate. They now pay rates for drink-made pauperism and crime, but this they do under protest, and will in due course gain relief from this burden by methods more matured. The publicans have not banked with the public, and the public will not cash the bill in their favour, no matter by whom it is drawn. Let any who feel they are indebted to the trade meet it by a voluntary rate if they please ; but as for the nation generally, it has paid, and dearly paid, for all it has had from the traffic, and it will not return anything—not even the injuries which the people have endured from it.

XII. The other Temperance Bodies against Compensation.

I have sought the opinions of the other temperance bodies upon the question at the head of this paper, and nearly all have adopted declarations on the subject. I here give the whole of them :—

The United Kingdom Alliance, in its last annual report, adopted by the General Council on October 13, 1885, declared that 'liquor dealers whose privileges are not renewed have no valid claim for compensation for the loss which the non-renewal of these privileges may cause them ; there is no valid claim in equity for those, if such there be, who conduct their business in accordance with the letter and spirit of the law ; while in regard to those who do not so conduct their business, it would be outrageous to demand compensation for the loss of profits hitherto realised through violation of the law.'

The British Temperance League summoned a great conference at Sheffield to consider this and kindred topics, on January 18, 1886, when the following was unanimously adopted :—'That this Conference earnestly protests against

compensation being given to those engaged in the liquor traffic on the non-renewal of their licenses, more especially as licenses are now granted for one year and no longer, and are not necessarily renewable.'

The North of England Temperance League Executive declare (Feb. 1, 1886) against compensation on the ground :—

'1. That there is no vested interest in a license.

'2. That there is no moral or equitable claim for compensation.

'3. That wherever the magistrates or the Government have interfered with the license, either in suppressing it or in lessening the hours of sale, no compensation has hitherto been given.'

The Midland Temperance League Executive, on February 11, 1886, resolved:—'That as a license to sell intoxicating liquors exists for one year only, and that as the licensing justices in every locality have the power to refuse the renewal of a license without any compensation to the owner or occupier of a licensed house, this executive committee is of opinion that compensation should not be given to such persons; provided the people of any locality decide to dispense with the sale of intoxicating liquors altogether.'

The Western Temperance League Executive, at a meeting held January 14, 1886, unanimously resolved: 'That this executive recognises the absolute right of magistrates, in the exercise of their discretion, to refuse a license, either original or by way of renewal, and in the latter case without any claim for compensation on the part of the licensed person.'

The Executive of the Grand Lodge of England I. O. Good Templars, on February 15, 1886, declared: That the common public sale of intoxicating drinks is only lawfully permitted or continued when, in the judgment of the licensing authority, it is conducive to the public good; and in deciding whether licenses should be granted or refused, no other consideration ought to weigh in any license authority, or with the people for whose alleged accommodation alone such sale has been permitted. And this Executive is therefore of opinion that no person seeking such permission, or who may have hitherto shared any emolument or profit by the grant of such exceptional permission or license, is either legally or morally entitled to any compensation where such license is refused, either in the first instance or by way of renewal.

The British Women's Temperance Association, on January 1, 1886, declare that 'They are decidedly of opinion that the publican and others interested in the liquor traffic are not

entitled to compensation, and therefore that none should be granted them.'

The Congregational Total Abstinence Association Executive, on February 2, 1886, unanimously resolved: 'That in their judgment the holders of expired licenses have no claim for compensation when the licensing system is legally stopped by a general law or by local option law.'

The Primitive Methodist Temperance Society Committee, on January 22, 1886, resolved: 'That in our opinion, in cases of compulsory extinction of licenses for the sale of intoxicating liquors, the vendors thereof are, on neither legal nor moral grounds, entitled to compensation.'

The Executive of the English Grand Lodge of Wales I. O. Good Templars, have this February, 1886, agreed: 'That the monopoly conferred by drink license ends each year, and the refusal to again license leaves no ground for a claim for compensation.'

The Executive of the Welsh Grand Lodge of Wales I. O. Good Templars, declared on January 21, 1886: 'That the power to sell intoxicants is derived from a license granted by permission of society. Therefore the publican stands toward the other members of society in a special relation of privilege. This being the case, the publican's license is the outcome of a will other than his own, and claims for compensation can only be reasonable when coming from the power that grants.'

The Scottish Temperance League Directors, on February 1, 1886, adopted the following:—The Directors of the Scottish Temperance League are unanimously and decidedly of opinion that in the event of the common sale of intoxicating drinks being prohibited, either under a local or general enactment, no compensation would be due, or should be given, to those who had been engaged in the drink traffic.

In support of this opinion the directors would adduce the following, among other reasons:—

1. *The legal liberty to sell intoxicating drinks is not a right common to all citizens, but a privilege conferred only on a few.*

2. *This legal privilege is by the express terms of the Act granted not for an indefinite period, but, at most, only for one year.*

3. *This limited and conditioned right to sell intoxicating drinks has been secured not at the public request, but very frequently in opposition to the public wish, and solely for the pecuniary benefit of the holders of the license.*

4. *The licensing courts have, in the righteous exercise of their undoubted statutory powers, refused to grant licenses by way of*

renewal as not being needed, and in no case of this kind has any compensation been given or even claimed.

5. *If in any case the drink traffic has not been remunerative, no loss can be inflicted by its being stopped, and consequently no compensation can be due; and in those cases where the traffic has been profitable, the pecuniary advantage has been due to the possession of a legal privilege to which the license holders had no special claim, and which was withheld from members of the community from whom the compensation, if given, must come.*

6. *When the drink traffic is prohibited it will be on the ground that it has been injurious to the best interests of the community, and if any compensation be due, it must be to the public which has suffered, and not to the publicans who have inflicted the wrong.*

The Scottish Temperance and Permissive Bill Association, in their annual report for 1882 and 1883, protested against compensation, as indicated in the section on 'Dropped Scotch Proposals for Limited Compensation.'

The Executive of the Grand Lodge of Scotland, Independent Order of Good Templars, resolved, on February 13, 1886: 'This Grand Lodge Executive are of opinion that, as the Legislature has provided that all licenses shall determine at annual terms within statutory dates, and has never sanctioned any right to renewal or to pecuniary compensation on refusal to renew such privilege; but, instead, has carefully reserved to licensing authorities full powers of judgment as to what is "meet and convenient" for the public weal without powers of assessment; it would be the introduction of a dangerous and unjust principle in future legislation in connection with the liquor traffic (especially when the extent of that traffic is now acknowledged to be inimical to the religious, moral, and social well-being of the people), to create rights by granting new powers to compensate past licensees in case of non-renewal of any or of all licenses.'

The Evangelical Union of Scotland Temperance Committee, on January 27, 1886, declared: 'That it is our decided opinion that no compensation can be legally demanded, or justly granted, to licensed publicans whose licenses have lapsed, and are not renewed by the operation of an Act of Parliament.'

The Irish National Temperance Conference.—On January 12, 1885, a National Conference of Irish temperance organisations was held at Belfast, when the following organisations were represented by the delegates present:—The Temperance Committee of the General Assembly; Temperance Society of the Church of Ireland; Temperance Society of the

Methodist Church; Independent Order of Good Templars; Independent Order of Rechabites; Londonderry Temperance Council; Congregational Temperance Union; Women's Temperance Association; Ladies' Temperance Union; Bible Temperance Association; Temperance Committee of Non-Subscribing Presbyterians; Temperance Committee of Reformed Presbyterian Church; Ulster Central Band of Hope Union; St. Nicholas of Myra's Catholic Total Abstinence League, Dublin; Harold's Cross Catholic Temperance Club; Father Mathew Total Abstinence Sodality of the Sacred Thirst; and the Catholic League of the Cross, Dublin. Among the resolutions unanimously adopted was one declaring 'the injustice and absurdity of the claim sometimes advanced for compensation to the publicans, in the case of either Sunday closing or total prohibition.'

The Irish Temperance League, in an address to electors at the General Election of 1885, said: 'We would warn the electors against the assumption frequently made by parliamentary candidates in their addresses and speeches, in the absence of all proof, and in the face of the highest legal authorities, of the existence of any vested interest in licenses, or of any right on the part of their holders to compensation for their non-renewal. The temperance party recognise no such interest or right, and can assent to no such claim until its justice to all concerned be proved.'

The Executive of the Irish Association for the Prevention of Intemperance resolved, at Dublin, February 10, 1886:—'That, whereas no legislation hitherto passed which has had the effect of restricting the facilities for vending intoxicating liquors by publicans and others, has ever provided any scheme of compensation for those affected by such legislation, this committee is of opinion that on no legal or moral ground whatever are drink-sellers entitled to compensation, in the event of Parliament passing measures which may have the effect of restricting or prohibiting their trade.'

The Executive of the Grand Lodge of Ireland I.O.G.T., resolved, Feb. 13, 1886:—'That, inasmuch as the present system of granting licenses is both unsatisfactory and unjust, and as immediate legislation is urgently demanded, giving to the people themselves the power to decide whether they want any public-houses in their respective localities or not; and as such licenses are only granted for one year, we cannot recognise any justifiable claim for compensation should the people determine to have no licenses granted in their locality; and under no circumstances can we regard the claim to compensation as

other than preposterous, and such as could not be reasonably sustained.'

The Worthy Grand Lodge of the British Isles I.O. Good Templars, in the 1885 volume of its organ, declared in December that 'The publicans possess no right by their licenses to continue their traffic for ever. . . . It is a perversion to assume proof of a "vested interest" in the grant of a license for twelve months. . . . The sanction a publican has in his license is merely a privilege; it is not a right. . . . The right of compensation cannot be claimed as a matter of justice.'[1]

XIII. Ministers of the Crown on Compensation.

The Right Hon. Joseph Chamberlain, while occupying the position of President of the Local Government Board, could be expected to introduce whatever 'Local Option' legislation is contemplated by the present Government. Although, years ago, he favoured a trial of the Gothenburg licensing system, he has long abandoned the idea. When he thought of municipalities taking over the trade to carry it on, of course it became a question of buying it at a price. His view in 1876, that the license-holders in Birmingham might be satisfied with £1,200,000 as compensation, was met by Mr. Edwards saying £3,000,000 might not be sufficient. The idea, however, that any English municipality would buy up and carry on the liquor traffic and so constitute a corporation publican, is fairly exploded. Mr. Chamberlain is doubtless aware that no temperance body in England favours generally elected bodies managing the drink trade, and that any Act which gave such bodies a financial stake in drink licensing would be fought by temperance men, till, as in Ontario in 1876, it would be swept from municipal control. He declared (January 1, 1874) that but for the drink 'we should see our taxes reduced by millions sterling,' and 'see our gaols and workhouses empty,' while more lives would be saved in a year than war destroys in a century. With such an appreciation of the evil, it is well to remember his words with regard to compensating Irish landowners, who have a life tenure of their lands, which publicans never could have on their licenses. In his speech to his constituents, June 7, 1881, he said:—

> I cannot conceive that they have any right to claim compensation for the restriction and limitation of powers which they ought never to have been permitted to enjoy. In our English legislation there are numberless precedents in which legal rights have been found to

[1] The *Order of Rechabites* and the *New Church Temperance Society* sent similar declarations prior to the Conference, but too late for insertion.—J. M.

be in conflict with public morality and 'public interest, and have been restricted and limited, and I am not aware of any such cases in which compensation has been given to those who have been thu treated.

He has since told the publicans they will get what is just and no more. Upon that we all agree.

The Under-Secretary to the Home Office, Mr. Henry Broadhurst, M.P., has lately been the subject of considerable attention from the licensed victuallers, and with unsatisfactory results to them. This was emphasised when, before taking office, he was reported as saying that:—'The publican has invested no life-long brain-work in the acquisition of a business which consisted of the serving up, at a very fair price, of very doubtful qualities of beer. He protested against the hardworking artisan being taxed to compensate such an industry as that.'

While Secretary for Scotland, Mr. G. O. Trevelyan could be expected to regard publican claims upon the people for compensation with strong feelings, for he had before emphatically declared that: 'The people lose everything that is lost by this traffic; they gain absolutely nothing.' As they have gained nothing by it, they can repay nothing to it.

The new Secretary for Ireland, Mr. John Morley, in addressing his constituents at the recent General Election, exhibited a perfect acquaintance with Canadian 'Local Option' laws, and fully endorsed the justice of a popular veto on licensing; but he said, 'You have allowed great numbers of men to embark capital and the labour of their lives in the trade, and you cannot turn them out into the street without a word as to compensation.' He may yet realise that though allowed to embark in the trade, it was done at their own risk, and to the ruin of thousands of customers who have been impoverished and turned out into the street without a word of compensation.

The Chancellor of the Exchequer, Sir W. Vernon Harcourt, agreed that ratepayers should be able to suppress 'Any or All' licenses for the sale of strong drink, which he recently declared 'lies at the root of all the crime, and more deeply than any other affects the happiness and well-being of the people.' As Home Secretary (April 3, 1883), he was asked about compensating the thirty-four Darwen off-licensees, the 'renewal' of whose licenses had been refused although many had no complaint against them, and he replied that he 'did not see that any claim for compensation arose in those cases.'

Sir Farrer Herschell, now Lord Herschell, Lord Chancellor, has taken such a significant stand on this point as to leave little to be desired by temperance reformers, for in re-

ferring to Lord Salisbury's intimation that it might in the future be provided that those whose licenses are not renewed might be compensated, he asked:—

What right was there to such compensation as was suggested? If they diminished the number of houses in the district, there would be the result, it was hoped by the temperance party, of less drinking. In so far as there was less drinking, why ought anyone to be compensated? It would show that persons were induced by the fact of there having been too much licensing to drink to excess, and the trade would be deprived of that which it ought never to have possessed. But so far as in any district it was found that men did not drink less, they would obtain their liquor at the public-houses which remained, and which would get the trade formerly belonging to those for which the licenses were not renewed. Why, in such circumstances, should the rates compensate those who had lost their licenses? Why should not the compensation come from those who immediately reaped the benefit? It struck him that a more monstrous proposition was never made than that they should transfer the licensing power subject to this obligation for compensation from the rates.

As to the Right Hon. William Ewart Gladstone, Mr. James cites the fact that last year, when the proposed extra duty on intoxicants had been collected in advance by the Excise, and Parliament failed to ratify the levy, Mr. Gladstone agreed that the money should be refunded. Of course he did; and none could object. But all else paid by the makers and sellers of intoxicants has been a legal and ratified payment, upon which there can be no legal return. Mr. Gladstone has described the evils of drink—evils mainly created by the traffic—as 'exceeding the combined evils of war, pestilence, and famine,' and has declared it 'the measure of our disgrace.' It is true that though endorsing what he calls the 'just and reasonable' local option principle of Sir Wilfrid Lawson, he has indicated the possibility of compensation being considered—but he has never yet actually declared for it. He said (November 26, 1879):—'Fair claims for compensation ought, *if they can make good their case*, to be considered.' On this Sir Wilfrid Lawson says:—'I have never admitted that a licensed drink-seller has any right to compensation after the expiration of the period for which his license has been granted. I neither admit nor deny the claim; I wait to hear it fairly stated and argued. Mr. Gladstone advocates equitable compensation, and I think that he is quite right. I do not wish to do anything that is inequitable. But we shall have a good deal to say as to what is the true meaning of equitable compensation before this matter is settled.'[1] And in this connection

[1] *United Kingdom Alliance Report*, 1879-80, p. 37.

we may add, in the words of a notable Scotch magistrate:—'Should the claim of the liquor-seller to compensation ever be seriously raised, we venture to predict that claims from another quarter will arise. Who is to compensate those whose local taxation has been enormously increased, and whose stay and support have been prematurely cut off by the liquor traffic? These are questions which one day will have to be answered.'[1]

XIV. Conclusion—Who is to be Compensated?

The *Times* of November 30, 1870, said:—'To put the case in half-a-dozen words, the profits in which the liquor sellers now claim a vested interest are realised to a vast extent at the cost of popular degradation, vice, and misery; and the question is simply whether the Legislature of a country is not justified in placing, with due consideration, the welfare of the people above the gains of a trade.' Our license law prohibits the sale of intoxicants to an intoxicated person, but it can never be generally enforced till those violating it can be sued for compensation. The Ontario Act, 47 Vict., cap. 34, sec. 22, says that the wife, husband, adult son or daughter, or guardian or employer, of an inebriate, can notify the publican not to furnish him with intoxicants, and if the publican or any person in his service does so within twelve months, the wife or other person can recover up to 500 dollars compensation from the publican. Act 27–8 Vict., cap. 18, sec. 41, says that if a publican furnishes drink to an intoxicated person, and such person commits suicide, perishes from cold, or dies from accident occasioned by such intoxication, the relatives of the deceased person may within three months prosecute the publican for compensation up to 1,000 dollars. Sec. 41 says that if an intoxicated person assaults any person or injures any property, the injured party can not only prosecute the inebriate, but also recover damages from the party who improperly furnished the liquor.

The United States furnish many similar laws, and more than one State requires the publican whose customer is imprisoned for drunkenness to pay daily to the support of the inebriate's wife. In short, society is recognising the fact that he who embarks in this dangerous calling should be required to compensate those whom it is the means of injuring in person or property.

Though in England it is unlawful to supply a drunken person, yet in the year 1874 there were 23,303 police cases of drunkenness in Liverpool, while only 3 publicans were convicted

[1] *The Drink Problem*, (p. 276), by David Lewis, J.P., Edinburgh, 1885.

for permitting drunkenness; and in 1883, in Birmingham, 3,044 were proceeded against for drunkenness, and only one publican was proceeded against. There are about 25,000 drunken arrests in London in each year. Even granting that in only a third of these cases are publicans guilty, there are a thousand violations of the law by publicans to one prosecution of them, and even then they do not have to compensate the impoverished families of the victims. The victims are punished, and their families impoverished, while the public have to pay alike to support the drunkard in the gaol and his family in the poorhouse.

In this kingdom in 1883 there were 361,452 apprehensions for drunkenness. On January 1, 1883, there were 285,873 paupers being supported in our workhouses, and mainly, as everyone knows, through drink. Add to these the many thousands of drink-caused suicides, and the tens of thousands of human lives lost through disease, want, violence, and murder, induced through drink, and let us see where the balance is due from?[1] As the New South Wales Local Option League in a recent address says:—'No "Civil Damage Law" has been enforced here against the publicans as elsewhere. Husbands have died, when, had publicans refused liquor, they might have lived. Did the poor widows receive any compensation from the publican? Again, have publicans been asked to pay to maintain the gaols? There is already a big balance to the debit of the publican. Have they been required to compensate for the thousand-and-one evils—the bruised bodies and the silent tears—following on the sale of intoxicants? Even those who have conducted their houses well, and have been thoroughly law-abiding, will know with pain of scars on a fair humanity caused by their traffic. The claim for compensation is certainly not on the side of the publican.'

DISCUSSION.

Mr. Stafford Howard, M.P. (Church of England Temperance Society) said that Mr. Malins had in his paper made a rather serious attack which called for some reply from a representative of the Church of England Temperance Society. The views as expressed in the paper, were not likely to prevail in this country, at all events for a very long period to come. Meanwhile, if they were to wait until then, they would be prevented from doing a great deal of good which might be accomplished now. At a temperance meeting he was attending, a Good Templar said, so far from the publicans deserving

[1] See Chapter x., *The Foundation of Death*, by Axel Gustafson. London, 1885.

compensation, they ought to be prosecuted at once for carrying on such a business; and that if unfortunate butchers were sent to gaol for selling diseased meat in their shops, those who put poisonous drinks in their windows should be subjected to a like punishment. But the argument would not hold good so long as Mr. Justice John Bull could not be persuaded that all these drinks were poisonous, ought to be labelled poison, and that a law must be passed in order to prosecute the publicans who sold them. A great majority of the people were not so convinced. The fact must be admitted that the State had specially recognised this trade as legitimate, although it was not right to describe the way in which it was treated by the State as a great privilege conferred upon it. As argued by Mr. Bourne in his paper, it was rather in the nature of a restriction imposed. In his own belief, Parliament would never consent to diminish, to any large extent, arbitrarily the number of licensed houses, unless the principle of compensation were recognised. The question was not whether compensation should be given, but to what extent, and on what principles it was to be granted; also from what funds the money was to be provided. Until these practical questions were settled, they would continue to constitute a serious difficulty in the way of diminishing the facilities for the sale of intoxicating liquors. That view of the case was clearly stated in Mr. Bourne's paper. They did not want to establish the liquor traffic, as Mr. Malins seemed to imagine. They did not want the publicans to get exorbitant compensation, but merely desired to protect them from loss, if they should be evicted from an industry in which the State had, to a certain extent, encouraged them to work. As for the enormous sums required by way of compensation, with which it was said licensed victuallers were trying to frighten them, that was an absurd statement; for there were hundreds of public-houses which were not paying at all, and if these were done away with, how could compensation be claimed for them? If compensation were given, in certain cases, by a legitimate and useful raising of the license rental, as proposed in the bill of the Church of England Temperance Society, a fund would thus be provided sufficient, at all events for a considerable time, to meet all the claims likely to arise, and if compensation were awarded on the principles submitted by Mr. Bourne in his paper. Those principles would, no doubt, find favour with the majority of unprejudiced people who desired to see a great diminution in the facilities for drinking. In this matter they could not go one inch beyond what the public opinion of each locality would warrant, without doing more harm than good. He would work with Mr. Malins, or with anyone else, to prevent people drinking, in their individual capacity, but as regards legislative restriction he would not go beyond what public opinion would sanction.

Mr. J. H. Betts (Off-Licenses Association) confined himself to that part of the question which related to off-licenses, and on behalf of the body he represented he strongly repudiated the idea that grocers were willing to conduct a business leading to drunkenness. He pointed out that the Committee of the House of Lords, after

taking the fullest evidence on the subject, had reported in favour of licensed grocers, and against any alteration as affecting them. But in face of this judicial report they had been repeatedly accused by the Church of England Temperance Society of being a great source of intemperance. Further, this society had collected and published numerous anonymous statements reflecting on grocers, and in particular stating that they were in the habit of selling spirits and charging them as groceries, and that they had 'abundant evidence' to prove it. Now he would at once admit that if those charges were true, grocers' licenses ought to be abolished, and that without compensation. But were they true? Through their association the grocers had made the greatest efforts to investigate them. They had applied repeatedly for the data necessary to enable these statements to be sifted to the utmost; in every case the information was denied, but the charges were repeated. What more, as honest men, could they do? Charged with nefarious practices they challenged their accusers, and if the charges were well founded how could their case be more certainly shattered than by granting this investigation? Examining, however, into what had been called evidence, he found that in the course of the inquiry before the House of Lords, Canon Ellison cited to the Committee the case of a grocer who, he stated, had sold bottles of spirits, for which he charged as so many pounds of potted meat. Every grocer knew that pounds of potted meat had no commercial existence; and to a grocer who knew his business, that statement was as reasonable as any of the rev. gentlemen present would consider him to be if he asked them to believe that the Bishop of London had invited Mr. Booth, of the Salvation Army, to preach in St. Paul's. He would draw their attention to a recent utterance of the Archbishop of York who, having been a member of the Lords' Committee on Intemperance, was well acquainted with all the allegations which had been made against licensed grocers, for he had heard the evidence of Canon Ellison and his friends, and in a judicial capacity, as a member of that Committee, he had given his opinion in the report. At a temperance meeting held at Sheffield attacks of the usual character were made on licensed grocers, but his Grace, who was present, referred the meeting to this report, and stated that in his opinion grocers were entitled to consideration and sympathy. Grocers will be content if the treatment accorded them is in conformity with the principles of common justice. About two years ago, the Rev. G. Howard Wright, on behalf of the Church of England Temperance Society, addressed to the press a letter in which he said that, if Mr. Coleridge Kennard's bill became law, the executive believed a blow would be struck at the root of female intemperance which, in the language of the Lords' Report, was 'a new reproach and a new danger.' As soon as he read that letter he stated that its wording was calculated to lead the readers of the letter to imagine that the Lords' Report was unfavourable to grocers. Proof of this came very soon. A temperance advocate of great eminence and honour (Lady Hall) said at a public meeting in Leeds that the House of Lords had reported that grocers' licenses were a great

source of female intemperance. When challenged, she referred to Mr. Wright's letter; but, when she found she had been misled, she candidly and honourably withdrew the statement entirely. With regard to Mr. S. Howard's bill, Mr. Houldsworth, one of its backers, had stated in a letter that some of the clauses relating to licenses for consumption off the premises would require to be remodelled, or their operation would cause injustice, and this, from such a source, was surely further evidence of the careless and slovenly way in which this great matter was dealt with in the bill in question. The licensed grocers had been invited to assist in temperance reform. They would be only too willing to respond to that appeal, if their characters were not traduced by accusations which they felt bound to repudiate. How could the accused and the accusers act together in this work of legislation? If the latter believed their own words, they must regard grocers as the most unprincipled of men, and the former felt they had been falsely charged, and unjustly denied an Englishman's ordinary right of reply.

Mr. Axel Gustafson (author of the 'Foundation of Death') said the existence of a Conference like the present was a manifest proof of a mutual desire to come to some common understanding, such as could be reached only by a faithful consideration of the facts in the case. If these tended to show that the compulsory extinction of licenses inflicted wrong on their holders, the latter should be compensated; but, if no wrong was inflicted on the licensees, no compensation was due to them. This appeared to be the only practical, the only possible basis on which the question could be righteously solved. License, generally speaking, meant permission to do, or to forbear any act; and a drink license was a government permit to sell intoxicating liquors. The liquor trade was not a general trade, it was a limited monopoly, granted by the Government. Until recently, the liquor business was regarded as one of the very safest a man could engage in; but it was no longer so, owing to temperance agitation. The publican, fearing that his vocation might be gone, asked to be financially secured in that contingency. Were his demands for compensation on the compulsory extinction of licenses justified? The publicans' business was protected more than ordinary trades, because of the license necessary for engaging therein; but nobody was invited to follow it—on the contrary, applicants had to be most assiduous to secure a license. All had a right to ask for, but nobody was entitled to one. Those who obtained it were pledged to observe various specified conditions, and no license could be secured for more than one year. The wording was, 'one year and no longer.' The fee paid on receiving license was, like any fee for tenancy, paid for the favour of being permitted to engage in the liquor business according to law. If a man did not consider that the game was worth the candle, of course he would not engage in it. It would not be contended that any man became a liquor dealer from a disinterested desire to increase the public revenue. He entered upon this business in the hope and expectation of making money rapidly, easily, and safely. No liquor dealer's disinterested desire to increase the public

revenue would suffice to keep him in the liquor business any longer than he found it profitable for himself. The State, therefore, discouraged the trade, and contracted with it only by the year. The demand for compensation rested wholly on another claim, namely that the customary renewal of licenses had given the publicans a vested interest in them. Many cases had been fought on this line by the publicans in the courts of the land, but had been invariably lost. The *Law Journal*, two or three years ago, had passed the following judgment on these pretensions: 'It is not arguable that licensed persons of any kind have a vested interest in their licenses.' After the decision in the famous Darwen trials, even the late Mr. Nash, the eminent counsel of the Licensed Victuallers' Association, wrote on September 5, 1882: 'I am sorry to say that, having looked into this questiou most exhaustively, and compared notes with many of my brethren well versed in these matters, there cannot be the smallest doubt that, in the strict sense, no such thing as a vested interest exists. More than this, the mere mention of the term "vested interest" should be avoided, as it infuriates every court from the Queen's Bench downwards.' 'One year and no longer' being the terms of the drink license, the trade had neither prospect nor claim in the matter of compensation until the law was altered. If the State had the right to refuse to grant a license in the first instance, it certainly had the right after the expiration of contract to refuse a renewal. Therefore, to assert that the publican, after years of renewed licenses, was entitled to continued renewal, or to compensation, was as unreasonable as it would be to say that, if refused on his first application for a license, he would be entitled to compensation. Indeed, the latter would be the lesser absurdity of the two, for in the former case, the fruits of the privileges of years had been already reached. The recent renewal of the demand for compensation had perhaps been stimulated by the hint of local compensation for local option, thrown out by Lord Salisbury in his Newport address during the late election campaign. But, should the liquor traffic act on this hope, Lord Salisbury would have done their cause as much harm as he did to the Established Church by his militant defence of its privileges; not only because of the futility of hoping that the country would reverse its judgments or laws in regard to compensation, but even more, because of the impossibility, supposing the justice of the demand for compensation were to be admitted—of estimating the compensation due, or finding the limit of rightful claimants. Indeed, the very principle to go upon would evade us in this business, for if compensation were due for complete extinction of license, then must it be due for partial extinction, such as restriction to six days in the week, diminution of hours, increase in the number of competitors; in fact for every kind of restriction there would be, in principle, a just claim to compensation. Again, if the publicans were to be compensated, all those who directly or indirectly depended upon their trade were also entitled to proportionate compensation. For instance, all the employés in the public-house, all the tradesmen—glaziers, coopers, carpenters, &c., who fitted up the public-houses, the various

professions—lawyers, doctors, pawnbrokers, undertakers, judges, police, jailors, asylum superintendents, poor-law guardians, and hangmen! Also, of course, the wealthy brewers and distillers must be compensated, and, if this be justice in the case of native traders, it would be but just to do likewise by the foreign merchants, if their business was affected. Then came the question upon what basis should compensation claims be estimated? Not surely upon the whole accumulated capital of the traffic, for it could easily be demonstrated that in almost all cases the beginnings meant comparatively very small outlay indeed. There had been, therefore, in the great majority of cases, no actual loss, but large gains and increasingly large gains; and the demand for compensation was neither more nor less than a claim for prospective loss. Even were this preposterous claim acknowledged, how should it be computed? It could not be an equal thing in any two cases. No two publicans, or brewers, or distillers would be affected precisely alike. They had not started with the same drawbacks or the same helps; both outlay and income had differed, not only in actual figures, but from other standpoints of values. The circumstances had been unlike, and the number of persons to be affected, as well as the degree in which they would suffer. It would be necessary, but impossible, to ascertain about all these things, to estimate the fit uses to which public-houses, breweries, distilleries, and their various appurtenances could be put; in a word, it would be an endless effort to find an estimate, upon which, if found, there could never be any agreement. Even if such an estimate were ascertainable, the claims could not be met until balanced with counter-claims, and, when these had been estimated, presented and adjudged upon, the balance in favour of the publican would not be large.

Mr. H. A. Simonds (Country Brewers Society) demurred to the proposition that the tenure of the license was a yearly one, and that its whole value was vested in the holder. No legal interpretation, however, could be accepted by the trade unless it came from the highest Court of Appeal. But beyond that technical point he would recommend a careful study of some of the clauses of the Act of 1872, where would be found a distinct acknowledgment of another interest besides that of the holder of the license, inasmuch as a formal notice was required to be given from time to time to those who were interested in the premises, of any endorsement of the license. The bill of the Church of England Temperance Society contained the most confiscatory clauses that could possibly be put into any measure. If the same proposals were to be meted out to that Society, they would be the first to resist such severe terms. On more than one occasion he had noticed that gentlemen having authority from their societies had gone through the country lecturing in defence of the Church of England, and that they had exercised particular care in reserving all the rights and vested interests of their profession. He did not object to their doing so, but they ought to remember that there was a larger number of gentlemen who objected quite as strongly to their vested interests as they did to those of the owners of licensed houses. Quite as strong views were held against the Church

of England as the Church of England Temperance Society seemed disposed to maintain in reference to the brewers. The game of confiscation might be a very pleasant one, when played at with other people's property; but he warned the gentlemen who set that ball rolling, that it might come home to them with redoubled force. Holders of property, whether civil, ecclesiastic, or in the funds, would do well to withhold their assent to any infringements of justice and equity, to any attacks upon property, even though based upon philanthropic pretexts.

Mr. W. Hussey (United Kingdom Alliance, Birmingham Auxiliary), in replying to the statement that imperfect argument and insignificant data had been adduced by the temperance representatives, said that they had brought forward data which, in their opinion, were entitled to consideration, since they were derived from authoritative sources. If Mr. Simonds, and others inclined to agree with him, would not submit to the dicta of the highest courts in the land, he did not know to what authority they would bow. With regard to the charges brought against holders of grocers' licenses in the pamphlet referred to, and issued by the Church of England Temperance Society, it had been asserted by one speaker on the other side that there was no evidence to support those charges. But he would cite the testimony of Mr. Metcalfe, Q.C., Judge of the County Court of Bristol. Judge Metcalfe had stated in a letter addressed in April 1882 to Mr. Lewis Fry, M.P., who had charge of a bill dealing with off-licenses, that, 'as the result of his experience, grocers' licenses, especially in poor neighbourhoods, are rather more injurious and demoralising than an equal number of beershops.' Also, 'others—and this occurs even in better streets—obtain at such shops bottles of spirits and take them away, while the shopkeeper puts them in the bill as so much tea or sugar, when they evade the scrutiny of the husband, and are in ignorance paid for by him.' With regard to compensation, undoubtedly it should be granted in the case of a license being extinguished during the year, in cases where the holders had committed no offence; but if the lease of the license had expired, and the person holding the license knew it terminated at the end of each year for which it was granted, no compensation could be claimed. Compensation was no more due to a man in such a case than it would be to a person who took a lease of premises, and, after investing 1,000*l.* upon them, claimed from the proprietor compensation after the expiration of the lease, when all legal title had lapsed. Another question was whether compensation should be retrospective as well as prospective. Not many years ago, when it was to their interest to do so, the licensed victuallers combined with the temperance party, in action at least, in order to carry certain measures relating to off-licenses. As stated in evidence before the Lords' Committee, from 500 to 600 of those licenses were suppressed in Dublin alone, and yet the licensed victuallers never came forward to claim compensation for those whose licenses had been so summarily extinguished. About twelve months ago an illustrative case occurred in Birmingham. A proposal was made to remove a license from

premises having sixteen feet frontage, to another house with sixty feet frontage. The value of the sixteen feet frontage was not worth, if sold in the market, more than 100*l.* The ratepayers protested against the granting of the license, but they were told they had no *locus standi*. The magistrates granted the license, and a day or two afterwards a firm of brewers gave 1,000*l.* for the license. The question he wished to put was whether the ratepayers were to be called upon to refund that large unearned increment, which had been created merely by a stroke of the magistrate's pen against the expressed wishes of the ratepayers themselves? In another case occurring in the same town, the ratepayers, to the number of 2,000, signed memorials against the removal of a license, the market value of which at the time could not exceed 100*l.* As soon as the magistrates granted it, the license was sold for 2,500*l.* How could this large unearned increment be claimed from the ratepayers, who had done all in their power to resist the granting of the license? The testimony of judges and other officials was that the crime and pauperism of this country were mainly due to the liquor traffic. Successive mayors had declared that eight-tenths of crime in Birmingham was attributable to drink, and that statement applied elsewhere. Injury was thus done to the nation; yet brewers and distillers had never proposed that the nation should be compensated for the injury inflicted by their traffic. They had reaped large profits from the trade, while the inhabitants, as a whole, had to pay rates and taxes largely due to that traffic. It was not a question of local option in this particular; he for one could not with impunity refuse to pay his portion of the poor rate and borough rate, though he did not contribute either to the crime or to the pauperism. The principle of compensation, if entertained at all, must be applicable to both sides. If the publicans and brewers would allow the costs in the nation's bill of indictment against them, coincidently with their claim for compensation, he for one would be willing to abide by the verdict of the House of Commons, who, as the representatives of the people, would allot to the nation and allocate to the licensed victuallers the just proportion which each ought to pay.

Mr. A. J. Mott (Country Brewers and Licensed Victuallers' Societies) said that a law had been passed in Kansas prohibiting the manufacture and sale of beer. A brewer had premises worth 50,000 dollars as a brewery, but for any ordinary purpose only 5,000 dollars. Being refused the necessary permit to continue the manufacture of beer, he applied for compensation to make good his loss. The matter had come before a superior court, and a portion of the decision of the Judge was as follows: 'I assert these propositions; first, debarring a man by express prohibition from the use of his property for the sake of the public is a taking of private property for public uses. It is the power to use and not the mere title which gives value to property. I assert, secondly, that natural equity, as well as constitutional guarantee, forbids such a taking of private property for the public good without compensation. . . . Is a State potent through the forms of law to take from a citizen, by direct action,

the value of his property without compensation? Beyond any doubt the State can prohibit defendants from continuing their business of brewing, but before it can do so, it must pay the value of the property destroyed.'

The Rev. G. Howard Wright (Superintendent, Church of England Temperance Society) rose to make an explanation, in reply to Mr. Betts's attack upon the Church of England Temperance Society and himself, with regard to the question of grocers' licenses. The 'Grocers' Gazette,' of February 16, 1884, which Mr. Betts had kindly given him since he spoke, contained the following statement: 'In our issue of January 12 we had occasion to call attention to a letter addressed to the press, bearing the signature of the Rev. G. Howard Wright, which announced the forthcoming introduction of Mr. Coleridge Kennard's bill. In referring to the matter we stated: "The concluding sentence is so ingeniously worded as to convey to ordinary people, when read with the previous remarks, the impression that the House of Lords' Committee condemned grocers' licenses as a cause of female intemperance." Of course every one is entitled to his own opinion on this as on any other question, but it is an incontrovertible fact that the Committee of the House of Lords made the official Report precisely and distinctly to the contrary. The clever clerical *ruse*, however, succeeded. At a meeting held at Leeds, a paper was read by Lady Hall, in which she expressed her gratification that the Church of England Temperance Society was promoting a bill for the abolition of the Grocers' License Act, which had been described in the Report of the Committee of the House of Lords as a "new reproach and a new danger."' This was taken up and explained by Lady Hall as a misapprehension of her own, but it was called a 'clever clerical *ruse*.' What had been called by this name was exactly as followed, in the letter in question to which his own name was attached :—'We are requested by the Executive Committee of the Church of England Temperance Society to ask permission, through your columns, to state that, during the ensuing Session of Parliament, a bill will be introduced into the House of Commons rescinding the existing privileges extended to grocers and shopkeepers for the retail sale of spirits. The bill promoted by our Society will, it is anticipated, have the vigorous support of every temperance organisation, as well as many members of Parliament on both sides of the House. If the measure becomes law, the executive believe that a blow will be struck at the root of female intemperance which, in the language of the Lords' Report, is a "new reproach and a new danger."' He appealed to the Conference as to whether words of that kind could possibly be twisted into anything approaching a dishonest purpose or a clever *ruse*. He was thankful, however, that the attack had been made, for it brought into view the conditions under which the question had to be fought, and he was also thankful for the distinguished honour of having had such an attack made upon himself. In the bill to which he had referred, there was no compensation proposed, because the promoters considered that grocers' licenses belonged to a different category from others, and he

here guarded a paragraph in the first part of Mr. Bourne's most able paper from being intended to convey an opposite meaning. The Church of England Temperance Society had addressed to doctors, clergymen, and others, the question: 'Can you send us (in confidence) any actual fact as to the effect of grocers' licenses upon female intemperance?' The communications received in reply filled a large roll, which he had now locked up in their office, but was it not, surely, unreasonable and highly improper to ask the society to show the originals of these confidential statements, and reveal the names and addresses of the writers when they had been given under seal of privacy? It was preposterous to assert that they were not evidence simply because they could not be disclosed. These communications had been printed—all names, of course, being withheld, and the Executive Committee of the society might fairly expect the world to believe that what had been printed was a true copy. Possibly the Committee might consent to a confidential inquiry by two or three independent and reliable persons who might compare the print with the original statements and make a certificate. With regard to compensation in the case of other licenses, Mr. Bourne in his paper clearly laid down the lines upon which compensation should be given. There were certain instances where persons who had made colossal fortunes during a number of years could not, with any show of reason, claim compensation, while in other cases the demand might be justified. But as to extension of premises, that was a matter in regard to which compensation lay the other way. A case in point had occurred to him. In Nottingham, in a little street leading from the market-place, there was formerly an old-fashioned public-house, known as the 'Old Malt Cross.' A building next door to it was bought, and both of them pulled down. Very soon there arose a tremendous gin-palace, with lamps outside. The 'Old Malt Cross' was advertised for sale, and the announcement was made that there was bar accommodation for a thousand persons. No new license was granted, and the old license was taken on, as far as he was able to ascertain, for he applied to the Mayor about it. He would like to know on which side the claim for compensation would be in that case? He could not help feeling, after some of the papers read on the preceding day, that it was bad policy for those who were interested in the trade to oppose temperance legislation; and this was illustrated in the evening at a meeting connected with the formation of a new parochial branch of the Church of England Temperance Society. It was a concert conducted entirely by children. At the same gathering he learned that a publican had given evidence to the effect that nearly all the public-houses in the neighbourhood were not paying their way. He had also learnt that a large house, which had changed hands formerly for 26,000*l.*, had recently been sold for 11,000*l.* He saw that public-house on his way home last night, and the thought struck him forcibly that if the gentlemen interested in the trade hindered legislation much longer, they would find that, by the action of the temperance societies, and especially by the work of the *little children*, public-house property would soon be so depreciated

that they would not have the faintest shadow of a claim for *any compensation whatever.*

Mr. Charles R. Haig (Wine and Spirit Association) said he represented an association reckoning among its members persons engaged in all the various trades in wines and spirits both in London and the provinces, and he thought it was natural that such an association should hold a more unbiassed view on the subject of licensing than particular branches of the trade interested in particular licenses. One thing had struck him, and that was that the speakers on the temperance side had really lost sight altogether of the moral equity of the case; they forgot that there were other licenses besides public-house and grocers' licenses. Take, for instance, the case of tobacco licenses. There were probably gentlemen present who would say that tobacco was prejudicial to the health of the community; he was not a smoker himself, and might therefore be a biassed judge on the question. Suppose they were to apply to tobacco licenses the principles which had been enunciated, and were to say that those licenses were only granted for a year. On the faith of such a license a man opened a shop, bought the goodwill, perhaps invested his money in stock and shop fittings, and in various ways went to expense and trouble to carry on his business. Who for a moment would pretend that there was any equity in extinguishing that license merely on the ground that it was granted for a year only? The whole principle of granting the licenses was that so long as a man behaved himself and conformed to the law he should retain the license which had been granted to him. That applied to all licenses, and if the licenses were extinguished the holders ought to be compensated. The argument that licenses were granted for only one year was, if investigated, absurd. Why, the license to exercise the profession of arms was strictly limited, by the granting of supplies for one year, by the House of Commons, but would anybody say of a man who went to college and spent his money on educating himself for that profession, and entered it for the defence of his Queen and country, that his right to draw his salary should be extinguished at the will of the legislature, and at a year's notice? The idea was perfectly preposterous, although it was within the power of the legislature to carry it out. The legislature was competent to pass any law it liked, but that did not make the law equitable according to moral principles. As regarded the liquor trade in particular, it must be observed that if there was an argument for compensation concerning any other licenses, *a fortiori*, that argument applied to the liquor trade, for this reason; it was a trade which, owing to the nature of things, the state of things created by the legislature, had attracted into it for the amount of business done a far larger amount of capital than was necessary in any other trade in the country. Therefore, if an argument for compensation held good in regard to any licenses, it held good in a peculiar degree in connection with the liquor trade. It was said by some that the profits were very large. He disputed that statement altogether. He maintained that on the average the percentage of profit on the capital invested in the wine and spirit

trade and in the beer trade was smaller than in any other trade in the kingdom. Alarming statements were sometimes made about the nation's annual drink bill, and he was not going to say it was not too high. He was at a temperance meeting on one occasion, and said to a gentleman who spoke, 'I can tell you a way to halve the expenditure on spirituous and alcoholic liquors: take off the duty.' In one form of duty or another alcoholic liquors paid to the Exchequer the sum of 30,000,000*l.*, and he believed that if the duties were taken off and the heavy fees for licenses were brought more into conformity with the sums paid for other licenses, the expenditure on drink would be reduced by about one-half. There was a trade in their midst compared with which the liquor trade, with all its evils, was dwarfed into absolute significance. The printing press sent poison into their homes, and they knew it not; it was the greatest curse that afflicted civilisation. But was it to be argued that therefore that trade must be put under disabilities, and pointed out as a trade which had a destructive tendency, and must be put down? That case was an absolute parallel to the liquor trade, with its faults and with its good, which he was prepared to contend for.

The Rev. Dr. Dawson Burns (United Kingdom Alliance) referring to the Kansas case which had been cited by Mr. Mott, said he believed it was the first of the kind which, in more than thirty years, had been tried before any court in the United States. However, it might be said that the decision could only affect the State of Kansas itself. In no other State, where prohibitions had been either absolute or partial, had such a case arisen. With regard to Mr. Haig's remarks respecting tobacco licenses, they had no pertinence whatever in the present discussion, because they were licenses simply for the sake of revenue, whereas licenses for the sale of liquor, although they were called 'licenses,' popularly speaking, were really certificates of permission. What is now termed the 'licensing system' originated more than 300 years ago; and, for more than 100 years after that system was established, there were no licenses in the sense of merely raising a revenue from the liquor itself. Therefore no analogy existed. A person who took a tobacco license, took it simply under the law which compelled him to pay a small sum for the permission. It was merely a matter of revenue But the licensing system—to its credit be it spoken—was established purely for protective purposes. There was a time when that system did not exist; when, for hundreds of years, free trade had been the rule. The liquor traffic as it then existed, but without that dreadful addition which had taken place since the common manufacture and sale of spirituous liquors, was put in the hands of the Crown, to be administered by the Crown through the justices of the peace representing the authority of the State. Absolute jurisdiction was given by the great statute of Edward VI. to the justices, as to when, where, and how that traffic should exist. In other words, the traffic had proved so baneful to the people of this country, even in the modified form of the sale of fermented liquors, that it was no longer allowed to be free or unrestrained; and consequently, it was put in the power of the Crown, through the

local justices, to determine how long and where it should prevail. In studying this question of trade compensation, it should be considered that those who claimed it had not done so under the present system. It was for the local controlling authority, the justices, to say, at the end of every year, whether the license should be continued or not. That was the present system. There could be no doubt, from the evidence given, and from the authorities cited in regard to the Darwen case, since those who appealed did not care to take the question to the higher court. If the licensed victuallers wanted to have a contrary decision, let them carry any case to the superior court. They knew, however, it would be of no avail; their own representatives had said so. They had confessed that it was a secret for a time, it was now a secret to nobody. The proposal for compensation was this: although, under the present system, under the jurisdiction of the Crown, the liquor traffic could be, in part or whole, suppressed by the non-renewal of licenses, yet by changing that system and giving the locality power, it was proposed this state of things should not prevail any longer. But the whole process of modern liberty had been the transferring of the feudal powers of the Crown to the people themselves. Surely, when no licensing powers were transferred to the people, the latter ought not to be limited in their exercise any more than the Crown had been, through its deputies, the magistrates. Local option would certainly come. Both Lord Salisbury and Mr. Gladstone had said it would come, and people were preparing for it. Nothing marked the weakness of the case of those who were opposed to that principle than their ignoring the certainty of that change. All that these gentlemen had to propose was a transfer of licenses from crowded places to other parts, which hitherto had been happily exempt from what the temperance societies considered an evil. That proposal was made even in the face of the certainty that, before long, local option would, in some way or other, become law. It would be an anomaly to fetter by fines and compensatory restrictions the exercise of the powers which the people would possess, seeing that the powers exercised by the Crown were now limited or restrained. What he and his friends were asking for was relief by the plan they suggested. They were not asking, nor would they think of asking, that new burdens should be placed on the people themselves. It was significant of those who demanded compensation that they left uniformly out of consideration the main element of the question of local option. Prohibition was asked for on account of the incalculable burdens imposed on the people through the liquor traffic. Liberty was claimed for the people of choosing whether they should bear those burdens or be relieved from them. They had no right to be taxed for the exercise of powers which they would use for their own good, and for the good of those who were to follow them.

Mr. Ernest W. Norfolk (Licensed Victuallers' Protection Society of London), the writer of the first paper, in reply said, those whom he represented were prepared to follow any organisation in the paths of temperance, but they were not ready to agree with those

who wished to take away their property without giving them compensation. So far, no argument brought forward had convinced him in favour of the view held by the temperance societies, that a license was granted for one year only, and could thereafter be refused at the discretion of the justices. Was it not a fact that in the year 1884 a challenge was thrown out to the teetotallers to touch a single full license where the law had not been broken? Was not the challenge accepted, and the renewal of five licenses opposed at Liskeard in Cornwall, with the result that the objections to the renewals were found of no avail and the licenses were renewed? There was one passage in the paper of Mr. Malins which he particularly noticed, viz. where the writer asserted that 'the Irish clergy were compensated out of their own Church endowments; that the accumulated wealth of the liquor traffic had not been in charge of the State; that the State had only received an insignificant fee for a license in actual use, and a duty on liquor actually on sale; and that all the accumulated wealth was in the hands of brewers, distillers, and others interested, and not in the national treasury, nor in the pockets of the ratepayers, and what was not in could not be drawn out.' The fact was, that no members of the community were more severely taxed than the licensed trade; and where did the proceeds of the taxation go but into the national exchequer, by which the public generally were benefited and relieved in the way of taxes? Following this argument, would the prohibition party be willing to add up the amounts which had been paid by the trade licensed for the sale of alcohol for hundreds of years as license duty, for increased assessment, by reason of a license being attached to the houses, and also the sums paid to the excise and revenue authorities, and thereby create a similar fund for compensation to that out of which Mr. Malins alleged the Irish clergy were compensated? As for the allegation that bad spirits were sold, if that were true, it could not be the fault of the licensed victuallers, but was rather due to the negligence of the authorities whose duty it was to enforce the law, so that it might be unsafe to sell any liquor which was not properly legalised. The authorities had adequate powers under the Adulteration Acts to prevent the sale of alcoholic liquor of an inferior quality or degree, and from his experience he believed the authorities enforced the powers vested in them with the necessary vigour, and that this allegation was as unmerited towards them as it was towards the trade. With respect to the tenure of licenses for one year, was it not a well-known fact that a man holding a piece of land for one year was continued in possession of it, and generally got compensation for improvements &c. if (which was very seldom the case), his tenure was compulsorily closed? At any rate, did not custom make law? And had it not for centuries been the custom to renew licenses to the body he represented unless on proof of grave misconduct? That was his case, and he contended that compensation full and ample in every degree should be awarded if the licenses were compulsorily extinguished.

Mr. S. Bourne (Church of England Temperance Society), the writer of the second paper, replying, said, as there had scarcely been

any argument against his paper, he might infer that the principles it embodied had been accepted. Mr. Malins had objected to local rates being relieved by taxes on the liquor traffic. In that objection he did not share, for if the liquor trade had been carried on to the injury of the public, and if any portion of the profits realised in that way could be disgorged, surely it might go in relief of the charge for maintaining people who had been sent, at the cost of the public generally, to the poor-houses and hospitals! Mr. Simonds, while condemning the paper as containing the most confiscatory clauses, had failed to point out where such confiscation operated. The principles laid down in the paper did not involve the confiscation of any property, or of any right which had been in existence, and which had entailed an absolute loss upon the holder of that right, not only for the year, but for the future time on which he might, by virtue of custom, calculate. Where enormous gains had amply compensated, there certainly could be no claim for imposing on the public a burden intended to provide compensation. With reference to the case in Kansas, it had not been carried to a court of appeal. Moreover, Kansas was not a model State; lynch-law prevailed there, besides a variety of other atrocities; and it would be a long time hence before a civilised community like England would take its law from the remote State of Kansas.

Mr. J. Malins (Independent Order of Good Templars) in reply, regretted that he had felt obliged to criticise the Church of England Temperance Society's Bill, but he trusted that its framers would come to the conclusion that the measure could not be passed without the support of the temperance societies generally, and those societies were not prepared to accord that support. As to the question of grocers' licenses, their evil results in promoting female intemperance were largely concealed in the domestic circle. The persons most competent to ascertain the real extent of the evil were the medical men who attended the victims; and 900 of these gentlemen had signed a declaration as to the terrible increase of female intemperance through grocers' licenses. Mr. Simonds' reference to other interests being respected by law he would pass by, simply repeating that, in the case of the thousands of licenses which had been discontinued by the magistrates, no compensation had been afforded to the lessees, or to any of those who were concerned in the properties discounted thereby. He agreed that it was dangerous to play with other people's property. The temperance reformers, whom he represented, did not desire the property of the drink-sellers at all; they simply objected to the drink-sellers taking away the property of teetotallers under the plea of compensation. In reference to the Kansas case cited by Mr. Mott, he (Mr. Malins) had referred to it in the paper submitted to the Conference, and he now produced the *New York Witness*, of January 28, which reported the case. It showed the decision was only given by a judge in Kansas. It was not a case of compensation for extinction of licensing. Some of the multitude of former drink-sellers had ventured to appeal. In this case it was the brewer who appealed, because his fixtures were designed and adapted for the

making of beer and nothing else. Up to the year 1880, the making of beer was legal, but afterwards a constitutional amendment was adopted, prohibiting the manufacture of beer 'except for medical, scientific, and mechanical purposes.' This brewer apparently submitted to the law prohibiting the manufacture of beer as a beverage. Under these laws a permit was essential to the defendant for the manufacture for the lawfully-excepted purposes, and he only appealed when this permit was refused and an injunction was issued restraining the defendant absolutely from the manufacture of beer. The closing of 161 breweries in Philadelphia and Pennsylvania since 1873 had been effected without any appeal being ventured upon; and therefore what the fate of this case might be when it reached the supreme court, might be easily imagined. In the Liskeard case, cited by Mr. Norfolk, the counsel for the licensed victuallers had this question put to him by the chairman of the bench :—'But do you say we have not the power to shut up any house we think is unnecessary?' 'Oh,' said counsel, 'power is a different thing altogether. I know you have the power. You have the power to do anything; you have the power in all cases, there is no doubt about that. Your power is, of course, subject to review, but you have the power to shut up every licensed house in the place.'

PROHIBITORY LEGISLATION.

Is Prohibitory Legislation desirable, and, if so, in what form?—By Samuel Pope, Q.C., on behalf of the United Kingdom Alliance.

The answer of the United Kingdom Alliance to this query is clear and simple. That organisation seeks to provide legal machinery, enabling inhabitants of a defined district to prevent the grant or renewal of all licenses for the sale of intoxicating liquors within the limits of their district.

The existing law prohibits, under penalties, all sale of intoxicating liquors unless under sanction of a license. The United Kingdom Alliance therefore requires in furtherance of its object no new legislative prohibition. It seeks to create no new offence. It would inflict no new penalties. The practical question is, 'By what authority, to what extent, and on what conditions shall any license be granted?'

No important amount of opinion would recommend that the trade in drink should be left altogether without restriction or license. Even those who advocate free grant of licenses still maintain the necessity of some license, without which sale must be illegal, and which must contain restrictive conditions—e.g. limitation of hours of sale, rental or other qualification of house, &c.

No one desires needless restrictions. Such limitations of individual freedom of action can be justified only so far as they are absolutely necessary in the general interest of society, as for the maintenance of public revenue or the security of public order.

For some centuries strenuous efforts have been made by the legislatures, not only of Great Britain but of other civilised communities, to prevent the sale of drink from doing more harm than good. Hardly a session of the British Parliament has passed without an Act intended to have this result. The meeting to-day is evidence that these efforts have not been crowned with success. To this day, the public mischiefs of drunkenness and social disorder associated with a common sale of drink, far

outweigh any private convenience or advantage resulting from it. On the other hand, wherever, as in the 1,380 parishes and townships in this country enumerated in the Report of the Convocation of the Province of Canterbury (1869), or in several of the States of the American Union, and in the Dominion of Canada, the sale of drink, as a trade, has been prohibited, or from any cause has ceased to exist, it has been found that these public mischiefs have been eradicated or reduced to a minimum.

If, as the result of experience so long and varied, the conviction is forced upon us that, notwithstanding restrictions and conditions, the common trade in drink is inseparably accompanied by social mischiefs more important than any benefits it confers, the conclusion would seem to be inevitable that such a trade should be stopped. Self-preservation is the first law of society as of individual nature.

But how is a trade which, whatever its results, at least ministers to so large and widespread an appetite, to be stopped?

It may be conceded that any prohibition or restriction in such a matter as the sale of drink, which is not sustained by a sufficient amount of popular feeling among those whom it affects, would be likely to be inoperative and would be evaded. But it is equally clear that the amount of such popular feeling may vary according to the circumstances of different districts. A prohibition which might prove to be intolerable to the inhabitants of Bethnal Green might not only be cheerfully acquiesced in, but zealously promoted, by a community in Cornwall or North Wales. Hence it would appear to be desirable that any present legislation should be *locally* rather than *generally* applicable. Assuming also that there are many districts in which the popular feeling would be hostile to prohibition, it may be necessary to provide for a licensing authority and to define the conditions of the license. With the discussion upon these two questions the United Kingdom Alliance does not interfere. By the third article of its 'Declaration,' adopted in 1853, at its formation, the Alliance declares 'that the history and results of all past legislation in regard to the liquor traffic abundantly prove that it is impossible *satisfactorily* to limit or regulate a system so essentially mischievous.' It therefore leaves the responsibility of such limitations or regulations with those who believe in their efficiency. At the same time it regards with sympathy all endeavours to render such limitations as efficient as possible. But it urges that in districts where a sufficient popular feeling can be ascertained to exist in favour of a prohibition, no licensing authority—upon

any conditions of license—should have power to sanction the common sale of drink within such districts; and it proclaims that no measure of license reform which does not give power to such districts to prevent such an injustice can be regarded as satisfactory.

A moment's consideration will show that such a suggestion is not hostile to projects of Licensing Reform. It is rather ancillary. Whether the licensing authority be left, as now, with the magistracy, or, in order to afford more popular inspiration or control, be transferred to elective or county boards, this further power would run side by side with such authority.

It is probable that the area subject to the jurisdiction of any licensing authority will comprise many districts such as are contemplated. If within any such district, by a simple machinery to be provided, it be ascertained that a preponderating popular feeling is in favour of no common sale of drink being allowed, the power of the licensing authority to grant or renew any licenses *within such district* should be suspended. All existing licenses within that district would then expire according to their tenor, and any sale would be a sale without a license and liable to the appropriate penalty. If any district failed by the requisite majority to express such feeling, equally in that as in other districts under its jurisdiction, the licensing authority would have full power to limit or refuse any application made to its discretion.

In this short paper I have endeavoured to make a clear statement rather than an argumentative or rhetorical defence. This is what the United Kingdom Alliance means, whether its purpose be described as 'local option,' 'popular local veto,' 'Permissive Bill,' or by any other form of words.

It will be observed that I have carefully abstained from the discussion of matters of pure detail, such as:—

I. The extent of each district.

II. The voters in each district.

III. The requisite majority.

IV. The length of time for which a vote should be operative.

V. The machinery for ascertaining votes.

The 'Permissive Bill' gave such suggestions on these matters as appeared to its framers at the time to be the most simple and appropriate. It adopted parishes as districts because parochial boundaries are familiar for purposes of voting. It accepted the largest and most popular franchise then recognised. It suggested that a vote of a majority of two-thirds of those voting should be binding for three years, and it slightly modi-

fied the machinery adopted for voting under Local Government Acts.

But it must be borne in mind that on any or all of these details differences of opinion among members of the Alliance are possible, and probably exist.

I may be allowed to express the opinion that the strength of the Alliance suggestion lies in its simplicity. Irrespective of the Alliance disbelief in its efficiency, the difficulty of submitting such a question as limitation of number, where licenses must be granted, to a direct popular vote, would seem to render necessary an authority with discretion to limit, but it would surely be indefensible to allow such authority to thrust any licenses upon unwilling districts. Simple as the suggestion is, it is believed it would accomplish vast results. On no other ground can be explained the hostility evinced by its opponents or the enthusiasm displayed by its friends.

On the Same.

By Peter McLagan, M.P., on behalf of the Scottish Permissive Bill and Temperance Association.

I have been asked to devote this paper mainly to Prohibition, as applied to the licensing system ; and I shall endeavour to confine my remarks specially to this branch of the temperance question.

For centuries the traffic in intoxicating liquors has been subjected to legislative restrictions and taxation in this country, partly with the view, it has been said, of increasing the revenue. But if we may judge from the preambles of the different restrictive Acts, we shall see that our legislators were animated by higher motives than a mere pecuniary one. I do not say that they adopted the best way of carrying out their good intentions; on the contrary, I shall show that they were not likely to attain the objects they had in view. But we must give them credit for being sincere. The first Act binding the trade was in the fifth and sixth years of the reign of Edward VI., called ‘ An Act for Keepers of Alehouses and Tippling-houses to be bound by Recognizances,’ in which the preamble was—‘ Forasmuch as intolerable hurts and troubles to the commonwealth of the realm doth daily grow and increase through such abuses and disorders as are had and used in common alehouses and other houses called tippling-houses,’ no one shall sell beer

or ale without a license, and shall be bound by recognizances. In the first year of James I. an Act was passed to 'restrain the inordinate haunting and tippling in inns, alehouses, and other victualling houses,' in which the preamble was, 'Whereas the ancient, true, and principal use of inns, alehouses, and victualling houses was for the receipt, relief, and lodging of wayfaring people, travelling from place to place, and for such supply of the wants of such people as are not able by greater quantities to make their provision of victuals, and not made for the entertaining and harbouring of lewd and idle people to spend and consume their money and their time in lewd and drunken manners,' it was enacted that ten shillings penalty was to be paid by any keeper of inn, alehouse, or tippling-house, who shall allow anyone to remain and continue drinking or tippling in said inn, &c., excepting such as shall be invited by any traveller and shall accompany him only during his abode there, and any labourer and handicraftsman in town only on working days, for one hour at dinner-time, to take their diet in an alehouse &c., or on any urgent occasion by the permission of two justices. The object of this Act was to put down drunkenness caused by the frequenting of alehouses and victualling houses, and to bring them back to the use for which they were originally established, viz. for the accommodation of wayfarers, workmen, and handicraftsmen during their dinner-hour, when it was not convenient for them to go home for their forenoon meal.

In the fourth year of the reign of James I. drunkenness had become so prevalent that the Parliament determined to put it down by the strong arm of the law, and accordingly they passed an 'Act for repressing the odious and loathsome sin of drunkenness,' with the following denunciatory preamble against drunkenness: 'Whereas the loathsome and odious sin of drunkenness is of late grown into common use in the realm, being the root and foundation of every other enormous sin, bloodshed, swearing, stabbing, murder, fornication, adultery, and such like, to the great dishonour of God,' it was enacted that five shillings of penalty should be paid for every conviction of the offence of drunkenness, and in default of payment to suffer six hours in the stocks. That the effects of this repressive legislation did not come up to the expectations of the Government is evident from the passing of another severe Act, three years after. I do not pretend to say whether its failure arose from its own stringency or from want of the proper means of enforcing its provisions. In the seventh year of the reign of James I. (1609) an Act was passed containing this preamble:

'Whereas, notwithstanding all former laws and provisions already made, the inordinate and extreme vice of excessive drinking and drunkenness doth more and more abound, to the great offence of Almighty God, and the wasteful destruction of God's good creatures,' it was enacted that any alehouse-keeper convicted of any offence against the two Acts of the same reign mentioned above shall be disabled from keeping any alehouse for three years. Fourteen years afterwards, the two Acts against drunkenness passed in the first and fourth years of the reign of James I. were made permanent, with more stringent provisions. The King and Parliament were evidently satisfied with the results of the Acts, for the preamble states: 'Whereas these statutes, being only for one year, have been found by experience good and necessary laws, they shall be made perpetual.'

In 1736, or 115 years after the last Act, a vigorous attempt was made to banish drunkenness from the land by legislation. In the ninth year of the reign of George II. an Act was passed with the following preamble: 'Whereas the drinking of spirituous liquors or strong waters is become very common, especially among the people of lower or inferior rank, the constant and excessive use whereof tends greatly to the destruction of their health, rendering them unfit for useful labour and business, debauching their morals, and inciting them to perpetrate all manner of vices; and the ill consequences of the excessive use of such liquors are not confined to the present generation, but extend to future ages, and tend to the devastation and ruin of the kingdom: Be it enacted,' &c. To show the extreme stringency of this measure I shall only mention one provision, which 'converted a tradesman into a retail dealer, and brought him within the reach of the law,' if he only 'gave another person's servant or apprentice a glass of spirits.' During the first two years after the passing of the Act 12,000 persons were convicted of offences connected with the sale of spirits, but still smuggling increased to an enormous extent. At last, eight years after the passing of the Act, a bill was introduced to repeal the high prohibitory duties, and impose 'such moderate duties as were calculated to increase the revenue by increasing the consumption of legally distilled spirits.'

It is seen from these extracts that the restrictions on the liquor traffic, and the attempts to put down public-houses and tippling-houses, are not of modern date. For centuries the most severe enactments were passed against the trade, for the purpose of suppressing the evils arising from drunkenness which are promoted by the liquor-shops. And though the preambles of the Permissive Prohibitory and the Local Veto

Bills have been challenged for the correctness of the facts stated, and have been condemned for the strong language used, they are nothing in comparison with the denunciation of drunkenness and the evils caused by it in the preambles quoted above. The preamble of the Permissive Prohibitory Bill runs thus: 'Whereas the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of her Majesty's subjects at large, and the public rates and taxes are greatly augmented.' And that of the Liquor Traffic Local Veto Bill is as follows: 'Whereas the traffic in intoxicating liquors is the main cause of poverty, disease, and crime, depresses trade and commerce, increases local taxation, and endangers the safety and welfare of the community.'

However praiseworthy the intentions of our legislators of former years to improve the morals of the people by the suppression of drunkenness, it must be admitted that they were not quite successful in their laudable efforts—because, it is said, you cannot make men sober by Act of Parliament. The same objection is made to the Liquor Traffic Local Veto Bill. I agree with the general statement that you cannot make men sober by Act of Parliament, but there is no difficulty in replying to it as an objection to the Local Veto Bill. But why did the repressive legislation of which I have been writing not produce the results expected of it? It was because it was carried out without any regard to the tastes, feelings, prejudices, and habits of the people. No legislation can be successful if so conducted. The principle of the Liquor Traffic Local Veto Bill is not to put down public-houses directly by Act of Parliament; not to impose a penalty on anyone convicted of drunkenness, or on anyone who offers a neighbour's servant or apprentice a glass of spirits; not to prohibit anyone from taking any liquor he chooses. Its principle is to give the majority of the people in any particular district power to reduce the number of liquor shops or to banish them from their midst, and to do this by the direct vote, whatever the licensing authority may be. In short, it is to give them power to prevent public-houses being thrust on them against their will.

The promoters of this bill are convinced that no legislation on any social question can be successful that is too far in advance of public opinion, and is not in unison with the sentiments and habits of the people, and, as has been said, is not in harmony with their conscience and moral sense. They accord-

ingly leave it with the people to decide and act, when public opinion is ripe in any districts to carry out the provisions of the Act. As requested, I shall state briefly the provisions of the bill now before Parliament. If we suppose the bill passed, the first step to be taken to set it into operation is for ten or more householders to apply to the sheriff of a county to define the boundaries of a district, which is defined to be a village or locality, not being a parish, or burgh, or ward of a burgh, or wholly within a burgh, containing not less than three hundred inhabitants. Then any number of householders in any burgh, ward of a burgh, parish, or district, not less than one-tenth of the whole, may give written notice to the chief magistrate in a burgh or the sheriff in a county, requiring him to take a poll of the householders in such burgh, ward of a burgh, parish, or district, for or against these three resolutions—(1) That the sale of intoxicating liquors shall be prohibited; (2) That the number of licenses shall be reduced to a certain number, to be specified in such notice; (3) That no new licenses shall be granted. Every householder entitled to vote shall have one vote for or against each resolution. If a majority of two-thirds of the votes recorded for or against any resolution be in favour of its adoption, such resolution shall be carried, and subject to the following proviso shall be adopted:—Provided that (*a*) only one resolution shall be adopted. (*b*) If the first resolution is carried it shall be adopted, whether either or both of the other resolutions have been carried or not. (*c*) If the second resolution is carried, and the first is not carried, the second resolution shall be adopted, whether the third resolution is carried or not. (*d*) If the third resolution is carried, and the first and second are not carried, the third resolution shall be adopted. I may mention that a large proportion of the temperance reformers is in favour of a bare majority instead of a majority of two-thirds deciding whether the resolutions are carried or not; but this is left as an open question to be decided by the committee. I need not enter into the details of the machinery for carrying out the Act, or the penalties for infringing any of its provisions. If the first resolution is adopted no poll can be taken again to try to reverse this decision for at least five years after the date of the adoption. If the second resolution is adopted a poll may again be demanded on the question of a further reduction and of the adoption of the first and third resolutions, but not for two years after the last poll has been taken. If the third resolution is adopted, no further polls shall be competent on that resolution, but a poll may be again demanded on the first and second resolutions, but not for two years after the last poll

has been taken. If all the resolutions are rejected a poll may be again demanded, but not for two years after the last poll has been taken. When a poll has been taken, if any resolution is adopted the whole expenses of the proceedings incurred from the first shall be defrayed in counties out of the police assessments, and in burghs out of the burgh general assessments. But if none of the resolutions be carried, the parties applying for a definition of the boundaries of a district and for a poll are liable for the expenses, and must give an understanding to the sheriff or chief magistrate, if required, before anything is done.

The bill may be said to be the embodiment of the Local Option resolution of Sir Wilfrid Lawson, which was carried in three sessions of the last Parliament by increasing majorities. It is strictly on the lines on which I said all social legislation should be conducted—viz. in unison with the sentiments and moral sense of the community. It might be that in one district where public opinion was not far advanced on the question, the inhabitants were willing to adopt the Act, though giving but a faltering adherence to its provisions, and would thus vote only for the third resolution—viz. that no more licenses should be granted. In another district, where public opinion was more advanced, they would vote for the second resolution—viz. that the number of licenses shall be reduced to a certain number. And in a third district, where they were thoroughly convinced of the evils of the traffic, and of the overpowering necessity of putting it down, they would vote for the first resolution, for the sale of intoxicating liquors being prohibited. The operation of the Act, in short, would be left entirely in the hands of the people who are the parties directly interested in the subject.

It is said that the majority have no right to tyrannise over the minority by prohibiting them from drinking what they think proper. The majority have not the power under the bill of prohibiting anyone from drinking what he likes. It simply gives the majority of householders, whether tenants or proprietors, the power now enjoyed by all proprietors of land, of preventing the existence of licensed houses in their vicinity. They don't prohibit anyone from drinking, but they compel him to get the drink elsewhere than in that district. If it be tyranny on the part of a majority to prevent the sale of what has been proved not a necessary of life, but a dangerous and pernicious article fraught with the worst of evils, is it not a greater tyranny on the part of a minority to insist on the sale in a district of what has been found to be the main cause of pauperism and crime, of the depression of trade, and of the

increase of taxation, besides other evils? I need scarcely add that it is the constitutional right of the majority in most cases to decide what should or should not be in a community. Some one has said, 'he rejoiced to think that the conviction was gaining ground that it was an infringement of civil liberty and social justice to thrust a demoralising trade on an unwilling community, and then compel it to pay for the consequences in increased rates and taxes.' But there are those who object to the direct vote, maintaining that the decision of the people should be given in the usual constitutional mode through representative boards. The more I have thought of this question the more I am convinced that in social questions the best way of obtaining the true opinion of the people is by the plébiscite, or direct vote. In the election of boards, side issues are more or less intruded which influence the vote of the people in some degree. The personal popularity of a candidate who may only be lukewarm on the question for which the election was conducted may carry his election against another candidate who may not be so popular but far more zealous in the cause. Mr. Hoyle says, from what he observed in America, in one instance at least, prohibition had failed on account of the board not fairly representing the opinion of the electors, who were decidedly prohibitionists. We have examples of the people having the power by Acts of Parliament to vote directly, as in the Boroughs Funds Act, which allows them to do so in the case of water and gas bills. If they are allowed to vote as to whether they should have pure water to drink, is it unreasonable to ask that they should have the same power to vote as to whether they should have sold in their districts water adulterated with alcohol, which has destroyed far more victims than any water impregnated with organic matter? The law allows the people to vote directly as to whether they should have free libraries. Is it too much to ask that they should have the same power to vote as to whether there should be traffic in their midst in alcoholic liquors which injure and often destroy the bodies, minds, and souls of those who indulge in them? We never can have the opinion of the people expressed so truly and faithfully as when the question on which they are to vote is presented to them alone and without any side issue. I am therefore in favour of the people being empowered to vote directly on the question in any prohibitory legislation we may have in the liquor trade.

I am asked, is such legislation desirable? Let me ask, is drunkenness with its concomitant evils desirable? If not, can you put down drunkenness so long as you have public-houses

and other licensed premises? We hear a great deal of what moral suasion, education, and an advanced civilisation can do in curing the evil. But moral suasion, unless you get the community permeated by a deep religious feeling, will not produce the desired effects. Education has proved powerless, for we find drunkenness among the educated as well as among the uneducated, and Bailie Lewis, at the Temperance Convention held in Edinburgh, in the spring of 1884, stated: 'During the last ten years there had been expended on education in Edinburgh the sum of 1,035,000*l.*, while there were at present engaged a staff of 730 teachers. Notwithstanding the enormous amount of moral and educational power here represented, they found from the police returns that the number of drunken cases had increased from 5,317 in 1872 to 7,236 in 1882, being an increase of 26 per cent., while the increase of the population had only been 16 per cent.' What has civilisation done? The untutored and uncivilised sober savage points the finger of scorn to the drunken, educated, and civilised Englishman, and asks if drunkenness and civilisation go together. While, therefore, I am prepared to give full credit to what some advocate as means of diminishing drunkenness, I maintain that these unaided by legislation will be ineffectual in putting a stop to it.

'Reduce the number of licensed houses,' we are told, 'and you will diminish the drunkenness.' No doubt every public-house you take away, you remove one source of drunkenness, one of those traps laid for ensnaring the working-man. But the diminution of drunkenness is not in proportion to the reduction in the number of public-houses, because increased facilities are generally given in the remaining houses for obtaining the drink. They are made larger, more comfortable, more enticing. We have a notable instance of this in Glasgow, where in twenty-five years there was only an increase of 9 per cent. in the number of houses, notwithstanding the large increase in the population; but the gross value of the houses was nearly trebled during the same time; or in other words the average value of each house rose from 40*l.* 16*s.* to 104*l.*

I cannot adduce any cases where there has been total legislative prohibition in this country, for no Government has yet ventured to pass such a measure; but there are towns and whole parishes in Great Britain and Ireland where there is not a single licensed house, such as Saltaire and Bessbrook, in about 1,400 parishes in the province of Canterbury, in a district in Tyrone with a population of 10,000 inhabitants, and in about 147 parishes in Scotland. And in all these there is a comparative immunity from crime and pauperism. But

they have to thank the proprietors in these districts, and not the Legislature, for this happy state of affairs. It is worthy of remark here, that in a report on intemperance presented to the General Assembly of Scotland, it is stated, 'Wherever there are no public-houses, nor any shops for selling spirits, there ceases to be any intoxication.' The nearest approach we have to legal prohibition is that of closing of all public-houses on Sundays in Scotland, Ireland, and Wales, but there it is only partial, as the *bonâ-fide* traveller deprives the country where it is the law of some of the advantages of prohibition. Notwithstanding this drawback, the Act has been attended with good results; for we find from a parliamentary paper that the number of persons arrested for drunkenness in Scotland during the year 1882 was 12,254, during the twenty-four hours from 6 A.M. on Saturday to 6 A.M. on Sunday; 1,492 during the twenty-four hours from 6 A.M. on Sunday to 6 A.M. on Monday; 17,977 during the 120 hours from 6 A.M. on Monday to 6 A.M. on Saturday, or 31,723 in all. That is to say, that upwards of eight times more were arrested in the twenty-four hours from 6 A.M. on Saturday to 6 A.M. on Sunday—when the public-houses were open for three-fourths of the time, and those arrested were arrested during the other fourth from their excesses in the previous three-fourths—than in the twenty-four hours from 6 A.M. on Sunday to 6 A.M on Monday, when the public-houses were closed. It may be asked why were any arrested at all during this latter period? It is probable that the *bonâ-fide* travellers helped to make up the number, and others who had not recovered in the earlier hours of Sunday from their debauch of the previous night. In some towns in Scotland where there are no hotels, and consequently there can be no *bonâ-fide* travellers, a person the worse of liquor is never seen on Sunday.

The successful results of the prohibitory legislation in the United States and Canada would justify any Government in this country attempting the same here, particularly as there has been a rapid growth of public opinion on the subject, and the utterances of those in office have mostly tended in the same direction. Mr. Gladstone said in the House of Commons in 1880, 'I earnestly hope that at some not very distant period, it may be found practicable to deal with the licensing laws, and in dealing with the licensing laws to include the reasonable and just measures for which my hon. friend (Sir Wilfrid Lawson) pleads.' And Sir W. V. Harcourt, when Home Secretary, said that he was ready to give the full control of the liquor traffic to the people to deal with as they think proper,

whether to prevent new licenses, or to reduce the number of licensed houses, or to have no licensed houses at all. Both of these right hon. gentlemen are again in power, and we look with confidence to their bringing in some measure on the lines of the words above quoted, and uttered by them.

Much has been written by travellers from this country against the Maine Liquor Law, and of its failure. But we have on the other hand the evidence of others of undoubted authority of the success of the laws. There are lying before me reports of gentlemen who visited Maine, with the principal, if not the sole object of inquiring into the operation of the laws. These reports extend from 1854 to last year, and include the opinions of such gentlemen as Mr. Hepworth Dixon, Mr. Hoyle, and Archdeacon Farrar, and particularly the report of the Commissioners, Mr. Davis and Mr. J. W. Manning, who were appointed by the Governor-General of Canada to 'visit the States of the neighbouring Union in which prohibitory laws are or have been in force, to make inquiry into the success which has attended the working of such laws, and to report thereon, as well as on other essential facts connected with the same.' Mr. Davis was neither prohibitionist nor teetotaller, and Mr. Manning was selected to represent the side of abstinence and prohibition. These Commissioners 'visited five States, thirteen cities, ten towns, and many rural districts; they travelled nearly four thousand miles, and conversed with all classes; they found the testimony as to the partial operation of the laws in many of these cities, and its general experiments in towns and rural districts, to be uniform.' After a most exhaustive inquiry they presented their report in favour of prohibitory legislation, and such was the effect of the report in educating public opinion that shortly after the Canada Temperance Act, 1878, was passed, and five years after the Liquor License Act, 1883, which provides that no license shall be granted unless the petition for the license be accompanied by a certificate signed by one-third of the electors entitled to vote in the polling subdivision in which the premises sought to be licensed are situated; and also that no license shall be granted for the sale of liquors within the limits of a town, incorporated village, parish, township, or other municipality (save and except counties and cities), where it shall have been made to appear that a majority of three-fifths of the duly qualified electors therein, who have voted at a poll, have declared themselves to be in favour of a prohibition of the sale of intoxicating liquors in their locality, and against the issue of licenses therefor, and no license shall be granted if two-thirds of the electors in

the subdivision petition against it on any of the grounds set forth in the Act.

I do not conceal from myself the fact that there are those who consider the prohibitory law a failure in the State of Maine, 'so far as it tends to restrict intemperance and the use of intoxicating liquors; and that its only effect has been to substitute secret for public drinking.' As I have heard this objection stated not only to the Maine Law in Maine, but to permissive prohibitory and liquor traffic local veto bills, I shall give the opinion of Mr. Dingley, the Governor of Maine in 1877. He says:—'In more than three-fourths of the State, especially in the rural regions, the law is as faithfully enforced as any of the laws of the State, and open dram-shops are unknown. In the two or three cities where the traffic is more open, in consequence of a less positive public sentiment, I have no doubt that a better organisation and a more general manifestation of the existing temperance sentiment would secure a much better enforcement of the law, either through the present officers, or through the election of officers more disposed to do their duty.' 'Indeed, some so-called seekers after truth, who have simply visited our two largest cities, where, for the reasons I have already stated, the beneficial effects of the law are least felt, have gone away and claimed to be able to pronounce a verdict for the entire State. You will readily see how superficial and untrustworthy in this respect must be the judgment of a stranger who does not visit the rural portions of the State where three-fourths of our citizens reside. The great improvement in the drinking habits of the people of this State within thirty or forty years is so evident that no candid man who has observed or investigated the fact can deny it. This improvement is owing, only in part, to the influence of prohibition; for law can only supplement and strengthen moral effort.' Law can and does do more. It educates public sentiment and opinion, while it is at the same time the 'outgrowth and expression of public opinion.' Dr. Carruthers, of Portland, states: 'The law has been greatly beneficial in giving effect to that opinion (against the manufacture and sale of ardent spirits), and driving the now illegal traffic into secret haunts. There has been in consequence a wonderful improvement in the moral condition of the people.' 'In Portland it is disreputable to manufacture, sell, or habitually use intoxicating drink.' 'The effect of the law throughout the State has been to raise the standard of social morality, to aid the progress of religion, and promote to an inconceivable degree the happiness of the people.' I have heard some Scotchmen condemn the Maine Law as a

failure, because they were able to get a glass of spirits after being conducted along some tortuous dark passages to an underground cellar, the secret haunt of the breakers of the law. The very fact of their being obliged to resort to such means, which are far from reputable, to obtain a glass of spirituous liquor, proves the success and moral effect of the law. Would these gentlemen consider the Sunday closing law a failure in Scotland because they could only get a glass of whisky by going stealthily to a shebeen?

The limited space allowed me forbids my replying further to the objections to prohibitory legislation, but that, I have no doubt, will be done in the paper which is to be devoted to the general treatment of the subject. I have endeavoured to show that prohibitory legislation is desirable, and that it will be more effectual when the power is given to the people to decide when to act by a direct vote for the suppression of licensed houses. I shall conclude this branch of the subject by quoting the words of Mr. Hepworth Dixon when describing St. Johnsbury, Vermont, which has adopted the Maine Liquor Law:—'No loafer hangs about the curbstones. Not a beggar can be seen. No drunkard reels along the streets. You find no dirty nooks, and smell no hidden filth. There seem to be no poor. I have not seen in two days' wandering up and down one child in rags, one woman looking like a slut. The men are all at work and the boys and girls at school. I see no broken panes of glass, no shingles hanging from the roof. No yard is left in an untidy state. No bar, no dram-shop, no saloon defiles the place. Nor is there, I am told, a single gaming-hell or house of ill-repute.' 'St. Johnsbury is a "workman's paradise," a village which has all the aspects of a garden, a village in which many of the workmen are owners of real estate, a village of nearly five thousand inhabitants, in which the moral order is even more conspicuous than the material prosperity, a village in which every man accounts it his highest duty and his personal interest to observe the law. No authority is visible in St. Johnsbury; no policeman walks the streets; on ordinary days there is nothing for a policeman to do.'

The bill is in advance of any temperance legislation at present before the House, and is limited to Scotland, because public opinion and legislation on temperance are more advanced in Scotland than in any part of the United Kingdom. For more than thirty years we have had Sunday closing in Scotland, while it has existed only a few years in Wales and Ireland, and they are but striving to acquire it in England. The hours for sale of spirituous liquors are besides far more restricted on

week days in Scotland than in any other part of the kingdom. No drink is allowed to be sold on board any of the steamers on Sunday plying from port to port. Notwithstanding these restrictions, the people in Scotland have been far more earnest and vehement in their opposition to any licensing bill, the tendency of which would be to increase the drinking habits of the people. Nowhere were the Permissive Bill and the Local Option resolutions more vigorously and widely supported. In the last division which took place on the latter in the House of Commons, forty-six of the Scotch members voted and paired for it, and only two against it. Much as the people are divided in ecclesiastical matters in Scotland, the churches are agreed as to the necessity for some legislative measure for the suppression of intemperance. When the people themselves have been directly consulted, they have given forth no uncertain sound. They have been appealed to in thirty towns and villages to express their opinions as to whether the ratepayers should have a direct veto over the liquor traffic. And in the plébiscites thus taken 47,501 have voted for giving the power to the ratepayers, and only 4,116 against it. Scotland being thus eminently prepared for such a measure as the Liquor Traffic Local Veto Bill, I have accordingly limited its operations to it; and it is satisfactory to know that at the last general election about the one-half of the representatives from Scotland have declared in favour of the principle of the bill and are prepared to support it.

I have to say, in conclusion, that this is a working-man's question, and 'by the people and for the people' it must be decided. It is said that the liquor shops are established for the use and convenience of the working-classes. Who then are better judges of their wants than the people themselves? What I plead for in my bill is, that they should be invested with the power of having liquor shops, or prohibiting them if they do not want them. The rich have sufficient influence to prevent public-houses being set down near their dwellings, and the manufacturers of and dealers in spirituous liquors have not been slow to exercise this influence when the attempt has been made to injure the amenity of their mansions by the presence of a public-house. But the poor, not having the power to prevent this nuisance, must submit to its temptations and indecencies being placed near their dwellings against their declared wishes. The last election afforded a strong evidence of the opinion of the working-classes on temperance reform; for the twelve working-class representatives in the present Parliament are supporters of the principle of my bill. And it is not to be wondered at when we hear of one of their con-

stituents complaining thus:—'If a rich man dies while his children are young they are kept from evil by guardians and tutors, but if my life were cut short, what could possibly keep my children from the drink shop? Only by constant effort and care can I keep them safe now.' I cannot conclude this paper with more appropriate words than those of the present Prime Minister and of another public speaker:—'The law ought to make it easy for men to do right and difficult to do wrong,' and 'a time may not be far distant when men will no more think of tolerating a dram shop than of poisoning a well from which their neighbours draw water to drink.'

On the Same.

By J. Danvers Power, on behalf of the Country Brewers.

I do not propose in this paper to discuss the subject of prohibitory legislation at any length from a standpoint of public morality. There are others here who will do that much better than I can pretend to do, and who will take both sides of the question. I shall attempt, therefore, to deal chiefly with facts, and to examine the proposals which have been made from a business point of view.

I will, however, at the outset, briefly define the position of the brewers in discussions on this subject. They are prepared to co-operate in any reasonable scheme for the promotion of temperance. The scheme, however, which those who at present monopolise the cause of temperance insist upon is one which they do not think fair and which they do not believe a majority of the country would agree to. They do not think the public wish that the convenience of a large proportion of the whole population should be sacrificed to a little knot of drunkards; because, although the number of drunkards in the country when taken alone can be made to sound very appalling, yet the value of numbers is relative, and when compared with the population the number of drunkards is thought by many to be too small to demand such sacrifices. I know that some people sincerely believe this to be a very low position to take up. It is of course a matter of opinion. Very good people have called our contention odious. Just as good people have called the opposite view monstrous. As regards active opposition to the prohibitionists, brewers feel, of course, that attempts are being made to deprive them of their means of

livelihood without compensation, and consequently it is only natural they should do anything they fairly can in self-defence, and take advantage of being in a strong position, if they happen to find themselves in one. But besides this they think that, as they are the people who derive pecuniary benefit by the favour accorded by the public to the present national beverages, it is only fair that the public should be put to no expense or trouble in combating the unworkable schemes and the often unwarrantable statements of the teetotallers, which they certainly would have to do if nobody did it for them. So the brewers, for this reason also, are glad to undertake the duty. I have certainly found myself that the teetotallers chafe very much under any correction of their utterances; but still brewers consider it to be their proper function to insist upon the total abstainers carrying on their crusade with the strictest regard for absolute truth and justice; the Country Brewers Society have never gone an inch beyond this in their opposition; and they feel perfectly justified in employing persons like myself to see that this is done; whilst we who undertake these duties, holding opinions on the subject honestly arrived at, are not in the least ashamed of opposing what we believe to be a mischievous movement, even though it may be enveloped in a philanthropic cloak.

This is a plain statement of our position in the present and all similar controversies.

To proceed to an examination of the two schemes proposed to us, I would in the first place observe that several essays have been written, and speeches made which controvert the statement that the common sale of intoxicating liquors is the actual and original source of crime, pauperism, disease, lunacy, and premature death.[1]

It has been shown that the amount of alcohol consumed in one form or another is everywhere a nearly constant quantity throughout the whole civilised world; that it amounts nearly everywhere and always to somewhere between four and five gallons of proof spirit per head per annum, proof spirit being half water and half pure alcohol. The absolute impossibility

[1] Lords' Report on Intemperance, 1878–9. Blue Book, No. 28, page 38.

Message du Conseil Fédéral à l'Assemblée Fédérale sur la Question d'Alcoolisme de Juin, 1884. Question de l'Alcoolisme : Exposé comparatif des lois et des expériences de quelques Etats étrangers. Par le Bureau Fédéral Statistique. Berne, Imprimerie de K. J. Wyss.

Speech of Mr. Gladstone, House of Commons, March 5, 1880. Hansard, vol. ccli. p. 472–3.

Municipal Public Houses, J. Chamberlain, *Fortnightly Review*, February, 1877.

Alcohol and Total Abstinence, A. J. Mott, *National Review*, May, 1884.

of producing any reliable statistics as to the amount of actual drunkenness in a country, compared with the practice of other vices which have no special connection with drunkenness, is well understood by statisticians and has been clearly explained at length. The connection between the amount of drink consumed, the facilities given for consuming it, the actual drunkenness and the crime and death-rate in a country have been also dealt with in these and various other publications, and no adequate reply has been made. I hope someone who has read them will attempt to make one to-day. It is a subject, however, which cannot be dismissed in a cursory or superficial way, and the dicta of judges and other persons in favour of the view taken by the United Kingdom Alliance are not of great value by the side of a scientific examination of the actual facts and figures. I state this, because in order to prove in a complete manner the impracticability of the scheme for a direct veto proposed by the United Kingdom Alliance, it is proper to show that our gaols, workhouses, and lunatic asylums would be by no means closed or the consequent expense saved if the consumption of liquor were prohibited. That, as I said, has been proved in the pamphlets to which I have referred you. But the reason why it is necessary to have this point settled one way or the other is that every ordinary objection which is raised against Local Option is met by some unsustained hypothesis which is set down as being an undisputed fact. This is speculation. But there are facts ready to hand. In the State of Maine, in the United States, prohibition actually exists. It has been officially declared by the United Kingdom Alliance in the book above referred to that it 'has been no failure, but a great success.'[1] I propose to examine this success with a view to tracing the connection between drink and general morality. To begin with, there are more divorces in Maine than in any other state. The population has been nearly stationary for some years. The rate of crime among the white population, which ought to be very small—seeing that there are only three important towns, the largest of which, Portland, has only 33,000 inhabitants—compares unfavourably with other and larger states. In Maine there are 628 prisoners per million. In Iowa 485, Virginia and Kentucky 400 each, Georgia 283, all considerably larger than Maine. The number of idiots in the United States is 1 in 641 (white). In Maine it is 1 in 488. The number of lunatics in the United States is 1 in 500. In Maine it is 1 in 420. The average death rate in the United

[1] Local Option, by Messrs. Caine, Hoyle, and Burns. Imperial Parliament Series, London, 1885, p. 89.

States is 15 per 1,000. The death rate in Maine is 15 per 1,000.[1] The ordinary reports of travellers, as they reach us through the newspapers, confirm the suspicions which such figures cannot fail to arouse.[2] The Act has been in force for thirty years, and during that time there have been forty amendments to it found necessary. The results were unsatisfactory. There is inconvenience and deceit, and I ask where does the 'great success' come in? I say that I should like to have an answer to this, for instance, before giving up my right to dispute the statement that we should be able to close our prisons and other public institutions and dispense with nine-tenths of the police if there were no drink. And this is what I mean when I say that we ought to agree upon some common ground before discussing the advantages or disadvantages of prohibition. I may remark, in passing, that what I have just said about Maine will be construed, as I have often known it construed before by our opponents, as meaning that it is rather an advantage to a country to be drunken than otherwise, and I can only say that it means nothing of the kind, and that I do not think this would be the construction put upon my argument by independent people. I must, therefore, as I said at first, address myself to the specific plans which have been proposed for securing prohibition with some show of liberty for the public, and I must assume some acquaintance with reliable social statistics.

And first, as regards the United Kingdom Alliance. The resolution which has been three times passed by the House of Commons is as follows:—'That, inasmuch as the ancient and avowed object of licensing the sale of intoxicating liquor is to supply a supposed public want without detriment to the public welfare, this House is of opinion that a legal power of restrain-

[1] *Encyclopædia Britannica*, 9 ed. vol. 15. 'Maine,' by Joshua L. Chamberlain.

Compendium of the 10th U.S. Census.

[2] 'The temperance advocates who base their arguments upon statistics taken from the results of prohibition in the United States must hold their hands for awhile. The State of Maine is, as is well known, the one where prohibitive measures have been most stringently pressed and enforced, yet the total number of persons committed to gaol in that State during 1885 was 3,395, of whom 138 were sentenced for selling liquors, which was an increase of 38 over the statistics of 1884; and 1,761 were sentenced for drunkenness, which was an increase of 411 over the statistics of 1884. The present writer remembers well riding on horseback through Maine three or four years ago, when prohibition was supposed to be at its height, and at not a single inn did he pass the night without the landlord quietly dropping a hint that if "rum" was desired it would be forthcoming. In one hotel the large urn of ice water, which is a feature of the halls of all American hotels, supplied ice water if the tap was pressed down—the usual method of working it—but to the initiated who pressed it up, it furnished whisky.'—*Pall Mall Gazette*, Feb. 3, 1886.

ing the issue or renewal of licenses should be placed in the hands of persons most deeply interested and affected—namely, the inhabitants themselves—who are entitled to protection from the injurious consequences of the present system by some efficient measures of local option.'

We have a right to ask what this exactly means. Does it mean that a majority of one ratepayer might be able to deprive the whole of the remaining inhabitants in a district of their usual beverages? Or does it mean that all persons at present permitted to be served in a public-house are to be consulted? Nobody knows, and every member who voted for this resolution is at perfect liberty to construe its meaning according to his own ideas of what is right.

Mr. Bright appears to have foreseen the bearings of the whole matter long before it came to its present condition, and when an actual bill, embodying Sir Wilfrid Lawson's principles, and called the Permissive Bill, was before the House of Commons. Speaking of that time he said in 1883:—'I stated that if they would withdraw their bill, and substitute for it a resolution, in the very next division in 1879 they would double their minority in the House of Commons, and that whenever it was submitted to the House of Commons after a general election, they would have a majority in favour of the resolution in the House.'[1]

It is obvious that, under the circumstances, the actual value of the support this resolution has received cannot be ascertained, and it is clear that we are unable to discuss this part of the subject with any profit until we see a new bill in which the details are distinctly set forth.

I might assume you would admit that from whatever class the voters come the voting would show some sort of a majority one way or the other. The question is, what majority is to decide such a point as this? I suppose that here also we shall be told, as Sir Wilfrid Lawson told me when I asked him some similar questions in the *Times*, that they are 'wedded to no particular scheme.'[2] I remember, however, asking one of the Alliance's paid and responsible agents about this at a public meeting and he distinctly said a majority of one ought to decide it.[3] Supposing, therefore, that the ratepayers only voted, and that there were 1,000 of them, five hundred and one men might

[1] *Times*, August 30, 1883.

[2] *Ibid.* August 1 and 3, 1885. Letters to the Editor.

[3] 'I may say here straight off that I think in this matter a simple majority should rule.' . . . . (Mr. Bingham, of the United Kingdom Alliance. Local Option, Public Discussion at Canterbury, April 16, 1885. *Kentish Gazette* report.)

dictate to double or treble their number of the adult inhabitants, individuals actually interested. It is probable that corrupt practices would become very common under such a scheme.

The next point is that of areas. Of course we know nothing definite about them, but I believe they wish to make the districts as small as possible.[1] I must take, for argument's sake, the case of parishes. It will probably be granted that in the whole of England it is possible that some parishes will be found which will not prohibit public-houses. How would such a system work? I know of a town where the principal hotel is in a very small parish, and in that parish there are a large number of teetotallers. Possibly a majority in that parish would vote for no licenses; whereas in the next parish, where a different class of people live and there are only smaller public-houses, the chances are that the licenses would be granted. It is easy to see the inconvenience which would arise in the operation of such a scheme as Local Option there. The 'inhabitants themselves' would certainly be deciding the matter, but the inhabitants would be just the very people least interested and affected, because no one pretends that a large respectable hotel is a nuisance in a place. In towns like Brighton, where there is a continual stream of visitors coming and going, a majority of the real inhabitants would be very hard to find. Indeed, in very many other instances the actual residents are by no means the only persons affected. The case of market towns would have to be considered. Take the case of Nottingham. There you have a large market place into which hundreds of people flock from the country to sell their goods. When they come in to market, they also purchase goods from the people in the town, who largely owe their existence in the town at all to the patronage of the market people from the country. Are these people alone to be consulted, when the question of refreshing those on whom they live arises? Yet this appears to be the scheme. Not only would the people who are the chief customers of a public-house, such as the market people and non-ratepayers (who, as of course every one knows are non-ratepayers in name only) have no voice in the discussion; but rich people, who never want to go inside a public-house, would have a vote in preventing other people from doing so.

We must also remember the extremely awkward position in which any unfortunate parish would be placed which should de-

[1] 'So far as the boundaries are concerned I would take the smallest defined area known, so that each district, even the smallest, might have the chance of voicing its own convictions in reference to this matter.' . . . . *Kentish Gazette.*

cide to have the accommodation of intoxicating liquors, supposing it to be surrounded by other parishes where prohibition existed. No one is foolish enough to dispute for a single moment that wherever there are intoxicating drinks there are generally persons who abuse instead of using them, and, what is worse, such persons as a rule will put themselves to almost any inconvenience in order to obtain drink. In Swansea and Cardiff, two large towns where the Welsh Sunday Closing Act is in operation, many of the inhabitants actually take the trouble to travel the requisite distance in order that they may be what are called '*bonâ fide* travellers,' and get drink. The consequence is that some of the adjoining villages are turned into bear gardens on Sunday. But consider what would be the state of a village with a public-house in it surrounded by other villages and towns where prohibition was in perpetual operation owing to the vote of a bare majority, or even a two-thirds or five-sixths majority. The retort which the teetotallers sometimes make to this is that if the minorities from surrounding districts so infested such a village, it would soon adopt prohibition of its own accord, and very likely that is perfectly true; but surely this is not, humanly speaking, 'option' at all—it would be coercion, and coercion of a very tyrannical kind.[1] There is no doubt that if the voice of a majority at any time obliged the teetotallers to drink a certain moderate amount of alcohol daily they would have just cause to complain on the ground that they believed it would injure their health, and it is only a matter of opinion whether it would injure their particular health any more than enforced abstinence from a beverage would injure those who have always been accustomed to take it.

Clubs are also a very important factor in the question of Local Option. If the parish of St. James, Piccadilly, were to decide that no licenses should be granted for the sale of intoxi-

[1] Many other kinds of coercion find favour with the teetotallers. The following short article is an ordinary specimen of their periodical literature:—

PROMPT MEASURES.—In the town of Mount Pleasant, Jefferson County, West Virginia, recently three young men opened a drinking saloon. A correspondent says: 'Immediately a public meeting was held and speeches condemnatory of the new enterprise made, and a committee of ladies and gentlemen appointed to do patrol duty near the saloon and prevent customers from going in. It was also resolved that the names of all who patronised the saloon should be taken down and read out in public. The result was the saloon did no business, and the following day a proposition to sell out was accepted, and a bonfire at once built which consumed the entire stock and fixtures.' This course is very effective, no doubt; but in our country the ladies and gentlemen would have met in a comfortable hall, and, after tea and music, would have passed a resolution. We are still abecedarians in the temperance cause, compared with our Transatlantic cousins—we beg pardon, brothers.—*Blue Ribbon Chronicle*, Feb. 4, 1886.

cating drinks, it would not affect a number of rich clubs in the parish whose members would be allowed to have what they wanted in their clubhouses the same as before. If the parish of St. Anne, Soho, were also to decide to have no licenses there would be nothing to prevent any number of small clubs which now exist in that parish becoming practically public-houses, and any quantity of fresh ones might be started without any present means of suppressing them. There is no doubt that in Cardiff, when the Welsh Sunday Closing Act first came into operation, the number of working men's clubs was at once trebled, and from inquiries I made I learned that few of these clubs have a subscription of over five shillings a year, and those which are members' clubs divide profits at the end of the year which amount to the sum of the quarterly subscriptions. In some cases the local habitation of these clubs is in a labourer's cottage which no member thinks of going near all the week; but a supply of liquor having been laid in on Saturday night it is crowded on Sunday by people who have been shut out of public houses by the working of the Welsh Sunday Closing Act. It is said to be a difficulty in preventing this that you cannot stop a poor man's club without stopping a rich man's too. But I understand that the teetotallers would be very glad indeed to prevent any liquor being consumed in the Carlton and Reform Clubs if they could. I would venture to submit that this difficulty, if it is a difficulty, cannot be solved by making a difference between the rich and the poor man's club. That would be entering upon a course of action the results of which we cannot foresee, and which might be of the most serious nature. The proper solution of it is that the teetotallers should suggest that all London clubs happening to be in parishes which have adopted prohibition should be restrained from consuming liquor, and I should be very glad if someone on their behalf would face this question to-day and make a responsible statement upon it.

Another point which is of vital importance, is the class of men we should be likely to have as the landlords of what public-houses there were, if their living was as precarious as any of these prohibitory bills would at once make it. The landlords' object would be to make as much as they could by any means in a short time, so that if they lost their business, or had it taken away, they would have been already recouped. The class of man you would have as publicans would be receivers of stolen goods, gamblers, and speculators generally.

It is said, on the subject of injury to the traders themselves, that there is no desire to close any public-houses, but merely to

prevent the sale of intoxicating liquor, and that the public-houses would, if the licenses for the sale of intoxicating liquors were taken away, be used as coffee taverns or tea shops. Such remarks in answer to the objection I have just raised, only show how incapable teetotallers are of forming a proper judgment on these matters, being, as they profess themselves to be, men who never use public-houses. What consolation is it to a man who has been obliged, as you know the magistrates do oblige publicans, to make his premises suitable for public entertainment, perhaps to add to them and to provide stabling; who has been subject to the severe provisions of the Billeting Act; who is bound to have a special kind of bar, with sinks, taps and pipes leading into the cellar where the barrels are kept, all of which are exceedingly expensive, and are useful for no other purpose—what consolation is it to a man, who has laid out his money in this way in order to sell a certain article, to be told that he may use his premises to sell tea and coffee in competition with those who have been put to none of the expense which he has been put to, and who already provide tea and coffee enough for those who want it, and would be glad of double their custom? There is already ample and excellent coffee tavern accommodation. It is no answer whatever to say that more tea and coffee would then be drunk. Tea and coffee can be made in the poorest homes very much cheaper than they can be supplied over a bar; beer cannot. Beer and spirits are drunk at times and for reasons which tea and coffee would not meet. They are often drunk for their stimulating and reviving qualities; they can always be drawn at a moment's notice: they are drawn fresh and can be drunk in a moment. Public-houses are constructed for this purpose, and would not be suitable for a crowd of people, even if such a crowd were forthcoming, loitering about with cups and saucers and tea spoons in their hands trying to swallow a boiling liquid.

I think, therefore, I am justified in saying that if facilities were given for piecemeal prohibition, a class of men would be found in the liquor trade of the very worst character, and that no respectable person would think of embarking upon it.

Among minor considerations would be the probability of people saving up their money and importing a quantity of liquor from other places. Saturday night drinking increases where there is Sunday closing, because people lay in a stock for Sunday on Saturday night, and finding they cannot sleep in the house with it they drink it before they meant to. Even now cases are occasionally met with of ladies drinking considerable quantities of scent for the sake of the stimulants, and these un-

natural forms of indulgence, if they exist now, would certainly increase under prohibition.

Compensation for such disturbance as I have referred to would have to be made, as I think it is pretty well agreed that if a trade is permitted by law it has a right to be reasonably defended by law. Mr. Gladstone, Lord Salisbury, Mr. Samuel Morley, and Mr. Shaw-Lefevre have all expressed themselves to this effect, and therefore it is probable that compensation would be made. The form this compensation should take has already been under discussion here. Whatever form it took it would practically have to be paid out of the rates if it was honest compensation. In such circumstances the minority against prohibition, if there were such a minority, would be very unjustly placed. A man might find himself in this position, namely, that he desired the convenience of being able to buy his usual beverages in his own neighbourhood, that his business suffered severely by the existence of prohibition, and yet that he had to contribute towards paying the price of his own inconvenience.

I said just now that the public-house is the poor man's cellar, and I will anticipate a very plausible retort which is always made to this remark. It is said: 'Quite true, the public-house is the poor man's cellar, but give the poor man the key of his own cellar.' I submit that he has got the key of his own cellar. He can go when he likes, at least he can go between longer hours than I can go to my club or my butcher, he can go when he likes in reason, he can stay away if he chooses; to say that because a man feels he ought to stay away, but can't stay away, and, therefore, wants to shut out himself and everybody else too by force—to say that that is giving him the key of his own cellar is quite a mistake; it is giving him the key of other people's cellars.

There are places in this country where prohibition is said to exist, and they are held up as models of the popularity of prohibition. Shaftesbury Park, a district between Wandsworth Road and Battersea Park Road, is one of those places. It is said that you cannot get a house there, and that the houses are taken before the plaster is dry. At teetotal meetings Shaftesbury Park is freely mentioned as a place owing its popularity to the absence of public-houses, as if people were really only anxious to get out of the reach of any intoxicating drink. But what are the attendant circumstances? The Shaftesbury Park houses are in a convenient neighbourhood, and specially suited to a large class of family people of moderate means; the method of letting or selling the houses is not the ordinary method, and, as I understand, is exceedingly advantageous to persons with limited

incomes. There are in all under fifteen hundred houses on the estate, which is built on a strip between the two roads I have mentioned, and on each side of it there are half a dozen public-houses. The majority of the tenants need only walk a couple of hundred yards to get to the nearest of them, and some much less. After careful inquiries I am able to say that no single house in Shaftesbury Park is more than 600 yards from a public-house. We have also inquired among the publicans themselves near Shaftesbury Park, and one of them informs us that his would be a very poor business indeed but for the Shaftesbury Park people. Another house, which can now only sell beer, applies every year to the magistrates for a license to sell wine and spirits as well, and he backs up his application by a petition from residents near his house. He tells us that this annual petition is largely signed by the residents in Shaftesbury Park. We have also asked some of the police in the neighbourhood, and they laugh at the idea of Shaftesbury Park being a teetotal colony or anything like it. The fact is it is very nice to live in a street where there are no shops and no traffic. We cannot all do so, but those of us who can get all the convenience without any of the inconvenience are glad to do so. This is what the Shaftesbury Park people get. But until what I have said is refuted, I think the teetotallers have no ground for saying that the houses are taken before the plaster is dry because the people are so anxious to get away from drink for fear they should drink it.

It should also be mentioned that there is no trade in Shaftesbury Park to be injured by prohibition. I think I ought to emphasize the indirect injury which might be caused to the tradespeople in the districts where prohibition was introduced. Teetotallers are not kept away from any towns they may want to make purchases in by the existence of public-houses. They need not go to the public-houses unless they like—as a matter of fact they do not go to them; but those who are accustomed to alcoholic drinks would be kept away from teetotal towns, and as they are the majority it would be serious for the trade of such places.

I have, up to the present, assumed the possibility of people vetoing public-houses altogether. I now wish to observe that with all the show of freedom which is made in unfolding the Local Option scheme, it is not one which cuts both ways, as surely such absolute freedom should do. It is not proposed to allow the population to *increase* licenses.

Mr. McLagan's bill is a fairer proposal than that of the Alliance, yet were it not for the Alliance's scheme, anyone reading that bill would have said that nothing could have been more

one-sided. He proposes, as you have heard, that two-thirds of the householders in a district at the call of one-tenth may have to decide on one of three proposals: prohibition, reduction of licenses, or no new licenses. In a schedule he gives a copy of the voting paper. The voters may vote for, or against, either of these three resolutions; but from beginning to end of the bill there is no provision of any kind made for the action to be taken in case two-thirds of the voters were found to be opposed to the third resolution—namely, that no new licenses should be granted—which, of course, would mean that they wished for extra licenses. And if any further proof of the slavish condition in which it is proposed to place the Scotch people, for whom this Act is intended, were needed, it will be found in section 12 of Mr. McLagan's Bill.[1] If prohibition is voted for, it is to remain in force for five years, when another poll may be demanded, and must be on the question of prohibition *only*; but if reduction is adopted, which would not suit Mr. McLagan nearly so well as prohibition, then by sub-section 2 of section 12 he gives facilities for allowing the teetotallers to have another try in two years only, and, in that case, he takes care not to confine them to the question of reduction, but he includes prohibition. While if the third resolution for no new licenses is adopted, no further polls are competent on that resolution, but, in that case, a poll may be demanded on the first and second resolutions in two years' time. Sub-section 4 of section 12 says that if all the resolutions are rejected a poll may be again demanded in two years' time. Could anything be more one-sided than this? The wretched people in an increasing district would have to choose between present and future discomfort. If they thought they had enough public-houses for the present but might want more later on as the population increased, they would not dare to say so, because if they adopted the third resolution to that effect no further poll would be competent. Supposing the opponents of prohibition lost the day and the first resolution was adopted,

[1] 'Sec. 12. (1) If the first resolution is adopted, a poll may be again demanded in manner provided by this Act, but not for five years after the date of such adoption, and in such case a poll shall be taken on the first resolution only.

'(2) If the second resolution is adopted a poll may be again demanded on the question of a further reduction, and of the adoption of the first and third resolutions, but not for two years after the last poll has been taken.

'(3) If the third resolution is adopted, no further polls shall be competent on that resolution, but in that case a poll may be again demanded on the first and second resolutions, but not for two years after the last poll has been taken.

'(4) If all the resolutions are rejected a poll may be again demanded in manner provided by this Act, but not for two years after the last poll has been taken.'—*Liquor Traffic* (*Local veto*) *Scotland Bill.*

the prohibitionists would have a five years' lease of prohibition ; but supposing the prohibitionists lost, they are to be allowed to have another try in only two years. The balance is always to be turned in favour of the teetotallers. For instance, if all the resolutions are carried, it would appear from section 7 that the first is to prevail, no matter how much larger the majority of the second or third may have been.[1] This is what is called in the marginal note, 'Resolution adopted by majority of two-thirds.' As to ever increasing the number, no word, as I said, occurs throughout the bill providing for the contingency of the public-houses in a district being insufficient for the wants of the people, which, in the first place, shows that they are considered to be unable to take care of themselves and to require sumptuary laws to be made for their protection, and, secondly, that whereas the magistrates are not considered good enough to protect people who do not want public-houses, they are considered quite good enough to protect those who do.

It is argued that this law only ought to cut one way, because it is based on the principle of enabling people to protect themselves if they will, but not to enable them to injure themselves. This is just one of those very things in which no injury should arise and no injury need arise. It is a question of use or abuse, but the question as put by the prohibitionists is use or no use, or as they would say abuse or no use. The fact is that these bills are something like sumptuary laws in disguise. Their supporters wish to let us down gently, as people who attempt to revive an old and exploded theory generally do, but the ultimate goal of the Local Optionists, with all their show of giving us free choice, free and local option, is a compulsory and universal prohibition. All they want is to try and get it by gentle means first. A short time ago the authorities in Basutoland endeavoured to close drinking shops, which as far as I know might be a very proper thing to try to do, as it is stated that the liquor sold there was universally admitted

[1] 'Sec. 7. Every householder entitled to vote shall have one vote for or against each resolution.

'If a majority of two-thirds of the votes recorded for, or against, any resolution be in favour of its adoption, such resolution shall be carried, and, subject to the following proviso, shall be adopted:

'Provided that—

'(*a*) Only one resolution be adopted.

'(*b*) If the first resolution is carried it shall be adopted, whether either, or both, of the other two resolutions have been carried or not.

'(*c*) If the second resolution is carried, and the first is not carried, the second resolution shall be adopted, whether the third resolution is carried or not.

'(*d*) If the third resolution is carried, and the first and second are not carried, the third resolution shall be adopted.'—*Ibid.*

to be of a most poisonous nature, and a large majority of the people are drunkards when drink is obtainable; but the people turned out armed, and forcibly prevented the shops being closed by the police. Sir Wilfrid Lawson was applied to under such circumstances to know what ought to be done, because here was a case of Local Option working the wrong way. Sir Wilfrid Lawson could only reply that the authorities should take such steps as would effectually root out the drink.[1] These steps could only be by sending an armed force to insist on obedience. There, again, we see that Sir Wilfrid Lawson's scheme is only optional in one direction. It is prohibition he has at his back.

And why prohibition of liquor only? There are other things liable to abuse as well as drink. I submit that if facilities are given for taking a special vote about public-houses it may become difficult to deal with people who would demand a special vote on other things as well. When a tramway has been laid down and capital sunk in the undertaking, should the tenants in the streets it passes through vote at intervals as to whether the trams should be allowed to run as usual, or to run in reduced numbers, or not to run at all? Many such examples could be given. It is curious that this question should be brought so prominently forward just at the present time, when the reform of local government is agreed upon by so many men of all parties, one chief ground for it being that the scattered boards and committees at present managing local affairs should be consolidated.

So we come at last to the real question, whether prohibition is desirable for the country. I shall not presume to do more than briefly refer to the direct arguments of the prohibitionists. It is stated that the present law does not allow a man to get a

[1] 'But I greatly fear, from the statements of your Basutoland correspondent, that the public opinion of the Basutos is much in favour of maintaining and sustaining the facilities for forming those drinking habits which are stated to be "the foundation of all the evil" in the country. It will, I fancy, be a very difficult job now to root out the curse which European traders have brought on these poor people.

'Nevertheless, if we are to be henceforth responsible for good government in that country it must be done, and I would most earnestly press on the authorities the vital importance of doing so without delay. I heartily wish that I could do more, but I fear that this is the only contribution which I can make towards "taking up this particularly clear case."

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'But in this country those who advocate local option run into no such danger, for the suppression of the licensed facilities for drinking could only come into operation in those districts where it had been previously authoritatively ascertained that public opinion would support such alterations in the law.'—*Times*, August 29, 1885, a letter to the Editor from Sir Wilfrid Lawson.

glass of beer where and when he likes. It is argued that the principle of prohibition is therefore already recognised, but this is splitting straws. You might as well say that because some railway companies are bound to run certain trains to York that, therefore, the principle is admitted of compelling them to run trains to York every three minutes in the day. An innkeeper would be the first for his own sake to propose uniform hours for rest, and it must be clear that there is an absolute difference in principle between asking a man to get what beer he wants before a certain hour in the evening, and telling him that he shall not have any at all. For people whom this rule might really inconvenience—such as travellers—ample provision is made in the existing law.

The rights of minorities are generally dismissed with the statement that majorities must rule. I would with great respect point out that the teetotallers have never offered to define the limits of the rights of majorities. There must be limits. We cannot say that there may not some day be a majority of men in London in favour of invading the West End and looting jewellers' shops. Are such majorities to rule? Should we not rather say that in the absence of any national articles of association we ought to be guided by the probable subjects about which, at an average period, the majority would be willing that a future majority should decide? Is it *likely* that what is not to be eaten and drunk (which in individual cases may amount to the same thing as what *is* to be eaten and drunk) would be one of those matters? That a man's ordinary diet should be determined for him by the votes of other people has never yet been admitted in England. It is said that those who argue in favour of the rights of minorities in connection with the drink question would resist the claims of a no-license minority to override the claims of a pro-license majority, thus making it clear that the only reason for their contention is that they expect to find themselves in the minority. If I reply that in some cases a majority might wish to double the number of licenses instead of reducing them at all, the answer they give to that is that I am keeping out of view the object of the legislation, which is to stop a great social evil, traceable to a particular source.

Here, once more, we see the want of common ground to argue upon. The advocates of prohibition constitute themselves judges as to what is, and what is not, traceable to the liquor traffic.

In conclusion, I will only refer to the alternative scheme proposed by the brewers, not because, as Mr. Mott explained yesterday, they think one is necesssary, but because they understand the public wish for one. If you wish for a reduction in the

number of public-houses, you will not diminish drunkenness, you will only localise it; still if you wish it, as far as we are concerned, we have no objection, provided it is accomplished in an equitable manner, and not by plunder and robbery. You heard yesterday also from Mr. Mott that 700 new licenses a year, on an average of recent years, have been granted in new districts to supply the wants of the inhabitants. We suggested ten years ago, that instead of granting fresh licenses to these houses, you would let us transfer some of our existing licenses from places where they may be more profitably used. But the Alliance refuse everything except the mirage of Local Option, and hope against hope for total prohibition, which twenty years ago Professor Jevons warned them they would never get.[1] This course is on a par with their general policy. They spurn the small percentage of good which ordinary efforts would ensure, and all their labour is after windfalls. While they are inducing people who never were drunk, and are never likely to be, to sign their pledge, the actual drunkards themselves fall into the background, and I cannot help comparing their general plan of work with that of another unobtrusive, hardworking society, the London City Mission, which in the year 1885 reclaimed 4,652 drunkards, and I fear the United Kingdom Alliance for *bonâ fide* reclamation work, in proportion to their funds and the energy expended, would compare very unfavourably with the London City Mission.[2] As I said, following their usual lines,

[1] *Transactions Manchester Statistical Society*, 1873–4.

[2] 'Amongst these special efforts, the visitation of public-houses occupies a prominent position. . . . .

'Whereas at first, hard blows and an ignominious expulsion from the house had often to be endured, such events in the present day are of rare occurrence. . . .

'The society has at the present time eighteen missionaries engaged in this work, each of whom visits constantly from 350 to 600 public-houses and coffee shops. One writes: "All the landlords will receive me, though not all with the same cordiality and hearty welcome." The missionary who meets with the most opposition only speaks of ten public-houses in which the landlords object to his visits. In the other houses he is generally welcomed, and his tracts gladly received. Not a few landlords are ready to take his side when opposition is offered by the ungodly and the violent. A great change is also apparent in the conduct of the customers. . . . .

'It may seem remarkable, but the success of the missionaries' labours in the public-houses, so far as human judgment can discern, is greater than it is in the coffee taverns. In the latter, access to the people may be easier; but there is a spirit of self-righteousness prevalent which does not exist in the same degree in frequenters of public-houses, and which constitutes a barrier not easily overthrown.

'The landlords of public-houses, moreover, are by no means so insensible to Christian influence as some may suppose. Not a few of them conduct their business as respectably as is possible, check bad language, and support the efforts of the missionary among the customers.'—*Annual Report London City Mission*, 1885.

they disdain to entertain this reasonable and practical proposal, and the result is that you have 7,000 more public-houses than need have been the case. And this is not our fault, it is actually in spite of us.

Inasmuch as alcohol is certain to be consumed, if we are to be guided by previous experience, whatever restrictions you impose; and considering that it can be consumed in the form of real poison, and also in a form which is believed by the majority to be harmless; and knowing, as we do, that if it is manufactured by law breakers in stealth it will be bad, but that wholesome and open competition conduces to excellence in drink as in other things—I submit that all sides of so important a subject are entitled to a fair consideration. We believe that when they have obtained this, it will be found that the true solution of the drink question has come from the drink manufacturers themselves.

DISCUSSION.

Lord Wemyss said—I have been invited to say a few words, and I willingly do so. First, however, I would express my admiration of the way in which Sir R. Temple has presided over the meeting, and of the oratorical feat he performed in speaking for over twenty minutes upon a most controversial subject, upon which men's feelings are strongly excited, without treading upon any man's susceptibilities, and without letting us know which side of the question he was himself disposed to support. Now, for my part, I hope I shall so far follow the example of the President as not to hurt the feelings of any one who hears me; but, on the other hand, I have no intention of disguising the very strong views I hold upon the matter at issue, for I am of opinion that language was given to express, and not to conceal thought. The paper read by Mr. Pope showed what the prohibitionists want 'at present;' but there is something behind to be obtained if possible in a not very distant future. The Rev. Mr. Horsley, who opened the discussion on the first day of the meeting, told us that he himself was in favour of prohibiting the manufacture as well as the sale of all alcoholic drinks. That is, because there were a few drunkards—comparatively few—(No ! no !)—did prohibitionist enthusiasts mean to stand up and libel their countrymen by saying the contrary? the temperance party were prepared to put coercion upon the sober many, and deny them the right to enjoy what Providence had placed within their reach. When listening to the reverend gentleman I was reminded of some lines written by the Epicurean Persian poet who lived about the time of the Norman conquest. In the 'Rubáiyát of Omar Khaygám' were these words:—

> Why, be this juice the growth of God, who dare
> Blaspheme the twisted tendril as a snare?
> A blessing, we should use it, should we not?
> And if a curse—why, then, who set it there?

Now, that verse of this Epicurean Persian poem, I fearlessly assert, is more in accordance with the strict letter and spirit of Scripture than are the words and sentiments of the reverend gentleman who sought to suppress forcibly the manufacture and sale of alcoholic drinks. But I turn to another divine—to the Bishop of Peterborough—who has said that he would rather see England drunk and free than sober and enslaved. Well, I adopt those words to the full. They are true and noble words, conceived in a true English spirit. I repeat, I adopt them to the full, and stand here to uphold the rights of minorities; for it is not a question of two-thirds, three-fourths, or of a bare majority, putting down public-houses, or prohibiting the sale of drink. I maintain that a man, as a free-born Englishman, even if he stood alone in a parish in his wish to have a glass of beer, has a right to the enjoyment of what Providence has given him. (No, no.) I know what you mean. You mean that God has given us grapes and barley, but has not given us wine and beer. (Yes, yes.) Well, now we understand each other. Let me, then, ask you a question. Do you eat meat? I suppose you do. Well, do you eat it raw or cooked? Away, then, with this one-sided, foolish, so-called argument. But while I stand up here in defence of the rights of minorities no one is more sensible of the evils of drunkenness than I. No one, no member of the United Kingdom Alliance, can detest a drunkard more than I. (No, no.) Yes, I say I hate and abhor a drunkard, but I object to repressive legislation, and to a return to the Tippling Acts of the Stuarts and the political economics of the Plantagenets. All this has been tried before, and failed signally, and if tried again it will again fail; but if you are to embark once more upon this kind of legislation, be at least consistent. Do not shut up the poor man's public-house and leave the rich man's club open. Further, remember that there is no greater evil than to teach men to evade the law; and this, wherever it has been tried, is the effect of this kind of legislation. For is it not a fact that in countries where the drink traffic has been publicly suppressed it privately flourishes, and the successful evasion of the law has become a profession and an art? This question of drunkenness, rightly understood, is, in truth, solely a question of police, and not of interference with a legitimate trade. In the present state of matters I do not advocate free trade in liquor, though the statistics of Liverpool have shown that there was less drunkenness there when the publican's trade was free than since it has been restricted. And if the traffic in liquor is to be restricted, let it be so by some competent responsible official, and not by local majorities and committees of ratepayers, more or less open to favouritism or corruption. But as regards the drunkard and the publican, make the law as stringent as you like. Fine every man who makes himself a nuisance by staggering about the streets; fine and, if need be, take away the license of the publican who manufactures this drunkard nuisance. It is, however, not to the stringency of law, but to the influence and growth of an improved moral tone and public opinion, that we should look for a remedy. Already there are everywhere signs of improvement, which many

years ago first began to show itself among the upper classes. Take comfort and encouragement from that, and from the successful efforts that are being made to wean men from the evils of drunkenness. I for one would express my thanks to and welcome the efforts of those who, whether they be members of the United Kingdom Alliance, of the Blue Ribbon or Salvation Army, or of any other temperance societies, are doing so much good work. And rest assured that it is to moral influence, and not to penal legislation and the suppression of the rights of minorities, that we should look. In the one case you may hope to succeed; in the other you will only teach men to evade an unjust law, and establish a sham temperance on the ruins of English liberty.

Mr. W. Saunders, M.P., said the suggestion to cure the evil by making the law more strict against drunkards did not strike him as being a practical one. The drunkard already punished himself far more than any law could do, and if punishment were a cure the natural consequences of drunkenness would certainly act as a deterrent. It had been suggested that the question should be left to a competent authority. The most competent authority was the people themselves; the proper place to discuss this subject was at the hearthstone; and both men and women should be allowed to vote upon the question whether the sale of liquor should or should not be allowed to continue in their midst. The popular veto was the surest safeguard against corruption. In the United States it was a very common thing to refer matters to the people, and the consequence was that they respected the laws in a far greater degree than was the case in countries where their control over the law was not so direct. The noble lord quoted some lines which he meant to refer to alcoholic liquors. Who set alcoholic liquors in the midst of us? The Government of the country, who had taken the sale out of the hands of people generally to give special permission of sale to certain persons. The reader of the last paper said that if the traffic were stopped, compensation would have to be given, and the ratepayers would have to provide it. Why should compensation be given when the very terms of the licenses showed that they were granted for a specified time, and it remained with the authorities to say whether they would renew them or not? The Government protected the community, and enabled the people to use their capital safely, and that gave it the right to say that they should no longer employ their capital in a manner injurious to the community whom it was constituted to represent. The noble lord said that he abominated a drunkard, but such a feeling was inconsistent with the spirit of Christianity, which did not permit us to despise any man. Detestation of the drunkard was not the spirit in which they should approach the discussion of the question, for some of the best and noblest of mankind had fallen under the temptation, and experience showed that such men could be restored. We should consider what these men were before they became drunkards, and stop a traffic which disgraced them. That was the result of the traffic they were discussing, and the Government were bound by every consideration of right and justice to prohibit it. With regard to the use of the

gifts of Providence, we were supplied, perhaps in a small degree, with common sense, and he did not see why common sense should not be exercised upon this matter of the prohibition of a traffic injurious to the community.

Mr. H. G. Crews (Liverpool and District Off-license Holders' Association) said there were certain licenses in existence which were not subject to the ordinary tenure. He had held a license for the sale of wine and spirits for twenty years, but if he did not also sell mineral water he need not go to the magistrate at all for a license, but simply to the excise authorities. He took the business to devote his life to it, and any law which prevented that would be grossly unfair, and the legislature should not be asked to pass a measure which would have that effect. There were about 14,000 licenses in existence for the sale of wines and spirits which required no magisterial sanction, but they were subject to police supervision to a certain extent. If these persons sold anything besides wine and spirits they would have to go before a magistrate for the renewal of the license, but the only question which could be then raised was that of good behaviour. Brewers also were under no magisterial control. If the temperance party wished to deprive him of his business they had only to persuade his customers not to drink wines and spirits, and he would have to shut up shop.

Major Williams (D.C.T., Sussex District Lodge, I.O.G.T.) said the arguments brought forward by those interested in the trade would be very strong if the premises upon which they were based were granted, but the temperance party did not grant them, because they were not true, and therefore they must fall to the ground. There had been a great deal said about interference with the liquor traffic, but not one solid or logical argument in favour of its retention had been advanced, beyond deprecating interference with the interests of those engaged in the trade as it now existed. The publicans said they did not like drunkenness; doubtless they did not, because it brought discredit and reproach. If they could produce and sell a liquor which would produce the same profits without producing drunkenness the difficult problem would be solved; but so long as drink was what it was, and human nature what it is, so long would drunkenness result from drinking, and the same crime and misery exist as that which was derived from the same source to-day. They were told that they exaggerated the evils of drunkenness, but it was impossible to exaggerate evils which were inconceivable and indescribable. For thirty years of his service in the army he had been present daily when the prisoners were brought up, and he believed that not one man in twenty would have been brought before the commanding officer but for the use of liquor. The nation was intensely interested in the health and physique of the army, and never had anything so acted against it as the taking of liquor. In the Russian war the first men to be attacked by cholera were the hard drinking men. Anything which was so prejudicial to the health and physique of the people ought to be prohibited. It was proved that the traffic could not be regulated, for it contained in itself the elements of disorder and mis-

chief. He did not believe that the prohibition of the traffic would result in lawlessness on the part of the great mass of the people, for we were a law-abiding nation if we were made to see that the law conduced to our welfare. The present opposition to change in the law was due to ignorance on the part of the people, which made them believe that liquor was necessary to their health and comfort. We could live without it, and have health and strength, and enjoy all the comforts of life.

Mr. JAMES MCWILLIAM (President of the Scottish Trade Defence Association) said he would give the Conference the result of his observations in America, in those parts where prohibition was practised. In 1878 he went to Portland, in the State of Maine, where prohibition was supposed to have its source. Whilst in the train he made inquiries of the conductor, who told him that he could get as much liquor in Portland as anywhere else if he knew how to find it. On reaching the city he put up at a respectable hotel, and asked for some liquor, but was told that it could not be had. The next day he had a private interview with the manager, who told him that there was plenty of liquor to be obtained in the city, and introduced him to a gentleman who lived in the hotel, and who represented a wholesale liquor store in New York and acted as their agent in Portland, and consequently knew all the houses in the city where liquor was sold. They went out together, and in the course of the walk they entered ten places, and bought some liquor in all of them, and his guide told him that they had passed twenty other places where it could be obtained. He understood that there were no fewer than 200 such places in the city, and there were also eighty clubs where it could be obtained. That gave a proportion of one house to 110 persons, which was greater than the proportion in Glasgow in 1871, when it was one house to 271 persons, and at present is only one public-house to 300 persons. The houses referred to are not shebeens or illicit houses in the sense such houses are known in Scotland, as he was told they paid 25 dols. a year to the United States Government, but the law of the State of Maine comes into operation and supersedes the law of the United States, rendering the sale of liquor in Maine illegal; that is an anomaly which may appear strange to the people of this country. To say there was now no drinking in Scotland on Sunday in consequence of the Forbes-Mackenzie Act was a mistake, for there were shebeens in which excessive drinking took place, and these shebeens were entirely the creation of that Act. He could agree to closing public-houses on Sundays because it gave the publicans a rest, but he had no hesitation in stating that so far as making the people more temperate it was a total failure, as they laid in an extra quantity on Saturday night for home consumption on Sunday, and those who were not provident enough to do so resorted to shebeens and clubs, where bad liquor is largely sold notwithstanding the vigilance of the police. Licensed public-houses having been established for the convenience of the people, to supply a public want, and those engaged in the trade being thereby encouraged to invest their capital in the business, in the event of any law being enacted for the suppres-

sion of these houses the owners are entitled to full and ample compensation. Mr. McLagan's Local Veto bill is a silly attempt at foolish legislation for Scotland, and if passed would be a more signal failure than even the Maine Law in Portland. In conclusion, the speaker said that his experience of the sumptuary liquor laws enacted in Maine and as practised in Portland was that they were a mere sham, and passed for ornament and not for use, or at least not to be obeyed; more honoured in the breach than in the observance. Acts of Parliament would never make people sober. Force was no remedy. It seemed to be natural on the part of many to boast of their triumph over obstacles put in their way to attain what they desired. Personal option or principle was the true test of sobriety; one individual optionist was worth a thousand as manufactured by the teetotallers.

Mr. J. H. Raper (United Kingdom Alliance) said it was almost unnecessary to reply to such a speech as that of Mr. McWilliam. In point of fact it was a graphic description of the power and extent of prohibition in Portland. It, however, extended to an attack upon the prohibition of the Sunday sale in Scotland, under what was called the Forbes-Mackenzie Act. Now he suggested to them a method of discovering whether the people of Scotland regarded this Sunday prohibition as a failure. Let him try to get one of the seventy-two Scotch members of Parliament to say in the House of Commons that the Forbes-Mackenzie Act was a failure, and move its repeal. Even the noble lord who had addressed them, and who had as much courage as seventy-two members of Parliament, had not moved its repeal when he was in the House of Commons. When such an Act had been in operation for thirty-two years, and there had been no attempt at a repeal, we ought to believe that the country believed it to be a benefit. The same line of argument applied to Maine. In that State the Prohibition Act was first passed in 1851; it was repealed in 1857, but the people found the contrast between the two states of law so great that at the end of one year they re-enacted the prohibition law. They had further, in 1884, inserted an amendment in the constitution, prohibiting the manufacture and sale of intoxicating liquors by a direct electoral vote over the whole State, when 70,000 voted for it and 47,000 against it. Had he seen Mr. McWilliam in the ten houses spoken of, he should have reminded him that he was supposed to come from a country where the law was obeyed, and that it was not creditable to be going about breaking the laws. To reason that because the law was broken it was a failure was unusual, and in his opinion, having been through the State in various districts, and not only in Portland and the cities, the law was a glorious success. In Maine there were courts trying not the drunkard but the liquor, which was condemned and poured down the drains and into the sea. Lord Wemyss appeared in support of free trade, which might be the idea of those holding grocers' licenses, but it was not the doctrine of the brewers and publicans, who were in favour of a monopoly and a limited trade. If these latter gentlemen only desired to meet the wants of the community, let the community speak and say what they desired, and have power to alter any congestion which might exist in a

parish. The temperance party asked that the power of veto should be placed, not in the hands of the teetotallers, but of those of the whole community, and he appealed to the advocates of the liquor traffic to show their confidence in the opinion of the people by permitting them to give their verdict upon the existence of liquor shops in the districts in which they resided. Only by such a vote could they remove the glaring injustice of forcing the traffic into, or continuing it in, parishes against the will of the people for whose convenience the licences are said to be granted.

Mr. D. J. Flattely (Manchester Brewers' Central Association) said he had never listened to a more discursive or less business-like discussion. It had been said that the present was the first time in which the opposing parties had met, but he remembered one in Manchester where the speeches were more argumentative than those he had now listened to. The remarks as to the decrease in drunkenness in Scotland were most conflicting. One speaker said it was general; another, an M.P., said it was confined to Sunday. It was well known the Scotch were a Sabbath-observing people, and that, although a man might do many things much worse and be regarded with charity, yet if he broke the Sabbath no one had a good word to say for him. This was happily illustrated in some 'literary recollections' recently published. The writer's Scotch landlady objected to his drawing up the window-blinds on a Sunday. On his mentioning the fact to Robert Chambers, he remarked, 'I hold two pews, each at different churches, because when I am not in the one it will always be concluded by the charitable that I am in the other.' This suggested a way of accounting for a good deal of the apparent sobriety on the Sabbath, with this difference, that when not seen at the public-house men might be found at the other store. A great deal of the evidence given before the Lords' Committee was perfectly worthless. The town clerk of a northern town attributed drunkenness amongst women to the existence of grocers' licences, but admitted he was not aware there was only one such licence in the district, and that it could not have such an effect. Another witness, who held a distinguished position, Mr. Chamberlain, gave some startling statistics as to drunkenness in Birmingham. At the close of his evidence he was asked whether he was aware that if his evidence was correct every man, woman, and child in Birmingham must get drunk three times a day. Look at the different statements now made. One reverend gentleman connected with the Church of England Temperance Society asked for such an alteration in the law as would enable the magistrates to remove a licence from one district to another. When it was explained that such was the law at present, the reverend gentleman admitted his case was answered, and yet he reappeared that day. Another reverend gentleman contended that drunkenness was the source of all crime, and that drunkenness was increasing; but being forced to admit that crime had decreased and was decreasing, he replied that the criminal classes do not drink. Another speaker endorsed this view, and said the criminal classes were not drinkers. Why then connect drunkenness with crime? It was said that the number of drunkards depended upon

the number of public-houses, but one fact would conclusively disprove that. Up to 1830 a very close system of licensing prevailed; the Government were satisfied that it was not conducive to the sobriety of the people, and the Beer Act was passed with this result:—In the five years preceding the passing of the Act the consumption of ardent spirits had increased from 7,013,338 gallons to 12,502,639 gallons, an excess of 5,489,301 gallons, the increase in the population not exceeding three quarters of a million. Since 1830 the population had increased 9,000,000, but the consumption of ardent spirits had only increased 7,000,000 gallons. It was stated that since 1838 the increase of beerhouses in England had been 31·22 per cent., and in Kent and Sussex 30·90 per cent. At the time of the passing of Lord Aberdare's Act, that noble lord, quoting a book written by a magistrate, said the limiting of the number of public-houses was more conducive to riot and drunkenness than having a large number. The Bishop of Peterborough uttered a noble sentiment when he said he wished to see England sober, yet free. John Bright said, 'I think it (the Permissive Bill) would work great embarrassment and confusion, and I think it is a monstrous proposition that you should say that the ratepayers of any given town or parish, and the ratepayers of all the parishes of England, should at once suppress, without notice, the occupation of a hundred thousand families. You must look at it as it bears on the whole nation. And you propose in this bill, by an excited and inflamed state of public opinion, it may be, that the business which hitherto the law in every Christian, in every civilised country, has admitted to be a business that was as fairly to be carried on as any other business—you propose by your bill that the business, and the interest, and the investments of a hundred thousand families shall at once, by a popular vote, be suppressed. There is no provision for compensation, there is no provision for delay; there is no legislative character or quality about the bill. The bill, to do what is proposed to be done, is about as bad a bill as could be contrived. Now, my objection to the bill is, as I say, an objection chiefly to its machinery, which I hold to be bad, impracticable, and impossible.' That proposal had been before the country ever since, and it must be admitted that it was no more in harmony with the feeling of the country now than it was years ago.

The Rev. S. A. Steinthal (United Kingdom Alliance) said that the Bishop of Peterborough had withdrawn the sentiment which had been quoted with approval, and had expressed regret that he had uttered it. It was remarkable that, at every stage of this Conference, in the discussion alike of the plans of the Church of England Temperance Society, of compensation and of prohibition, the speakers had apparently come to consider prohibition as if it were the only practical solution of our difficulties. We had tried every possible method of regulation, and every form of restriction which the ingenuity of man could devise; we had found that free trade in drink was unbearable; there was only one thing left, and that was to try what prohibition would do. Wherever it had been tried it had prevented evils which did exist where it was not in operation. It was said that

a prohibitive law would be evaded. Well, the police courts every day furnished striking proof that all our laws were evaded. Earl Wemyss said that evading the law in Maine was an art. Yet it was not only the Maine law which was evaded, but it was every law. We had in the midst of us the licensed sale of drink, which facilitated every crime, and deepened the injury done by it. What Mr. Horsley said about the criminal classes not being drunkards was that when a man went to commit a burglary he was not so foolish as to get drunk first, although he might drink a little afterwards. It was not in the act of crime, except in crimes of violence, that a man drank. Crimes of violence were, to a large extent, the product of drink, and drink only. If we looked into the causes of pauperism, disease, and death, we should find the drink doing the mischief which made it necessary to impress more and more upon the people the necessity of taking the only method of getting rid of the cause of the evil. He had been at places in the United States where there were no houses for the sale of drink, and the results were most happy. The cause of the evil was got rid of by prohibition at Saltaire, Bessbrook, and in the district in Tyrone which the *Times* said settled the whole question. So it did, so far as argument went, but a great deal of prejudice had to be ovecome. Every restriction by which the consumption of drink was limited improved the condition of our people. Mr. Higgins, speaking as a recorder, called attention the other day to the fact that the poverty of Lancashire had produced a decrease of crime because it had diminished the consumption of drink, and the tendency of enforced abstinence was to bring before him fewer criminals. Mr. Higgins was not a member of the United Kingdom Alliance, and had never been amongst those who could be quoted on the temperance side of the question. It was said that they were proposing a law which would affect the poor and the rich in different ways; that they would close the poor man's club and not the rich man's. He was prepared to attack any place where drink was sold, and he was ready to let the inhabitants of a district, rich and poor alike, have a voice in the matter. The rich had the power of forcing the houses for the sale of liquor into the districts where the poor lived, the latter not having the slightest means of defence. He would prohibit the sale wherever the preponderating majority of the people so desired.

Mr. Albert J. Mott (Country Brewers' and Licensed Victuallers' Societies) called attention to the very important statement in Mr. Power's paper as to the real result of prohibition in the State of Maine, and to the absence of any reply. Maine had set itself up as an example of what could be done by a prohibitory law, and people wanted to know the real facts about such an interesting case. They did not want excuses for apparent failure, but to know whether the failure was real. Certain results, which could not be disputed, were told by statistics. Prohibition was supposed to reduce crime, increase health, and promote moral conduct in all respects. Had that been its effect in Maine? In Portland, the chief town, with 32,000 inhabitants, the arrests for drunkenness were 1,483 in 1862, 1,025 in 1872, and 1,351 in 1882—a larger proportion than in any English

town. The number of persons in prison in Maine at the last census was at the rate of 628 per million, and the number for the white population was at the same time 440 in Wisconsin, 400 in Virginia, 680 in Tennessee, 150 in South Carolina, 740 in Ohio, 719 in Missouri, 786 in Vermont, where there is also a prohibitory law. The density of population in all these States is greater than in Maine, and increased density tends everywhere to an increase of crime. The death-rate in Maine was the exact average of the United States; no less, although there are no large cities. Drink has been set down as a chief cause of insanity, but the proportion of insane persons in Maine was greater than the average of the United States, and much greater than in England. The number of divorces in Maine was excessively large—a sure test of a low morality. On every one of these points Maine had gained nothing by prohibition, while it had lost a great deal. It had lost the habit of obeying the law.

Mr. POPE, Q.C., in reply, said he thought the discussion had been a little discursive, and they had been led into topics which were not capable of being decided in a popular way before a meeting like that. The question raised by Mr. Mott could not be decided upon that gentleman's statements only. To make comparisons of crime from the figures given in the criminal returns it was necessary to know how much of those figures depended upon breaches of the law generally, and how much upon breaches of the liquor laws. He had just come from sitting in a judicial capacity as recorder of Bolton; he had tried thirty-four prisoners; and he asserted that if it had not been for association with drink, either on the part of the criminals or the victims, there would not have been four cases to try. He was far from saying that drink was the sole cause of crime. Overcrowding was a frightful source of crime; and there were others which one might enumerate, but, if we got rid of that one, we should get rid of a potent one. In his paper he had been careful to be exact, and he there asserted that in Maine crime had been reduced to a minimum; and if we could get rid of the effects of drink we should get rid of a large proportion of the crime of the country. He had heard Lord Wemyss speak many a time, and never without some amount of sympathy and respect for the frank honesty of what he said; and it was for that reason that he would like to convince the noble lord that he was wrong. If he would read the paper the noble lord would find that whether he agreed with it or not he would better understand its meaning. He had never asked for, and did not now ask for, the enactment of any prohibition; the prohibition he desired existed at the present moment. Would Lord Wemyss repeal that? Neither Lord Wemyss nor himself dare sell a glass of drink. Why? Because they were prohibited. He only asked that, in districts which decided by a sufficient majority, the exercise of the prohibition which existed should not be prevented. Lord Wemyss was a county magistrate—so was he, and they both sat at licensing sessions. Did the noble lord feel bound to grant every application for a license? Both the noble lord and himself exercised the discretion given them by law as to whether it was for the public benefit to grant the license.

It was clearly his duty to refuse a license if he believed it would be detrimental to the well-being of the locality affected. In principle he had no right to refuse one license unless he had the right to refuse every other license; and if he had that right prohibition existed. Would it not be much more convenient if, instead of asking him his individual opinions, there were some means of giving him the opinion of the community itself? That was exactly the local option he had been advocating in his paper. It did not matter whether he, as a magistrate, or an elective board, or the excise, or anybody were the legal machinery; if the district affected by the license came up with its wishes to that authority, why should those wishes not be obeyed? He would give every man and woman in the district a vote on the question. Although there was no legal title to renewal in the tenure of a license, custom had made the renewal almost a matter of course; and if the question of compensation were confined to the question of renewals, there might be some discussion to raise on the subject. But he urged that compensation must be based upon title, and they could not, whether the owner of a license or the land upon which a public-house was taken, claim more interest than they had in the land and the license. If it were true that the license was an annual one, no compensation was necessarily involved. He never knew a compensation case in which the claimant did not try to get as much as he could, and in which he did not base claims upon usage, trade, &c. The answer was, 'Show your legal title.' Beyond that the public good was supreme, and prevailed against that which public sufferance had given. The question of what was the public good was to be decided by the public.

Mr. Danvers Power, in reply, said Mr. Pope was quite justified in refusing to entertain figures he had not asked questions about, but were he present he would ask him as a lawyer and a judge whether he would be responsible for any judgment given on such a statement as he had made about the thirty prisoners, if the other side wished to cross-examine. Mr. Pope's statement without further inquiry was worth no more than the figures he wished to discredit. The Alliance programme was exactly like a gorgeous palace without any interior to it. It had no details. Mr. Pope had said that he did not ask for prohibition, yet he was secretary of a society which had on its door-plate 'The United Kingdom Alliance, for the total suppression of the liquor traffic.' Surely the reason Mr. Pope would not produce details was because he knew that if the public saw them they would not have them. What was the use of having a bill on prohibition if they could not go into details? He (Mr. Power) thought that that discussion had clearly shown that the temperance party declined to go into details, and nothing that the opposite party could do would make them do so. He knew that those things could not be settled by that Conference, but he asked all reasonable persons present in their independent capacity which of the two gentlemen had impressed them as having studied this question honestly from the blue-books. Mr. Raper said that he would rather take the action of the people as showing what the people wanted, and argued from that that what

the people wanted must be right. Mr. Mott said, 'I have got these figures, and I can show you actual results.' Mr. Raper said that if the people of Scotland were satisfied with the Forbes-Mackenzie Act, therefore the thing must be good. Which style of argument did they prefer? He (Mr. Power) was only anxious that the statements which his party had put forward might be cross-examined; he had never flinched from facing the temperance men in public or in the press. All he wanted was to have the questions between them settled in a fair and honest manner. The brewers had always done their best in that direction.

The PRESIDENT (Sir Richard Temple) said he hoped that the discussion would be productive of some good to both sides, that it would convince public opinion that something required to be done, and lead the public to find out what was necessary to be done and the justest way of doing it, both for the good of the people and the interests of those concerned. They were to be congratulated upon the excellence of the speeches upon both sides, and upon the patience and good temper with which the audience had listened to them, and he trusted they would have many more Conferences of that kind. There were many questions raised which had not been thrashed out because the time was limited, and they should be dealt with on a future occasion. He trusted that if gentlemen were pleased they would give some credit to the Social Science Association, which he represented, and under whose auspices the Conference was organised and carried through. In their name he would thank the readers and authors of the papers.

The Earl of WEMYSS moved a hearty vote of thanks to Sir Richard Temple for his conduct in the chair.

Dr. DAWSON BURNS seconded the motion, which, being then put to the meeting, was carried with acclamation.

The proceedings then terminated.

APPENDICES.

APPENDIX A.[1]

Objects of the Societies represented by Delegates on the Joint Committee of Organisation.

THE COUNTRY BREWERS SOCIETY.

(Established in 1822.)

The Country Brewers Society was established, and held its first meeting on May 24, 1822, in the Exchequer Coffee House. The primary cause of its having been called into existence at this date, was a bill interfering with the interests of brewers, known as Bennett's Bill, then before Parliament. The society has been in existence ever since, and is the most flourishing society of brewers in the country. It is comprised of 470 members, all of which are 'country' brewers, that is to say, brewers whose breweries are situated in country places, and who carry on their business on the 'tied house' system. It may not be generally known by the public, that, although all brewers have breweries and brew beer, yet as a class they are divided into sections which are practically separate trades. The great Burton brewers brew high-class beer of a standard quality which is drunk all over the kingdom, and large quantities of which are exported. The London brewers carry on their business on the following system:—When a man wishes to take a London public-house he has to pay a large sum, sometimes many thousands of pounds for the goodwill: this money he is seldom able to find himself: he accordingly goes to a London brewer, who advances him money on a first mortgage of the property, the publican undertaking to buy his beer from that brewer. It often happens that the publican will then obtain a second mortgage from a firm of distillers, and even a third from a firm of wine merchants on similar terms. The great bulk of the brewers of the country, however, namely, the country brewers, do their business on a system which differs in form, but which is substantially the same in practice, as that of the London brewers. They buy the public-houses in the neighbour-

[1] See *Ante*, p. xv.

hood of their breweries out and out, and let them to tenants who undertake to buy their beer from the brewer to whom the house belongs. If the publican misconducts himself or endangers the license, the brewer has the right to turn him out. The price and quality of the beer supplied is a matter of agreement between the tenant and the brewer, and inasmuch as competition is as keen in the brewing trade as in any other, and the publicans are perfectly free to abstain from entering into an agreement or to close an agreement if they choose, much of the abuse of the 'tied-house' system may be regarded as undeserved.

The objects of the Country Brewers Society are to watch the interests of country brewers (which are, by the way, on main questions practically identical with the interests of traders in alcoholic drinks generally); to afford legal advice to country brewers on questions affecting their property, and, in cases before the courts which are of importance to country brewers as a body, to give pecuniary assistance; to exercise influence among brewers and licensed victuallers in all elections by advising them which candidate is most favourable to trade interests; to oppose all bills before Parliament affecting their interests injuriously where they can consistently do so, and to promote amendments in the law such as the Licensing Law Amendment Bill, 1884; to send speakers to public meetings where the public are to be asked to express an opinion on questions affecting the brewing trade; and to obtain, by correspondence with individuals and in the newspapers, a fair hearing of their side of the question.

Among the members of the society are several Members of Parliament, retired officers, barristers, solicitors, and members of various other professions who have become brewers. Mr. R. Moss, M.P. for Winchester, in the Parliament of 1880–5, has been successively Secretary and Chairman of the society.

THE LICENSED VICTUALLERS' PROTECTION SOCIETY.

(Established in 1830.)

The objects of this society are the protection of the interests of its members and of the trade at large—

1. By watching all measures in Parliament, and other public movements, calculated to restrict their just liberties, or to diminish the value of their property, and by offering to such measures and movements prompt, vigorous, and persistent opposition.

II. By prosecuting dishonest servants of members.

III. By prosecuting servants who obtain situations with members by means of false characters, the persons by whom such characters are given, and their accomplices.

IV. By prosecuting persons who rob, assault, or otherwise molest members, or the servants of members, while carrying on their business, or who damage their property.

V. By giving rewards to persons who may afford such informa-

tion, or render such assistance, as may lead to the conviction of persons guilty of any of the above-mentioned offences, or to the acquittal of a member when unjustly accused.

VI. By giving advice gratis, and, where needful, the assistance of one or other of the society's solicitors, free of expense, in all matters arising out of prosecutions as aforesaid.

The committee will not interfere in the following cases :—

1. In any matter connected with the granting or refusal of a license.

2. In any civil action, whether in the County Courts or elsewhere.

3. Or (where a member is interested in more than one house) in any matter arising at a house for which no subscription has been paid.

4. Or in any matter which shall have arisen prior to the date of subscription.

5. The committee will not defend members who violate the licensing or other laws affecting the trade of a licensed victualler.

Provided always that the committee may deal with any exceptional case as they may deem expedient, anything in the regulations aforesaid to the contrary notwithstanding.

THE BRITISH TEMPERANCE LEAGUE.

(Established in 1835.)

The League was formed in the autumn of 1835 for the purpose of inducing people to sign a pledge to abstain from all intoxicating liquors as a beverage, and to influence public opinion to the discouragement of 'The Trade' in all its branches, especially on the Sabbath day. In 1836 the executive resolved to encourage the formation of Juvenile Temperance Societies, and in the same year they drew up a memorial to the First Lord of the Treasury, 'deprecating the mischievous tendency of the traffic in all intoxicating liquors upon the morals and prosperity of the country.' Agents were appointed in 1835, and in 1837 the committee commenced the publication of literature. In 1838 the Conference resolved that it is the duty of every friend of temperance to promote petitions to the legislature embodying our views on the immorality of the liquor traffic, and urging respectfully but earnestly, the consideration of this subject and the enactment of such laws as will speedily terminate the traffic in intoxicating drinks. In 1839, *The British Temperance Advocate* was published as the organ of the League, and is still continued. The executive, in 1842, resolved to introduce the subject to the army and navy. In 1843, the Annual Conference passed the following resolution : 'That in the opinion of this Conference the time has arrived when the legislature of this country should be petitioned on the subject of total abstinence, and that a Sub-Committee be appointed to prepare a petition for the

consideration of a future sitting, praying that measures might be immediately adopted for greatly diminishing the number of licensed houses; and as the greatest amount of evil results from the facilities afforded for drinking on the Sabbath, the sale of intoxicating liquors on that day, as far as possible, be entirely prohibited.' Petitions were prepared, and active efforts put forth accordingly to secure Sunday closing. In 1848 a great Conference of Christian ministers was held, to deliberate as to the best method of securing the advancement of temperance, and especially of Sunday closing.

In 1860 a Deputation waited on the Right Hon. W. E. Gladstone to oppose his 'Refreshment Houses and Wine Licenses Bill.'

In 1874, the Conference memorialised the Government and Parliament, urging 'that public-houses should not be open before seven o'clock on Sunday evenings, or later than eleven o'clock at night. That public-houses and beer-houses should be closed on election days, and that no intoxicating liquors should be sold to persons apparently under the age of seventeen years.'

A large Conference of ministers—1,000 being present—was held in November, 1874, to again urge the Churches to press the Government for Sunday closing.

The League during its whole existence has endeavoured to lead the people to personal abstinence from all intoxicating liquors, and to demand from the Government of the day such legal enactments as would lessen the temptations to intemperance.

UNITED KINGDOM ALLIANCE.

TO PROCURE THE TOTAL AND IMMEDIATE LEGISLATIVE SUPPRESSION OF THE TRAFFIC IN INTOXICATING LIQUORS AS BEVERAGES.

(Established in 1853.)

At the first meeting of the General Council, held in Manchester, in October, 1853, when the society was publicly inaugurated, the following Declaration was unanimously adopted as a basis for the agitation, and as indicating the character and scope of the movement:

1. 'That it is neither right nor politic for the State to afford legal protection and sanction to any traffic or system that tends to increase crime, to waste the national resources, to corrupt the social habits, and to destroy the health and lives of the people.

2. 'That the traffic in intoxicating liquors, as common beverages, is inimical to the true interests of individuals, and destructive to the order and welfare of society, and ought, therefore, to be prohibited.

3. 'That the history and results of all past legislation in regard to the liquor traffic abundantly prove that it is impossible, satisfactorily, to limit or regulate a system so essentially mischievous in its tendencies.

4. 'That no considerations of private gain or public revenue can justify the upholding of a system so utterly wrong in principle,

suicidal in policy, and disastrous in results, as the traffic in intoxicating liquors.

5. 'That the legislative prohibition of the liquor traffic is perfectly compatible with rational liberty, and with all the claims of justice and legitimate commerce.

6. 'That the legislative suppression of the liquor trade would be highly conducive to the development of a progressive civilisation.

7. 'That, rising above class, sectarian, or party considerations, all good citizens should combine to procure an enactment prohibiting the sale of intoxicating beverages, as affording most efficient aid in removing the appalling evil of intemperance.'

THE CHURCH OF ENGLAND TEMPERANCE SOCIETY.

(Established in 1862.)

Basis.

The basis of the society is union and co-operation, on perfectly equal terms, between those who use and those who abstain from alcoholic drinks, in endeavouring to promote its objects.

Objects.

The objects of the society are :—

I. The promotion of temperance.
II. The reformation of the intemperate.
III. The removal of the causes which lead to intemperance.

Means.

The means recommended are :—First, and above all—the distinct recognition that as intemperance is a sin, and as the intemperance of England has become a national sin, so all efforts to remove it should be made in dependence on Him who is the one Saviour from sin, and who 'was manifested that He might destroy the works of the devil.'

Subject to the above, the means are :—

1. Systematic Teaching on the subject of the existing intemperance, the deadly nature of the sin, and the countless evils which flow from it.

2. Association of all who are desirous of working in the cause, and who feel, that either in person or by pecuniary help, by persuasion or by example, they can do something to arrest the progress of the national sin.

3. Legislation.—The endeavour to promote this in the direction of : A large diminution of the number of drinking-houses and licenses of all descriptions. Closing public-houses on Sundays, and further restricting the hours of sale on week days. The separation of all music-halls, saloons and casinos from drinking-houses. Giving to the ratepayers a voice, in conjunction with the existing authorities, in the licensing and control of the houses.

4. Memorials promoting these, whether at the Brewster sessions against the granting of new licenses, or during the sitting of Parliament in the form of petitions for further restrictions, &c.

5. Counter Attractions.—Forming working men's associations; providing reading and coffee-rooms (in villages as well as towns), with social gatherings for amusement as well as instruction; rooms for the transaction of business among commercial men, farmers, &c., other than the inn or public-house; street stalls, barrows, &c., for the sale of non-intoxicants; increasing the home attractions of the working man, by improvement of cottages, instruction in sanitary matters, and cooking (for women), and by obtaining allotments (for men).

6. Clubs and Friendly Societies.—The removal of these from public-houses, or supplying the places of existing clubs by new ones, which do not meet there.

7. Statute Fairs, Village Feasts, Hirings, Mops, &c.—Either doing away with or entirely altering the character of these.

8. Social Gatherings and Customs.—(Christenings, marriages, burials, public meetings, and dinners.) Endeavouring to correct the drinking customs which so largely prevail at these, and especially the drinking of toasts and 'healths;' introducing the practice of giving 'beer money' to servants instead of beer; and generally correcting the excesses in the use of wines, &c., to be found in all classes.

9. Hay and Harvest Fields.—Reforming the customs by which beer and cider—often in very large quantities—are given as part payment; introducing non-intoxicants, as tea, coffee, cocoa, oatmeal and water, &c.

10. Treating.—Discouraging the practice of treating to drinks whether for service done, or in commercial transactions, bargains, &c., or in accordance with the 'fine' and 'footing' rules of workshops; giving moral support and countenance to working men or women (e.g. laundresses) in resisting the tyranny of all such rules.

11. The Formation of Parochial Societies for the better carrying out of these objects, and with a view to the creation of a sound public opinion both on the evils of intemperance and the nature of the remedies for its suppression.

12. Total Abstinence from all Intoxicating Drinks.—This must be enjoined on the intemperate.

It is recommended to others (for 'the present distress')—As a measure of self-preservation amidst the abounding temptations of the day; or, in the full exercise of Christian liberty, as a measure of self-denying love. In the case of the young who have not yet acquired a taste for intoxicants, as prevention is better than cure, it is desirable on all accounts that they should be trained as total abstainers, to take their part from the beginning in the work of a temperate reformation.

THE INDEPENDENT ORDER OF GOOD TEMPLARS.

(Established in England in 1868.)

The Order of Good Templars was started in America over thirty years since, and was introduced into this country in 1868. It is not a sick benefit or burial society, its fees, 1*s.* 6*d.* entrance and 1*s.* per quarter afterwards, being of course too low to embrace the beneficiary feature. Indeed, the members would be very averse to the benefit system being engrafted upon their society, as they desire to be able to admit all persons without those restrictions as to bodily health or age; and they think the better of their society, because there can be no self-interest in joining it. The Order, in fact, is simply a large and powerful temperance missionary society.

Members must be formally proposed and elected to membership, and, on admission, must pledge themselves to life-long abstinence from the taking or giving of intoxicants as beverages. The service of admission is not made known to outsiders, but is kept private, so that it may be new and therefore make a deeper impression upon the candidate. No oath is administered, neither are any 'scenic' or startling effects attempted in the service. Were such things introduced, it is obvious it would not be suited to females and young people, who may be admitted from fifteen years of age. The Book of Ceremonial is called a Ritual, for want of a better term. There is, however, nothing in it of a sacerdotal nature—the devotional part consisting simply of forms of prayer of an evangelical type, for which the member occupying the post of Chaplain may substitute extempore utterances. No lodge is ever opened or closed, nor is anyone admitted to membership, without prayer being offered.

The Book of Ceremonial to which we refer is the only work not accessible to the public. The constitution, bye-laws and order of business, as well as the journal of proceedings of even the highest bodies of the Order, may be obtained by non-members. There are, however, secret signs by which members, hitherto utter strangers, may recognise each other, and even denote their particular rank in the society without others who may be present being a whit the wiser. The family feature of the Order is highly valued by the members, and we have known cases in which three generations of one family have been represented in one Lodge. Both sexes enjoy equal privileges, and in some cases the secretary's duties are discharged by a 'sister,' while here and there some lady of peculiarly administrative ability has been chosen to preside for a quarterly term or longer. Every officer and member wears at the Lodge meetings a regalia—a kind of collar or sash—about the neck, the former wearing scarlet and the latter white, or some other colour according to the honours acquired.

The subordinate Lodges meet weekly, and have a regular order of business to go through, as is seen in the constitution, and the proceedings are conducted according to parliamentary rules. These

Lodges elect full degree members (i.e. members who have proved faithful through certain probationary terms) to form the District Lodge, which holds a day session every quarter—or oftener at its discretion—it having jurisdiction over a county or parliamentary division. The Districts elect representatives to the National or Grand Lodge, which is an annual moveable conference; and the Grand Lodge elects representatives to the International or Right Worthy Grand Lodge of the World, which meets successively in various countries for about a week in each year.

The society in England now counts 1,639 Lodges and over 80,000 members. These figures do not include 50,000 children embraced in a juvenile offshoot of the Order. It has been calculated from official returns that nearly one-half of the adult members were not previously abstainers, and 14,000 of these have been rescued from confirmed intemperance. Members leaving this country have planted the Order in the countries of Europe, and in Asia, Africa, and Australasia, and it is represented in the Peerage and in the House of Commons.

The Lodge meetings are confined to members, who sit around the room as in certain religious class meetings. Every member is a subscriber and legislator, with equal rights in every respect. The formal business is sometimes light, and then debates, essays, and music at once educate the members and enliven the proceedings; but even these items are carried on under parliamentary discipline, every member having to rise and respectfully address the president before proceeding, and no member ever enters or retires without giving a recognised salutation. Thus the Order is religious, yet unsectarian, social, and home-like; its object is strict temperance, its spirit beneficent, its discipline parliamentary, its privileges equal, its policy representative, and its membership world-wide.—*From 'Social Notes.'*

To the foregoing it is only right to add that in 1876, at an International Session in America, a division occurred in the Order, when the bulk of the British severed from the bulk of the Americans; and since that date there have been two Orders, the one mainly American, the other mainly British. The chief of the former, which numbers about 10,000 members in the British Isles, is Mr. Samuel Wright, the head quarters of this Order being at Leeds. The latter Order, with Mr. Malins as its highest officer in the United Kingdom, has an adult roll of over 127,000 in the British Isles. Its English head-quarters are at Birmingham.

APPENDIX B.

THE PRESS ON THE CONFERENCE.

The Times, February 27, 1886.

A GOOD cause is unfortunately no security for uniform good sense in defending it, and the absence from the Temperance Conference held yesterday and the day before in the Prince's Hall, Piccadilly, of extravagance and unreasonable exaggeration deserves to be noted as by no means a matter of course. The Conference, which was attended by delegates from fifty temperance and trade organisations, may be taken to be fairly representative; and, if it be so, a change has apparently come over opinion with respect to legislation regarding public-houses. The intemperate teetotaller is disappearing along with the intemperate drinker. The growing increase of moderation in the use of alcohol is bringing with it a decrease in wild abuse of all connected with its sale. The platform bigot and the confirmed drunkard are fortunately both becoming rarer. The keynote struck in several speeches was the simple truth that not so much in prohibitive legislation, the suppression of public-houses, or the refusal of licenses, as in a thousand indirect agencies, social, moral, and intellectual, lies the hope for the future. There was a general disposition, not always perceptible at such gatherings in past times, to admit that the question of the liquor trade had more than one side to it, and that much harm might be done by crude, harsh measures of suppression. Sir Richard Temple, who presided, warned the meeting that legislation which was in advance of public opinion would not succeed, and he rightly dwelt on the potency of the counter-attractions experienced by classes once most susceptible to the temptations of intemperance. The fact is that events have marched too fast for the aggressive, old-fashioned teetotallers of the Sir Wilfrid Lawson stamp. While they have been talking about the impossibility of making men sober without Acts of Parliament, and demanding legislation, a miracle unnoticed by them has been in progress. The habits of the people have been swiftly changing for the better. It is true that this reformation is far from being completed. Drunkenness is, unfortunately, sadly too common. It is still the curse of thousands who, but for this destructive appetite, would be comfortable. Perhaps there is no curing the older generation of rooted bad habits. But in their juniors an immense, ever-growing improvement may be noted. It is the admission of all workhouse officials that the older inmates are most addicted to drunkenness, and that whatever be the failings of those belonging to a younger generation, they compare most favourably in regard to temperance with their elders. Civilisation would

be a mistake if it were otherwise. It at least offers to men and women, in more shapes than one, the excitement for which they crave, and breaks up that dull monotony in which intemperance finds its victims. Contrast the lot of an artisan five-and-twenty years ago with that of one of his own class to-day, and the secret of the improvement is plain. The latter, if a Volunteer, will spend in healthy drill the hours which he might have muddled away in a taproom. If fond of athletics, he will be strangely situated if he cannot, in these days, gratify his taste with ease. He has books and papers, and—to some extent, though not sufficiently—music within his reach. He can find a club elsewhere than at the Black Bull or Red Lion, and when a holiday comes round it is his own fault if he does not spend it in the fields or woods. A thousand influences, bracing the nerves, enlarging the soul, strengthening the body—influences more powerful in the aggregate than any number of Acts of Parliament—conspire against the public-house being always the general club-house, restaurant, concert-hall, place of business, of gossip, and of entertainment of the poor. Looking to the rapid march of progress, the weapons of prohibition seem old-fashioned and out of date; and this was not altogether lost sight of at the Temperance Conference.

Mr. Mott, in his valuable paper, points out that we all, Sir Wilfrid Lawson included, put our trust in indirect measures. No one would think of submitting a 'straightforward, honest bill' to prohibit the use, manufacture, or importation of beer, wine, and spirits. It is admitted that such a measure, if desirable, would be impracticable. Few persons, however earnest in their wish to destroy the liquor trade, would propose to disregard the fact, mentioned by Mr. Norfolk in his paper, that the capital invested in licensed houses amounted to 130,000,000*l.* At the Conference yesterday the familiar arguments, which are not devoid of force, against the existence of any legal claim to compensation on the part of the holders of licenses were put forward; but it may be doubted whether those who asserted the right of the community to withdraw licenses would be prepared to carry out, regardless of consequences, their principles. It is probable that at no distant date the duty of granting licenses will be transferred from the justices to the local authorities. Indeed, that may be taken for granted as the only settled point in the controversy. But the more the matter is studied the graver are the objections to some favourite plans for carrying out this principle. Whether in the form embodied in the bill drafted by the Church of England Temperance Society or in the proposal of Mr. Joseph Cowen, the idea of a Board solely and specially elected for the purpose of dealing with licenses would be objectionable. Every parish would be the scene of a fierce perennial contest, which would often absorb all other interests. It is quite possible, too, that we shall find, whenever feeling is accurately tested, that a reaction has set in against the rude tyrannical forms which local option often assumes. It would be barely tolerable that any eight ratepayers who got elected to the licensing board proposed in the bill promoted by the Church of England Temperance Society should be able to stop every business in which beer, wine, or

spirits were sold. The total suppression of such a trade would be a serious hardship to an innocent minority. Besides, if the voice of the majority is to decide the matter, are they to be free, if so minded, to double or treble the licenses? If the answer is that care will be taken that the districts are such that this can never happen, what becomes of the professed desire to obey the majority?

No doubt, the grants of new licenses, which now go on, according to one speaker, at the rate of 700 a year, might with advantage be diminished: and there is need for inquiry into the causes of the patent fact that in particularly poor districts, where a multitude of public-houses do most harm, they most abound. The representative at the Conference of the County Brewers and Licensed Victuallers' Societies admitted that the present number of licensed houses was greater than was necessary, and suggested that the granting of new licenses should for the present be suspended, and that licenses should be removed from places where they were too many to other places where they were more wanted—a suggestion which has at least the merit of recognising the existence of a serious evil. But all such measures can do but little good. The really solid ground of hope is that furnished by familiar facts independent of any laws. The upper classes have abandoned the habit of drinking to excess, and not through the pressure of compulsion. Lower down in the social scale the same change is being voluntarily pursued; and the silent beneficent agencies which have wrought this reform among the wealthy and well-to-do people are fast descending to the poorest. The teetotaller draws, as a rule, his awful examples from a class which is still impervious to these humanising agencies. But he need not despair. The young generation is, as a whole, on his side. He has auxiliaries in everything, secular or religious, which touches the lot of the poor, and preachers and teachers even in those who never think about his cause. The misery laid at the door of drunkenness is to a large extent the origin of it. The dull, sunless life in which so many spend their days is responsible for much intemperance, the natural reaction against the monotony; and this cause is not easily subject to control. But an impression is being made. Every earnest worker among the poor speaks with hope, and there are grounds for thinking that the interests of temperance are being propelled by powerful, unsleeping agencies, compared with which Acts of Parliament are feeble and halting, and the most ardent advocates of it are lethargic or intermittent in their zeal.

The Morning Advertiser, February 27, 1886.

The Conference which closed yesterday at the Prince's Hall, Piccadilly, marks, it may be hoped, a desirable change in the discussion of a much-vexed question. Whatever may come of it, the Convention was a happy thought of the Social Science Association. As the President (Sir R. Temple) in his opening address very truly observed, the meeting was composed of two opposing parties who had long maintained a bitter warfare, but who were on Thursday brought face

to face in a sort of armed truce. The suspension of hostilities suggested itself in the tone and temper of the speeches made. It is, perhaps, an excusable effect of righteous zeal that the champions of the temperance platform have been notorious for their intemperate utterance. Nothing was too hard to say of what they had been used to call 'the drink traffic,' or those engaged in it. Their general argument has been that manufacture and sale of liquor ought to be extinguished by gradual development of legislative restrictions, and they have laughed at the proposal to compensate the interests which their agitation would destroy. The two days' conference shows a very notable departure from the ancient vehemence of the temperance platform. For the first time the principals in an embittered controversy met on the same platform, not in the fierce hostility of a protracted conflict, but in a friendly effort to arrive at a *modus vivendi* which might compose their differences. If the United Kingdom Alliance have at last recognised that it would be neither politic nor just to push their movement as far as the more fanatical among them would go, many interests will be served by their awakening. Only a few days before he died, a leader in the crusade, Mr. J. B. Gough, confessed himself obliged to admit that the crusaders are altogether on the wrong track, and that the reform they aim at is not to be brought about by Acts of Parliament, but by the operation of social and moral influences. The opinion of the American temperance orator was echoed by more than one speaker at the Piccadilly Conference. On the other hand, the extreme prohibitionists were very few. Mr. Joseph Malins was perhaps the most advanced representative of the party who would suppress without quarter. But it is very noteworthy that nobody exactly concurred with him, though as many as thirty-two temperance societies were represented at the Prince's Hall. Not opposed to these organisations, but amicably co-operating with them in a cool and critical investigation of the facts, were seventeen trade associations. This is a remarkable and most salutary shifting of the lines on which the struggle has been hithero maintained. Where both sides have come to recognise that compromise is in this as in almost all other cases the true solution, it is difficult to believe that the further consideration and final settlement of the issue will or can fall back again to the unreasonable and impracticable methods advocated by Sir Wilfrid Lawson and men of his kidney.

The President, in the thoroughly practical remarks with which he opened the Conference, said that though a complete understanding might not be reached between the two interests, they might possibly discover some points on which they were virtually agreed, and on which they might co-operate for the good of the British public. The prohibitionist and his opponent occupied one ground in common at all events. They both abhor and dread intemperance, with this important difference, that the manufacturer and the vendor of intoxicating liquor has particular cause for the detestation and fear with which drunkenness inspires him. Sir R. Temple laid it down in terms ably expanded later on by Mr. Mott, that legislation in ad-

vance of public opinion would not succeed. This was the key-note of the Conference, the general discussion turning the first day on papers read by the Rev. Mr. Horsley and Mr. Mott on reform of the licensing laws, and yesterday on essays contributed by Mr. Norfolk on the question whether compensation should be given for the compulsory extinction of licenses, and if so from what source, and again on the question whence is compensation to be derived. Mr. Mott criticised the proposals of the temperance party as crude, childish, and unworkable. The public-house is indispensable. It is by the management of public-houses, and by their number only as it affects their management, that drunkenness is encouraged or discouraged so far as their influence extends. Mr. Mott gave the Conference some very striking figures in proof that no relation can be traced anywhere between the number of retail houses and the extent of public drunkenness. Mr. Mott holds that the present licensing law is working well in the hands of the magistrates so far as temperance is concerned. He thinks that all that is desirable in the way of legislation would be effected by the temporary suspension of new licenses, by an improved distribution of public-houses, and by permanent encouragement of men of character and capital in the trade, 'by giving full security for their property, relieving them from unfair suspicion and unjust responsibility, and by enabling the real owners of every business to conduct it openly in their own names.' The main defect in this proposal is that, as was remarked at the meeting, the law as it is operates to work the distribution advocated by Mr. Mott. And it was a notable example of the benefits of friendly discussion that the Rev. Mr. Cox, of the Church of England Temperance Society, on learning so much, expressed his doubt that any other change in the law is necessary. As for extreme change, Mr. Miller, Q.C., speaking as a county magistrate, declared that prohibition of the 'liquor traffic would be an atrocious piece of class legislation and an inconceivable tyranny,' which, however, would not succeed, because legislation in curtailment of individual liberty is always evaded.' The counter proposal of local Licensing Boards put forward by Mr. Horsley found, it is to be noted, very few supporters, opponents of it joining forces from such divided platforms as that occupied by Mr. Kempster, representing the Good Templars, and Mr. Simonds, of the Country Brewers Association.

The opening Conference showed a balance of opinion very substantially in favour of the trade. This balance was greatly enlarged yesterday, when Mr. Norfolk was, so to speak, opposed by Mr. M'Lagan with a scheme of local veto, and the proceedings were distinguished by the downright utterances of Mr. Stafford Howard, M.P., and the bold and brilliant speech of Lord Wemyss. Mr. Norfolk opened the debate. He challenged the contention of the prohibitionists, who deny that the licensed victualler has a vested interest in his property, on the ground that licenses are granted for one year only and are renewable only at the discretion of the magistrates. But the renewal of the certificate cannot be legally withheld unless for special and sufficient cause. And, again, the plea that the trade

might be destroyed without compensation because it is licensed would apply to other bodies and industries conducted under the licensing system. The law, the university, medicine, the tobacco industry are illustrations. And all this is apart from the equity of the case, a point most forcibly dwelt on by divers speakers. As to the question of compensation, if Local Boards decide to suppress the sale of alcohol in a district, it is equitably, and should be legally, incumbent on them to grant compensation according to the circumstances of each case, and not only compensation for the capital invested in the house, but for the loss of income and the deterioration in the value of the house by reason of the license being taken away. Mr. Bourne, of the Church of England Temperance Association, refused, like Mr. Gustafson, to admit the principle of compensation. As Mr. Simonds shrewdly suggested, confiscation of property may be pleasant when the property belongs to somebody else. But 'it is a dangerous game to play,' and Mr. Howard had at least the sympathy of the majority with him when he proclaimed his conviction that prohibitionist views are not likely to prevail in this country, and that no English Government is likely, 'at least for some time to come,' to diminish by arbitrary legislation the number of public-houses unless the justice of due compensation was recognised. The criticisms offered by Mr. Pope, Q.C., and the exposition of the Veto bill showed how seriously in the air the theorists are with respect to the most desirable form of alteration from the present licensing system. Mr. Power cited the model region of Shaftesbury Park in illustration of the notorious difficulty certain to supervene if every district is endowed with an independent judgment on the subject. Lord Wemyss transferred the question from the scientific to the sentimental base, and, dropping its economic aspects, delivered a spirited and forcible onslaught upon the Pharisaism which would compel a whole people to live according to its sour or sickly standards. Moral influence rather than restrictive legislation is, as his lordship insisted, the key to the great social mystery; and, judging from the general character of the proceedings at the Conference, this truth begins at length to find acceptance where its reception is most particularly a consummation devoutly to be wished.

The Daily Chronicle, February 26, 1886.

The advantage of hearing two sides of the question is surely no less important in the discussion of temperance legislation than in the treatment of any other subject. It is satisfactory to find, therefore, that the conference on temperance held at the Prince's Hall, Piccadilly, yesterday, by the National Association for the Promotion of Social Science, was attended by representatives of widely divergent views on the drink question. Sir Richard Temple, who presided, pointed out that there is much evidence to be adduced in favour of the moderate use of alcohol as well as against it, and it appears to us that the cause of temperance cannot possibly suffer by the calm consideration of the former as well as of the latter. The advocates of total abstinence are too apt to ignore the honesty and

earnestness of those who, remembering that the use of wine is sanctioned by the highest authority, do not consider that teetotalism is the panacea for all social evils. It is possible to promote temperance by the advocacy and practice of moderation as well as by the advocacy and practice of total abstinence, and there is no good reason why the two classes of temperance reformers should not meet on a common platform. It is a remarkable fact that an appetite for strong drink has been characteristic of all the races of mankind that have contributed much to the history of civilisation. Possibly they would have done still more for the progress of the species had they not possessed this appetite, but the fact nevertheless remains that the westward march of civilisation has been stimulated by alcohol. Still, we cannot shut our eyes to the fact that over-indulgence in intoxicating liquor is one of the greatest curses that can threaten the life of a people. That Englishmen, Scotchmen, and Irishmen drink more than is good for them can hardly be doubted. It may be, however, that it is the quality rather than the quantity of the stimulants they imbibe which is the real cause of the drunkenness which we see around us. Our ancestors were able to drink much more than we can because they lived before science and technical education had initiated rascality into the art and mystery of adulteration. We fear that the 'brewers' chemists' and the 'man who understands cellar work' are the persons chiefly responsible for the national drunkenness. A rigid enforcement of the adulteration laws would doubtless do much to promote sobriety amongst the people of these islands. If the control of the drink traffic were placed in the power of the ratepayers, the public would have a better chance of getting good liquor in place of the poison which they now drink. It is monstrous that the licensing authorities should be the magistrates, many of whom are directly interested in the brewing and distilling trades. When the ratepayers secure the control of the public-houses, they will doubtless also be conducted more on the continental model than they are at present. The public-house should not be a mere drinking den, but a place where respectable people of all classes can meet for purposes of recreation. Drunkenness there should be regarded as great an offence against decency and good manners as it is anywhere else.

Nottingham Daily Express, March 1, 1886.

The Social Science Association have done good service to the cause of temperance by bringing together the leading representatives of those who, from different points of view, take special interest in that important question. Total abstinence meetings have, no doubt, been most useful in giving publicity to striking arguments and facts. But these appeals were addressed to audiences already converted. On the other hand, meetings confined to champions of the liquor trade, instead of helping to solve the difficulties of the case, have often rather intensified the difficulties in the way of any practicable compromise. It was, therefore, a good idea to convene

a mixed conference at which both sides could be fairly heard. Upon the neutral platform of Social Science, delegates met from fifty trade and temperance organisations, whose selected spokesmen made the best of their respective cases, and discussed legislative proposals with a marked absence of either exaggeration or extravagance. Of course no resolutions were passed. Such a meeting is nevertheless a hopeful sign of the times, and although no decisions were formally voted, the views expressed ought to have weight with Parliament whenever it becomes possible for the House of Commons again to face a long-demanded reform of the licensing laws. The point as to whether compensation should be given on the compulsory extinction of licenses came to the front in view of the improved prospects of local option. Speaking on behalf of the licensed victuallers, Mr. Norfolk naturally laid stress upon the fact that a capital of 130 millions is invested in the business, and he argued that so large a vested interest should not be interfered with unless upon terms of fair compensation. In support of his view that this principle has hitherto been acted upon, he instanced the slave trade, the abolition of purchase in the army, and the disestablishment of the Irish Church. His opponents disputed this parallel, pointing out that the slave was bought or inherited for life, that the clergyman was licensed to preach for life, and was compensated out of his own endowment; also that army officers were entitled to serve until a given age, when they could claim a pension. Not content with thus showing that the illustrations relied upon were not analogous, the temperance representatives made bold to deny that there was any vested interest in the case of a public-house, as the license was only granted for a year without guarantee for its renewal. In all such matters legislation cannot wisely be driven far in advance of public opinion, and it may be doubted whether the general public would consider it fair to deprive a publican of any return for the large outlay incurred by him in the proper management of a duly licensed business. The principle or scale of compensation, and the source from which it should be paid, are, however, matters of detail for future settlement, and they assume that powers are first obtained for a much-needed limitation of the drink traffic. Whatever may be done with regard to existing licenses, it is manifestly undesirable that new licenses should be granted—as one speaker said they were—at the rate of 700 per annum. There ought also to be some effective remedy for the serious evils arising from the undue multiplication of public-houses in the poorest districts, where they do most harm. A representative of the country brewers went so far as to admit that the present number of licensed houses is greater than is necessary, and he suggested that the granting of new licenses should for the present be suspended, adding that members of the trade were prepared to co-operate in any reasonable scheme for the promotion of temperance. Such an assurance from that quarter must be welcomed, and will encourage those who hope for a legislative remedy this session. Several bills continue upon the order books in the names of private members, who propose to deal in the first instance with such districts only as are be-

lieved to be most prepared for local option. When some of these proposals were discussed early last year, Sir William Harcourt, who was then Home Secretary, expressed himself in favour of the people of different localities being allowed to deal with the question separately for themselves. It is probable, however, that these local measures will now be superseded, as there is reason to expect that the promised Ministerial bill for the reform of local government will embrace proposals for the amendment of the licensing laws. Meantime we have the satisfaction of knowing that beneficent agencies are now gradually working a great change for the better in the tastes and habits of many thousands formerly addicted to intemperance.

The Scotsman, February 27, 1886.

Sir Richard Temple has in his time played many parts, and his astonishing faculty of ranging himself on either side or both sides at once of any question must have been known to those who selected the versatile Baronet to preside over a conference of brewers and teetotallers. To be more exact, the conference was composed of delegates from a number of temperance associations and of champions of local veto on the one side, and on the other of representatives of the Scottish Wine, Spirit, and Beer Trade Defence Society, and of other organisations connected with the liquor trade. It met and discussed the subject of temperance legislation yesterday and the day before in Prince's Hall, Piccadilly, and its incongruous elements were brought together in this way in order, as the chairman stated, to gather and collect evidence on the questions at issue which might be submitted to the arbitrament of public opinion. The idea of such a conference is excellent. There was no expectation that the lion would lie down with the lamb—that licensed victuallers and local veto men would agree in anything except in differing; but there may have been a hope that the two parties might get to see questions from both sides, and to regard them reasonably, and that the public might be led to weigh the opposing arguments more carefully after seeing them thus brought together. The questions discussed are of vital public interest, and every effort to instruct the people and give them the materials for forming a judgment concerning them is to be commended. Those who have given attention to the question of temperance legislation have little to learn from the conference; but now that we are on the eve of fresh attempts to legislate on the liquor question, it cannot be superfluous to present the arguments on both sides to the public. Two questions were discussed at the conference. One was concerned with the giving of compensation to those whose vested interests in the liquor traffic might be interfered with, and the other with prohibition, or what is called local veto. It seems remarkable that the first question should be matter for discussion. Whatever one may think as to the character and effects of the liquor trade, it is one that is as old as the Flood, and it is one recognised by the law, and licensed by the State. It has hitherto contributed largely to the public revenue. Those engaged in it have entered it and sunk

in it their capital and their capacities, believing that they had the strongest public sanctions for their faith in its stability. It is difficult to conceive of any honest and reasonable person proposing to deprive these men of their livings without compensating them: and it is a remarkable instance of the way in which zeal outruns discretion, that there are temperance men posing as Christian philanthropists who would sweep away all liquor licenses and laugh at the ruin of those who live by the trade under the sanction of the law.

The cause of temperance reform will gain little from the advocacy of such fanatics as the Mr. Axel Gustafson, who declared that publicans deprived of their licenses no more deserved compensation than would the policeman and the hangman if the abolition of drunkenness put an end to their callings. The fact is that men like Mr. Gustafson —and there are too many like him among temperance reformers— cannot or do not reason. They appeal to sentiment and passion, and they substitute denunciation and abuse for reason and argument. If the man had stopped to think, he might have reflected that even the policeman and the hangman might have some claim to a pension if the law deprived them of their occupation. Other temperance men were a degree more reasonable, and approved of compensation, only suggesting limits by which it should be restricted. Mr. Stephen Bourne, of the Church of England Temperance Society, contended that compensation should be given only for what had been actually expended and not yet compensated, and that no cognisance must be taken of future profits. The justice of this condition is not apparent, but it is an agreeable experience to meet with an enthusiastic prohibitionist who is willing to discuss conditions in a reasonable way, and Mr. Bourne shines forth as an incarnation of reason and justice by the side of such extremists as Mr. Gustafson. There can be no doubt, however, but that the Legislature ought to adopt the view of those who argued that liquor licenses can no more be justly taken away without compensation than the licenses which enable a man to practise medicine or sell tobacco. A far more important question, because one on which the public and the Legislature are more likely to be divided, is that which was discussed yesterday—namely, prohibition or local veto. After the subject had been introduced by Mr. Pope, Q.C., Mr. M'Lagan described the provisions of his bill, and an interesting discussion followed. Mr. M'Lagan has boundless and exclusive faith in his own specific for the evils of drunkenness. His proposal is, that for the purpose of carrying local option into effect, a district should in the first place be defined, and that thereafter any ten householders in the district may demand a plebiscite, three questions being submitted to the householders. They may vote either for the total prohibition of the sale of liquor, or for the reduction of licenses to a specified number, or that no new licenses shall be granted. A majority of two-thirds would be effective. The object plainly is to get total prohibition if possible; but if not, to get as near to it as may be. This is what is called local veto, and Mr. M'Lagan protests that it is unjust to say that it would be an undue interference with the rights of minorities or with individual liberty, because, he says,

it would not prohibit any man from drinking if he wished to do so, but would only compel him to get his liquor elsewhere than in the vetoed district.

In all probability, another plan of dealing with the liquor traffic will be presented to the Legislature, and choice will have to be made between Mr. M'Lagan's scheme of local option and the proposal, which the Government are likely to bring forward, to entrust the control of the traffic to the representative bodies to be created by the forthcoming local government bill. Mr. M'Lagan and his party object to the latter proposal on the ground that the system would not enable the electors to vote on the liquor question by itself. At local elections it would only have a certain influence on votes along with various other questions. On the other hand his scheme, by means of the plebiscite, would give the clear and true opinion of the householders on the single question. To this it may be replied that a body of representatives chosen by the people for their fitness to represent them on local questions generally are likely to represent the general and permanent sense of the public on the liquor question: whereas a plebiscite might indicate merely a passing whim or impulse of local society. A two-thirds vote in favour of prohibition might be obtained as the result of an energetic agitation, while the one-third who were not carried away by the wave of enthusiasm might really represent the sound sense of the community. There is safety in voting on a number of questions rather than upon a single question; because a community easily loses its head on one question, but rarely on local questions generally. In such a case as we have supposed, not only would the reasonable third of the community be overborne and subjected by the impulsive majority, but a reaction which would turn the majority into a minority would be almost inevitable. This is not a mere hypothesis. It is the practical experience of countries where a form of local option exists. Local optionists should study the remarkable break-down of the Scott Act in Canada. In that colony, and especially in Ontario, temperance agitators won numerous popular victories after the passing of the Scott Act, which gives power to districts to prohibit the liquor traffic. The Act was adopted in many counties by sufficient majorities, but it was soon found that the majorities had either dwindled into small minorities, or were too apathetic to care for the enforcement of the Act. Consequently it is more honoured in the breach than in the observance. Such an Act can only be enforced by a strong and permanent public opinion in its favour. The community must be ever active and vigilant to see that it is not defied. In Canada, it is found that the prohibition of the legal traffic means a far more hateful and mischievous illicit traffic: and the people who, nder the stimulus of a public agitation, voted for the Scott Act, will not play the part of spies on their neighbours who break it, nor appear in the unpopular character of informers. Another evil which Canadian experience shows to attend local prohibition arises from that feature of it which Mr. M'Lagan advances in its defence. He says it does not prevent a man from drinking, but only compels him

to go somewhere else for his liquor. This is found in practice to mean that the vetoed locality sends its drunken members to get drunk in the nearest free districts, and a ring of public-houses of the worst class is established round its frontier, where excessive drinking becomes a scandal to the whole country. There will be frequent occasions for discussing local option with reference to the principles it involves. For the present we may be satisfied with suggesting that before local option is adopted in this country, the working of the Scott Act in Canada should be the subject of careful inquiry.

Leeds Mercury, March 1, 1886.

We seem to be coming near to practical legislation on the liquor traffic when representatives of Total Abstinence Societies and the United Alliance meet together in friendly conference on the subject with representatives of Licensed Victuallers and Country Brewers Societies. It is something gained when the former will listen to, and patiently consider, papers on the vexed subject of compensation, and when the latter will endure the reading of papers on prohibition. Public opinion would not sanction measures either on the one subject or the other which represented the views of the extreme advocates on the respective sides. The first step to be gained in advancing from the present unsatisfactory state of our licensing laws will doubtless be the transfer of the licensing authority to elected public bodies, probably to the county board under the coming county government bill for the counties, and to the municipal governments for the towns. The next step beyond that would seem likely to be the restriction, by the Imperial Parliament, of the number of licenses to be granted in any given area or total of population.

Leicester Journal, March 12, 1886.

The conference on Temperance Legislation which was held at Prince's Hall on Thursday and Friday of the week before last may have done more to reconcile the opposing parties than as yet appears. But so long as temperance reformers propose to place a trade, which employs a capital estimated at 130,000,000*l.*, at the mercy of the ratepayers in each separate locality, discussion can hardly be of much avail. If Parliament thinks fit to declare the trade of a publican contrary to law, it will be acting consistently, if not wisely. But until it is declared contrary to law, the determination who shall exercise it and where it shall be carried on is a judicial act, and as such ought not to be made the subject of a direct popular vote. The Justices may not be the best possible body to grant licenses, and the duty might perhaps be made over with advantage to some other body. But that should not be a body elected on this particular issue, and precluded by that fact from exercising any discretion in the discharge of its functions.

Liverpool Mercury, March 3, 1886.

Controversies are often sweetened when opponents can be brought face to face, and made to hear from each other's lips the views and arguments which, as views and arguments only, have so often awakened the spirit of antagonism. A proposition strikes one differently when uttered by a man evidently sincere and in earnest. Considerations of this sort, no doubt, influenced the Social Science Association when they invited the leading temperance and liquor trade societies to a conference last week, an invitation which was largely accepted, and resulted in a well-attended meeting, presided over by Sir Richard Temple. It can well be imagined that in the papers read by the temperance men, much that is ordinarily insisted on was absent. Passionate invective against drink in all its forms would have been out of place, useless, and destructive of all good results, as far as the conference was concerned. The writers confined themselves chiefly to assertions of the necessity of changes being made in the law, to discussing the form future legislation should take, and to the question of compensation. Popular control seemed to be the watchword of most of the temperance advocates, though opinions differed as to how the control should be brought into action, and the difficulties which attend this question were not forgotten or treated lightly by their opponents. A rather disagreeable picture was drawn by one speaker of a licensing election, which, he declared, would give scope to all abuses popular elections are liable to, including bribery and corruption of various kinds. The fact that the results might affect the livelihood of many persons would also tend to embitter the contest, and make it a very unpleasant experience. When compensation came to be discussed, the trade representatives reminded the meeting that 130,000,000*l.* of capital was engaged in it, so that it was a rather serious business to attempt to deal with it. It was urged in reply by some of the speakers that all licenses are granted from year to year without any undertaking that they shall be renewed on expiry, and that consequently a refusal to renew at any time by the licensing authority, whatever it might be, would be no ground for claiming compensation. This view was, of course, strongly controverted both on legal and moral grounds; but the question will have to be thoroughly threshed out some day, and will probably be the subject of some sort of compromise. That the temperance movement is making way both in the nation and in Parliament is admitted on all sides, and legislation is sure to take place. The existing licensed victuallers are, of course, convinced that the present number of licenses should not be increased, indeed, that they might be reduced with advantage, and, moreover, better distributed. That is only natural, 'the fewer, the better fare;' but it forms a point of agreement between the two parties, as to stop the extension of 'the trade' is certainly a 'thin edge of the wedge,' from a temperance point of view, and the principle once admitted would be susceptible of exten-

sions which would go far to satisfy the aspirations of the most ardent reformer. It cannot perhaps be said that any distinct advance was made in solving the problem of the liquor traffic at this conference, but the question was discussed with a fairness and moderation which at one time would have been impossible of attainment.

APPENDIX C.

Alphabetical List of Members Attending the Conference.

Agg-Gardner, J. T., M.P.
Argyle, Frederick
Ashby, Frederick William
Ashby, Thomas
Ashby, William G.
Atherton, Mrs.

Bailey, John T.
Baker, R.
Ball, J.
Banbury, John
Bannister, Samuel W.
Barber, E.
Barbour, William B., M.P.
Barker, Thomas
Barlow, A.
Bate, James Henry
Battersby, The Rev. J. Harford
Bennetts, The Rev. G. A., B.A.
Betts, J. H.
Bewes, Wyndham A.
Blake, Jasper
Blandy, Henry B.
Blinkhorn, Octavius
Bonwick, J.
Bourne, Stephen
Bowen, John
Boyd, The Rev. H. J.
Bradley, N.
Brown, John S.
Browne, Henry
Brutton, Joseph
Bullard, Harry, M.P.
Burford, J.
Burgess, John
Burghope, Samuel
Burns, the Rev. Dawson, D.D.
Burrell, Harry Percy
Burrows & Cole, Messrs.

Carrington, Samuel
Champney, John E.
Christian, T.
Christie, Charles P.
Chubb, E.
Clark, The Rev. James
Clarke, Ebenezer
Cleaver, Councillor
Clegg, Alderman
Clifford-Smith, J. L.
Clowes, T.
Coates, Miss
Cole, William
Coleclough, John
Collin, G.
Collins, H. H.
Cook, The Rev. R. P.
Cooper, S.
Cope, W. J.
Copeman, Job
Cox, William George
Cox, the Rev. W. Kipling, M.A.
Crews, Henry George

Davey, W. Morgan
Davies, H.
Davis, Edwin
De Colyar, H. A.
Derrington, Josiah
Dew, F.
Dibley, George
Dillon, the Hon. Conrad
Dixon, C.
Dobell, Clarence M.
Dobson, M.
Dunkley, John

Earp, F.
Edwards, Richard Passmore
Ellis, W. F.

Farquharson, Robert, M.D., M.P.
Fenwick, Charles, M.P.
Ferry, Henry
Field, E. W.
Finn, Edwin
Fish, W. D.
Flattely, D. J.
Fox, Thomas Barker
Fry, Theodore, M.P.
Fuller, John

Garratt, G. A.
Gibson, E. A.
Gordon, John
Goswell, H. C.
Goulding, W. P.
Gover, Daniel
Greening, W. H.
Griffiths, E.
Gumbrell, A.
Gun, Arthur
Gustafson, Axel

Haig, Charles R.
Hamilton, Rowland
Hammond, Ezra W.
Hanson, Thomas Anderson
Harford, —
Hargreaves, The Rev. Joseph
Harriot, Thomas
Harris, T. Fladgate
Hart, Ernest
Hastings, G. W., M.P.
Hawkes, Mrs.
Heaton, J. Henniker, M.P.
Hicks, George
Hill, Frederic
Hilton, John
Hobhouse, Henry, M.P.
Hodges, J. S. T.
Holt, E.
Horsfall, T. C.
Horsley, The Rev. J. W., M.A.
Howard, E. Stafford, M.P.
Hudson, Thomas
Hughes, John
Hussey, William
Hyde, Richard H.
Hyslop, Alderman

Insull, Samuel

Jacklin, T. H. J.
James, John
Jones, —
Joseph, The Rev. Charles

Kay, H. A.
Keites, William
Kelsey, Messrs. E. and H.
Kempster, John
King, T. H.

Lawrence, W. F., M.P.
Lawson, Harry Lawson Webster, M.P.
Lees, J. W.
Legh, the Rev. H. Edmund, M.A.
Ling, George
Lloyd, George B.
Love, Alfred
Low, W. J.
Lucas, Thomas

Macy, H. W.
Malins, Joseph
Mann, John
Martin, The Rev. J. J.
Martin, Robert, M.D.
Mason, Walter
McCabry, William
McIver, Lewis, M.P.
McLagan, Peter, M.P.
McWilliam, James
Michell & Phillips, Messrs.
Mildon, The Rev. W.
Miller, A. E., Q.C., LL.D.
Molony, T. H. R.
Morgan, J. W.
Mott, Albert J., F.G.S.
Mott, E.
Mott, F. T.
Mott, Roland
Mozley, H. N.
Mundy, Lionel
Murphy, The Rev. G. M.
Murray, Thomas, M.D.

Nodder, William Alfred
Norfolk, Ernest W.

Oliphant, Colin

Painter, A. Benwell
Palby, R. E.
Palmer, William Isaac
Pearce, Emilie
Pegg, John
Phillips, E. J.
Pope, Samuel, Q.C.
Powell, Francis S., M.P.
Power, J. Danvers
Price, Miss R. M.

Rae, John T.
Raper, J. H.
Reaney, The Rev. G. S.
Renshaw, H.
Richmond, G. S.
Ridge, Mrs.
Rowden, P.
Russell, The Rev. G. S., M.A.

Saunders, James
Saunders, William, M.P.
Savill, Percy R.
Sawyer, Robert
Seaber, T.
Seaton, Edward, M.D.
Selkirk, T. Landells
Sheffield, Captain Frank
Shields, D.
Shirley, Stephen
Shirlock, Frederick
Simonds, H. A.
Simpson, Robert P. J.
Skinner, J. M.
Sly, Richard S., F.R.C.S.
Smith, Frederic
Smith, George
Smith, H.
Smith, Thomas
Soole, George
Southwood, The Rev. S. G.
Spriggs-Smith, The Rev. W. J.
Steinthal, The Rev. S. Alfred
Stewart, Mrs.
Stopes, H., F.G.S.
Storr, William
Stubbs, S. D.
Sweet, A.

Tallack, William
Taylor, Edward
Taylor, Charles
Taylor, John
Temple, Sir Richard, Bart., G.C.S.I., C.I.E., D.C.L., LL.D., M.P.
Thompson, John Craig
Thornton, John Garth
Tysoe, S. W.

Urlin, R. Denny

Veley, A. C.
Vernham, James

Wakely, Charles
Wates, Joseph
Watherston, Edward J.
Watson, Richard
Watson, Thomas, M.P.
Weatherill, J. R.
Wemyss and March, The Earl of
Westlake, John, Q.C., LL.D., M.P.
Wheeler, George
Wheeler, Messrs., and Co.
White, W. E.
Whitehead, The Rev. G. H., B.A.
Whitwell, Edward
Wigan, James
Wigham, John R.
Wigham, W. R.
Williams, J. Carvell, M.P.
Williams, Major S.
Wilson, John
Winstrip, Joseph
Wolmer, Viscount, M.P.
Wood, E.
Woollacott, —
Wright, The Rev. G. Howard, B.A.
Wylie, Alexander

Yearsley, John
Young, Mrs.

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