

THE ENGLISH LICENSING ACT.

HOW WILL COMPENSATION WORK?

("L.V. Gazette, November 18.)

A commissioner of the "Hunts County News" has written a column of interesting conjecture concerning the working of the Licensing Act, 1904. He alludes to the measure as the Brewers' Endowment Bill, which helps us to determine his attitude towards it, and he takes as his text a sentence from the "Licensed Victuallers' Gazette" in which we account for the caution which is at present being exercised by investors with regard to licensed property, by the doubt which prevails as to how the compensation scheme will work out in practice. We suspect the writer of entertaining a delusion that he is endeavouring to prove us wrong out of our own mouth, but, as a matter of fact, when he is not encouraging a village publican to slander his brother publicans or going bald-headed for the tied-house system, he appears to see eye to eye with us in our estimation of the value of the Act. But where he evidently believes himself to be up against ourselves and the Trade is in his concluding sentence: "The publicans moved heaven and earth to secure the Act," he says, "and now that they have got it they are not sure whether it is going to be a curse or a blessing!"

The Trade certainly made a fairly united and fairly persistent effort to enforce the introduction of a Bill which would curb the irresponsible vagaries of certain licensing magistrates who were abusing their authority to the detriment and ruin of a reputable body of tradesmen, and which would prevent valuable property being confiscated without adequate compensation being given to the dispossessed owner. They went so far as to accept the responsibility of providing the funds required for compensation purposes. But they did not hail the publication of the Government's proposals as calculated to effect a settlement of the difficulty on the most satisfactory basis; they found a cause for discontent in many of the amendments that were effected in

the Bill during its passage through Committee, and in its final form in which it received the sign manual of the King. But they accepted it in a spirit of thankfulness for small mercies and with a frank desire to give it a fair chance.

We must admit that we are not now voicing the opinions of the entire Trade. In some official quarters, in which a large share of credit is gratuitously taken for their assistance in making the Bill law, its passing has been acclaimed in tones of what we regard as exaggerated satisfaction. The Act is not a perfect measure by a long way; it contains much ambiguity and affords endless loopholes for litigation. In short, it is not the thing that we importuned the Government to give us, but this fact is reason for commiseration rather than contumely. The glorious uncertainty about the working of the Act is what we find most fault with, but the Trade should not be taunted unduly with it on that account, although in some measure the delinquent character of the Bill might, as Major Ratcliffe hinted in his speech at the Country Brewers' Society's banquet last week, be due to the Trade itself.

We have never sought to refute the charge that it was the supineness of the Trade organisations (which have since been so eager to monopolise the credit of getting the Bill placed on the Statute Books) that we owe many of the defects which mar its clauses and bid fair to impair its operative value. The rank and file of the retail Trade are less gratified, we believe, with this latest piece of protective legislation than its official mouthpieces would have us believe, but licensed victuallers generally are disposed to remain "mum" on the subject until the Act has had a reasonable trial. There are bound to be many publicans who for some fortuitous circumstances are confident that their licenses will never be required by the reduction magistrates. We would tender them our felicitations upon their immunity from molestation if it was not for their somewhat unreasonable plaint that because they are safe themselves they should not be compelled to contribute to the insurance fund for those who are less fortunately situated.

The proud, but discontented Huntingdonshire publican who boasted that, as the proprietor of the only free house among fourteen in his neighbourhood, he

was certain that he would never be called upon to surrender his license, objected to being mulcted to the tune of £30 a year for the benefit of his brother publicans. The tax, under the circumstances, is undoubtedly a vexatious imposition, but it would be even more burdensome if statistics had not proved that in the event of confiscation of some licenses the survivors benefited by the sacrifice of the victims to the reformative zeal. The man who is taxed and undisturbed professes to doubt the veracity of these statistics, but the records of intemperance in neighbourhoods that have been visited by the virulence of the reduction mania do not leave us room to doubt their correctness. The facts are sufficient to make the reformers pause and ask themselves whether they are really on the right line, but it may be supposed that as they are not required to provide the money that will be so ineffectually expended to test their teetotal experiments, they are not greatly concerned about it.

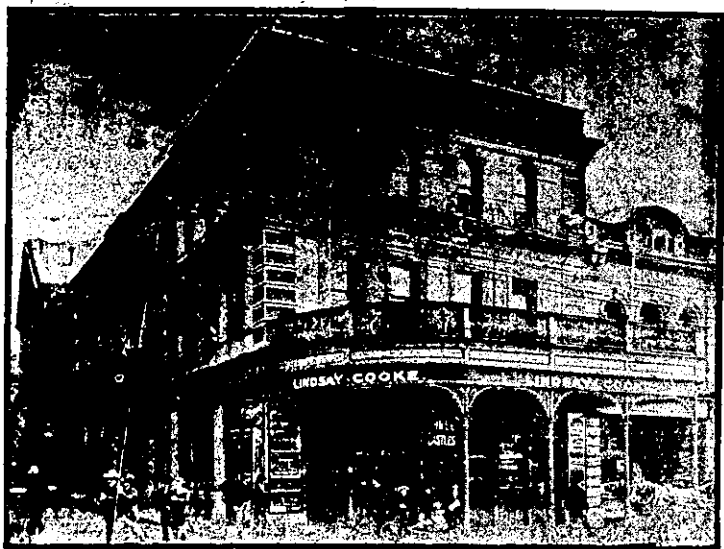
But our friend the Huntingdonshire publican, who declares that he is to be taxed to put money into the pockets of the brewers, who are the owners of the thirteen non-paying houses by which he is surrounded, appears to believe that tied-houses are always of the unsuccessful order, and that the brewers are such bad business men that they never get hold of a profitable license. If it were so, it would only be kind to send round the hat on behalf of the poor, uncommercial brewers, who, in their efforts to secure paying properties, are always forestalled by the alert, subtle, "slim" retailers. But I think we need not alarm ourselves greatly on their account. They will have to contribute to the compensation fund in proportion to the capital they have invested in licensed property, and they will participate in the benefits of the fund on the same ratio as the free and independent retailers. If it proves to be otherwise it will only emphasise the point of our contention that the glorious uncertainty about the working of the new Act justifies the timidity of investors in their attitude towards licensed securities.

The late Prince Leopold's hobby was literature, and he was very fond of the novels of James Payn, and often invited the novelist to stay with him. Mr Payn,

who at that time was a cheery, jovial wit, greatly amused the Prince, although some of His Royal Highness's encouragements were occasionally terribly shocked. One day at dinner-table the host said to one of his guests, "Be sure you read the book; it is called 'The Sceptre and Crown.' Shall you remember it?" "Think of a public-house," said Payn. Some of the Prince's suite looked severe at such unbecoming levity, but the Prince himself laughed heartily.

Referring, at the Colston banquet, to the proposed programme of the Liberal party regarding the Licensing, Education, and other recent Bills, Lord Selborne made some "nasty remarks": "Their programme seemed to be to reverse everything that had been done by their predecessors, and he could conceive no more inglorious programme, no more ignoble aspiration. What had made the success of Parliamentary government in this country had been a continuity of administration. Each party had had its own ideals, but it had always been an unwritten code of honour in their Parliamentary history that each party as it succeeded to power should accept as an accomplished fact and as part of the law of the country the Acts of Parliament that had preceded it.

The brandy prosecutions at Fulham and elsewhere (says the London "L.V. Gazette") only emphasise the absolute necessity of the Wine and Spirit Trade Association taking prompt action to obtain from the Government a decision in regard to the question: What is brandy? Until the Excise authorities set up a standard of brandy it is clear that these prosecutions will be multiplied all over the country, much to the annoyance and expense of the licensed victualler. The grower, the shipper, the merchant, and the retailer are all interested in this question. It is, of course, ridiculous to suppose that pure brandy—that is, the article made from the juice of the grape—can be sold retail in this country—or in any country, in fact—at the price of 3s 6d a bottle, and there can be little doubt that it is because of the large quantities of spurious brandy placed upon the market that the demand for the genuine article has fallen off.

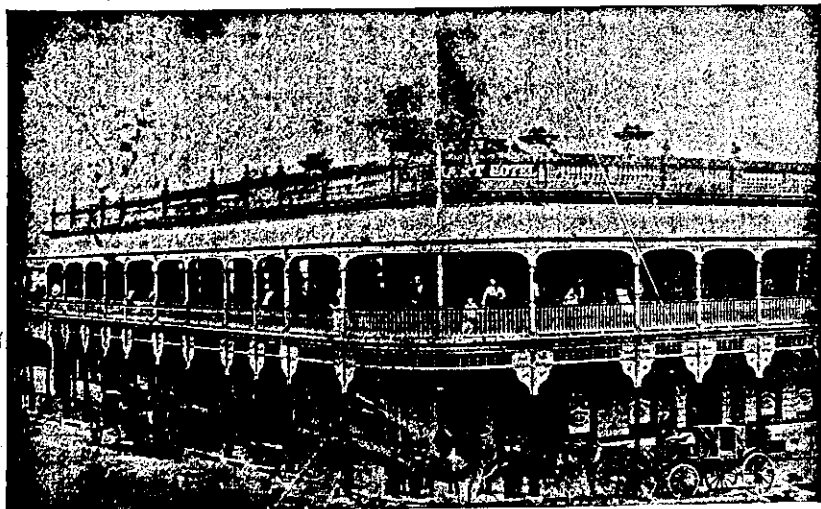


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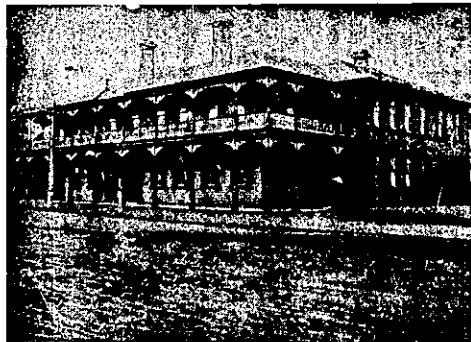
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