

THE LICENCED VICTUALLERS' GAZETTE

THE MODERATE CONSCIENCE

We have on more than one occasion directed attention to the fact that what may be called the secular (and the word has a deep meaning) press of the country is either hostile to or half-heartedly in favour of justice so far as the liquor trade is concerned. The daily press does not quite grasp the idea that the right of property in hotels and breweries ought to be held as sacredly as that in any other thing. In a general way people admit that when by the action of the public the value of a man's interest in anything is taken from him he should be compensated, but the looseness of the moral conceptions upon the point may be judged by the eagerness with which a plan of compensation such as that proposed by Mr Arthur Chamberlain has been acclaimed by those outside the Trade. Our readers may have assumed from the tone of several quotations in these columns that the "Wanganui Herald" is a journal which, if not well disposed towards brewers and publicans, stands up for the principles of fair dealing. We believe it to be well-meaning. The laxity in principle to which reference has been made may, indeed, not be apparent to those who conduct its pages. Like others of the same class they unconsciously differentiate trade interests from all others, and tacitly acquiesce in a policy which they would just as instinctively condemn if it were applied to any other business. We take the Wanganui paper simply as a sample, and because in its columns we find the latest utterances on a question which is fast forcing itself into public attention. The "Herald" says:—

"The question of compensation has always been a much debated one by the two parties chiefly interested in the liquor question. The Trade claim that where a license is refused compensation should be paid to the licensee, while the Prohibition party as strongly opposes anything of the sort, maintaining that the license is given at the will of the State from year to year, and carries with it no obligations. Many, however, who object to compensation being provided by the general taxpayer, see no reason why, in the event of the license being reduced, the existing licensees should not pay for the monopoly they possess by way of compensation to those who have lost their licenses. This view is evidently held by the Trade in some parts of England, for we notice an article in a recent issue of the 'National Review' that the Midland Brewers' Association has initiated a scheme of compensation in the way indicated."

And then the article proceeds to outline Mr Arthur Chamberlain's scheme, and to make some general reflections upon monopoly, the evils of intemperance, and the benefits that will accrue to the remaining publicans by the abolition of the licenses of others. We need not here pause to point out that in districts where prohibition is carried no member of the trade benefits at the expense of his brother. Our object is rather to point out that the doctrine which lies so easy on the consciences of those who are not directly interested in the matter one way or other—who are neither publicans nor prohibition fanatics—is utterly repudiated by the Trade. This we have shown over and over again, and the following remarks by the London correspondent of the Australian Trade journal emphasise the fact once more:—

From time to time I have endeavoured to explain what has been known as the Birmingham surrender scheme, under which, after threats from the Licensing Bench, the local brewers agreed to make large surrenders of licensed houses, almost pretending that the process pleased them. This was inaugurated six years ago, and each year since the appetite of the bench for surrenders, as was to be foreseen, has increased. The bench hitherto has been ruled by Mr Arthur Chamberlain, a brother of the Colonial Secretary, and two months ago, in demanding a surrender of 50 licenses this year, he threatened that if that number was not given the bench would be forced to take more. The bench would be forced to take more. The bench would be forced to take more.

trouble throughout the country, which has now become so acute, have at last recognised that they have to deal with a bitter enemy and autocrat, whose action has now become intolerable. In view of the public sympathy lately aroused for the trade in their demand for fair and common justice, the Birmingham brewers have admitted their error at last, and have determined no longer to submit to the demands of Mr Arthur Chamberlain. A short time ago a petition was sent to the Birmingham justices with a view to their adopting and sending it to the Home Secretary, in which the Government were asked to bring in a compensation bill. Mr Chamberlain, as chairman of the bench, acted in a very high-handed manner, and without duly consulting his colleagues, publicly stated that they would have nothing to do with it. This was not the fact, and his colleagues thereupon petitioned the Lord Mayor of the city to call a special meeting to consider the memorial on May 6th. In the meantime, Mr Arthur Chamberlain went from extreme to extreme. He entered into bitter discussions in the newspapers, then went to London to speak at a large teetotal gathering, at which he was surprised to find himself very much in advance of those who had spoken, and, lastly, he wrote his extreme views in an article in one of the monthly magazines. All this opened the eyes of his fellow-justices and the local brewers still further to his real aims and views. The Birmingham brewers on May 4th met, and formally withdrew from and threw over the so-called "voluntary" surrender scheme, at the same time deciding to do all they could to secure Parliamentary protection for their interests, thus coming once more into line with the trade as a whole after a six years' attempt to appease Mr Chamberlain. On May 6th the meeting of Magistrates took place at Birmingham, to which I have referred. Although hitherto his fellow-justices had so blindly followed Mr Chamberlain, it was clear they would no longer do so. After a great deal of discussion, it was decided by 32 votes to 23 to petition the Home Secretary in favour of compensation in spite of the fact that Mr Chamberlain moved an amendment, and fought the matter "for all he was worth." The result is a great victory for the trade and discomfort for Mr Chamberlain and all those who share his views.

This ought to demonstrate very clearly to the secular press that the scheme of Mr Chamberlain has not been "adopted" by those who feel its injustice most acutely, but simply "suffered" by them, because nothing better has been available. Their action serves, however, to show that the members of the Trade have a much deeper regard for the Golden Rule than their enemies.

Trade Topics

In sending in his resignation as a member of the Masterton A. and P. Association, Mr T. P. Girdwood wrote to the committee saying that while he was willing to help forward legitimate objects of the Society he could not assist in fostering the "drunkite" of the people. While the Association was endeavouring to improve even the swine, it seemed strange to him that they should encourage what had always been the greatest curse to the human race. If they would double the subscription and do away with the public booth he would become a life member. The letter, we are told, excited no comment. Just so. Contempt and disgust are usually expressed by silence.

Signor Bragato, the Government viticulture expert, goes to Napier this week for the purpose of choosing a site for a Government experimental vineyard. The probabilities are that the site selected will be either at the Havelock Hills, or, if unprocurable, on the Puketapu Hills, between Napier and Taradale. It is proposed to commence with not less than twenty acres, which will be planted with vines. Glass houses will be erected, and vines will be grown for distribution to those who wish to start vine-planting. Wine will also be manufactured on the farm, and every assistance given to the people in the district who desire to go in for viticulture.

The "Tapanui Courier" says:—"It is now apparent that the taint of sly-grog selling cases permeates the whole community, and that perjury is committed freely and without restraint."

During the hearing of some prohibition order cases at the S.M. Court, Palmerston North, counsel for the prosecution said the ease with which defendants invented plausible excuses was wonderful, and, moreover, they expected them to be believed. If the Court desired prohibition orders to become something more than waste-paper and the whole system a farce, it would assist by inflicting heavy penalties for offences in connection with the orders. He added, convictions were most difficult to obtain, and for that reason alone, when proof was adduced, the penalty should be heavy.

A meeting of barley-growers was held at Blenheim, on Saturday, under the auspices of the A. and P. Association to consider the interests of the barley-growing industry in connection with recent developments in licensing matters. About 50 growers were present. It was pointed out that more barley is raised in Marlborough, proportionately to area, than in any other part of the colony, last season's yield alone bringing in £45,800. It was proposed to join the licensed victuallers' deputation, which meets the Premier on Wednesday, but it was eventually decided to take separate action. After a vigorous discussion a deputation was appointed to wait on the Premier and to represent the extent to which the interests of barley-growers have been threatened by the recent no-license development; also to urge him to formulate such legislation as would remedy those abuses in the conduct of the liquor traffic that had turned the feeling of a large proportion of the people in the direction of no-license, although they were not in actual sympathy with prohibition.

In proposing the toast of "The Association of Chartered Clubs of New Zealand" at the annual "swarry" in connection with the Christchurch Working Men's Club, Mr W. Collins, a former M.H.R., made an appeal in support of such clubs. He said it was no exaggeration to say that at the present the very existence of working men's and kindred clubs was menaced. They had to decide what was to be done in the future to preserve those clubs, and the questioned opened up the whole subject of prohibition. The fact that working men's clubs had existed for many years, and now embraced many thousands in their membership, was proof that they filled a want, and had met certain requirements of a very large number of people. They had accumulated a considerable amount of property, and existed, not for the purposes of any private profit, but simply as social institutions for the recreation and benefit of their members. If they had a right to exist in the past they had a right to exist to-day, and no power of the people ought to have the right to extinguish them. There were other clubs, commonly called "gentlemen's clubs." He took it that they were all "gentlemen's clubs." Both classes of clubs had mutual interests, and he took it that in the future they would organise for mutual self-defence. If the privileges enjoyed by clubs were to be maintained such an organisation was absolutely necessary.

Mr J. Swift, the licensee of the Post Office Hotel, Neavesville, has sold his interest to Mr James Montgomery. The latter gentleman has purchased the freehold from the Campbell-Ehrenfried Co. The total amount paid to Mr Swift and the firm comes close up to £1700. Mr Montgomery evidently has faith in the place, as he means to make improvements in the hotel.

A case of vital importance to hotel-keepers has recently been decided in the Metropolitan Court, Melbourne, in which a travelling theatrical named Nott sued Mr D. McLurcan, proprietor of the Wentworth Hotel, Church Hill, for £20. It appears that in February last a fire broke out in the above hotel, and the plaintiff suffered damage by fire to his goods to the above extent. After a deal of argument by eminent counsel on both sides, a

verdict was given in favour of plaintiff, with costs amounting to over £100. The judge stated that the law presumed negligence on the part of an innkeeper when any loss occurred in respect of a guest's goods, and the only way in which he could rid of the liability was by proving that the loss was occasioned by the negligence of the guest, the act of God, or of the King's enemies. Defendant in this case could not rely on the protection of the Innkeepers' Liability Act, as he had not proved that the requisite notices had been put up in all the rooms of the hotel. The U.L.V.A. decided to appeal against the decision, as it was considered by the Hon. B. R. Wise, whose opinion was obtained by the association, that it was against law, and establishing a precedent in the State; but, unfortunately, the defendant died on the day Mr Wise's opinion was obtained, and the court refused leave of appeal on the grounds of Mr McLurcan's death. This case should prove a warning to hotel-keepers to have notices, as mentioned by the judge, placed in all rooms occupied by guests.

In the London "Express" appears a column of good stories and witty sayings of the late Max O'Rell. One of the stories runs:—Donald feels the approach of death. The minister of his village is at his bedside, preparing by pious exhortations for the great journey. "Have you anything on your mind, Donald? Is there any question you would like to ask me?" And the minister bent down to listen to the dying man's reply. "Na, meenister, I'm na afeard. I wad like to ken whether there'll be whisky in heaven?" Upon his spiritual counsellor remonstrating with him upon such a thought at such a moment, he hastened to add, with a knowing look: "Oh! it's no that I mind meenister; I only thought I'd like to see it on the table!"

COURT OF APPEAL DECISION.

At the Appeal Court, Wellington, on Monday, in the case of Norwood v. Stuart, which involved the right to sell liquor upon a river steamer going for a short excursion, the Court upheld the appeal, and ordered the case to be remitted to the magistrate, with the opinion of the Court that there should have been a conviction.

In the other packet license case, wherein the right to sell liquor on that part of the Wanganui River which is within the prohibited native district is sought to be upset, the Court was unanimous that such a license does not come within the meaning of the section of the Act prohibiting the sale. The rule nisi was discharged with costs.

THE SITUATION AT HOME.

The following is taken from the London organ of the Trade:—

"Lady Teazle, it will be remembered, was advised by Sir Joseph Surface to part with her virtue to preserve her reputation, and as things fell out she temporarily parted with her reputation whilst preserving her virtue. Mr Balfour to-day finds himself in a similar unenviable situation. According to the spokesman at the British Temperance League Conference, which has been in session at Birmingham this week, the Prime Minister's attitude towards licensing matters is 'unwarranted, one-sided, and against the whole trend of recent licensing legislation.' He was accused by one well-informed orator of 'sheer ignorance and willfulness'; another sucking Cicero pronounced his deliverance to be 'an outrage on the properties of his position'; while a third declared that he had 'incited the Trade to defy the law.' A Mr H. Clegg had the impertinence to assert that magistrates would not submit to Mr Balfour's dictation, the effects of which, he went on to say, would be to stiffen their backs and make them the more careful in granting licenses. Such irresponsible abuse and indiscreet threats are to be deplored, but decency of speech is scarcely to be expected of people who are employing their eloquence in defence of public injustice. But how, in the name of simple logic, has Mr Balfour earned this opprobrium? For, in truth, he has done