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theless afterward it produces the peace-bringing fruit of righteousness," the sense of a profound inward rest, found in conformity to the "sweet, beloved will of God," in living correspondence to the Father's rule, "for those who have been exercised, as in a spiritual *gymnastic* (*γυμνασμένους*), thereby." That "exercise" was to tell at once, as they surrendered their wills to it in faith, in the present sense of the certainty of future blessing. "Brace the slack hands" to toil, "and the unstrung knees" to march (ver. 12), "and make straight paths for your feet," using your will, faith-strengthened, to choose the line of the will of God, and that alone. So should "the lame thing" be "healed" rather than "turned aside." The walk, feeble and halting always when the will is divided, should be restored to firmness and certainty again.

"Nevertheless, afterward." That is the watchword of the whole pregnant passage. Nature, shortsighted and impatient, can deal with the seen and the present only. Grace, in its victorious form of patient faith, already takes hold upon the "afterward," and works on, and walks on, "as seeing Him that is invisible."

With the thought of the witness-cloud around us, and "looking off" to the Prince of Faith, ascended, yet present with us, and sure of the ultimate and eternal "fruit of righteousness" which lies hidden in the chastening of the Father of our spirits—we too will live by faith, taking God at His word, and saying Amen to His will, even to the end.



The Licensing Bill.

BY THE REV. CANON FORD, B.A.

EVEN a cursory examination of this measure, which has aroused such intense popular interest, will convince the unprejudiced that it contains large possibilities of real reform. Among its proposals are the systematic reduction of the number of licences, local option with regard to the granting of new

licences, the exclusion of children from the bar of licensed premises, reduction of the hours of sale on Sunday, the prohibition of hawking strong drink, the doubling of the *bona-fide* traveller's journey, and the further regulation of clubs ; whilst a wide discretion is given to the licensing justices to attach conditions to the renewal of licences with regard to such important matters as the employment of women and children in licensed premises, larger or even total Sunday closing, closing on election days, the long pull, and the further restricting of the *bona-fide* traveller. But there are two serious omissions in the Bill, and also one defect of so vital a character that it threatens to imperil the whole measure if the Government insist on retaining it. This defect, it need hardly be said, is the time-limit proposal and the provisions as to graduated compensation which depend upon it.

Relying upon the permanence of the licensed trade as a whole, through the annual renewal of licences in general, the various brewery companies, representing a multitude of private investors, have spent vast sums of money in acquiring licensed businesses. It is contended by the advocates of the time limit that in so doing they have recklessly risked their capital, and deserve no more consideration than the Bill allows them ; some, indeed, declaring that they ought not to have so much. On the other hand, a great body of opinion is making itself heard to the effect that the treatment with which the Bill threatens the licensed trade is essentially unjust and wrong. On both sides are men of unquestioned ability and integrity, of various religious denominations and of all political parties.

Now, the decision of this question is not a matter of sentiment. We may all be most deeply impressed with the magnitude of the evils associated with the drink traffic, and the urgent need for reform ; but when, in legislating with a view to such reform, we have to deal with the interests of the people who have lawfully invested their money in the trade, we need to clear our minds of prejudice, and calmly consider what is the legal position of these people and what are their legal rights. Let

us then examine the reasons commonly alleged in justification of the time limit. They may be summed up as follows :

1. That, apart from the Act of 1904, every licence is for one year only, and the expectation of renewal, on which the trade has so confidently built, is not a right to renewal, and constitutes no vested interest or property in the licence.

2. That the Act of 1904 itself testifies to the fact that there is no property in any licence ; for if there were, it must have enacted that the State should compensate the owners of licences that are not renewed ; whereas it enacts that the compensation is to be paid by the trade.

3. That so much has been said, and for so long a time, on the subject of a time limit and drastic reform in other directions, that licence-holders are alone to blame if they have not taken warning and made provision accordingly.

4. That as the Legislature have the undoubted right to establish free trade in drink, and so to destroy the monopoly value of existing licences, it cannot be unjust for them to terminate that monopoly value by the process of the time limit.

Taking these arguments in the reverse order, we may say of the last—(1) That investors have a right to reckon upon a moderate amount of sanity in the Legislature in estimating the security of any particular undertaking ; and that, having regard to the nation's previous experience of the unrestricted sale of strong drink, such a provision in these days would be an act of criminal lunacy. (2) That it is one thing for the State to extinguish the monopoly value of a licence by throwing open the trade to everybody ; but it is quite another thing for the State *to appropriate to itself* the valuable asset represented by the monopoly value. The right to inflict the former hardship by no means implies the right to commit the latter act of dishonesty. (3) That free trade in drink would probably not inflict serious loss upon licence-holders, such as is contemplated by the time limit, because the existing licence-holders are practically brewery shareholders, and the enormous increase in the output of beer, and the consequent wholesale profits, would probably balance

the loss of the monopoly in the retail trade. It is the nation that would suffer, not the brewery shareholders.

With regard to the third argument, it is surely sufficient to say that in a matter of legal right the mere fact that a great deal of talk has taken place on a given subject is of no account whatever. In a civilized country with a stable form of government the law does not betray the law-abiding. Socialistic opinions have found abundant expression in this country for many years past ; yet who is there who feels on that account that he is behaving recklessly if he buys municipal stock or railway shares or land ?

Concerning the second reason in support of the time limit, based on the compensation clauses of the Act of 1904, an argument suggested by Mr. Charles Roberts, M.P., in his book "Time Limit and Local Option," and repeated by Mr. Asquith in his speech on the introduction of the Bill, it is truly astonishing that the fallacy lurking in this argument can have escaped the notice of those who have used it. The licences with which the Act of 1904 (Clauses 1 to 3) is concerned are admittedly superfluous licences—such licences as the justices have always had the right to refuse, and have habitually refused since the judgment in *Sharpe v. Wakefield* made that right clear, without any compensation from any source whatsoever. The Act simply made the reasonable provision that where there were too many licensed houses in a given district, all of which were equally worthy, and some were closed in order to reduce the number, then those that remained and thus increased their profits should compensate those that were closed. But to argue from this, with Mr. Asquith, that no property exists in a licence which, after the full reduction has taken place, is no longer superfluous, and which the justices, under the law as it was before 1904, would have no legal power to refuse, is most fallacious. The two cases are in no way akin the one to the other. Treatment which is legal and right with regard to a licence that is superfluous, and which, therefore, the justices have power to refuse, is not necessarily legal and right with regard to another licence concerning which

the very opposite is true. One might just as well argue that, if it is right for a mother to refuse her child laudanum because it is poisonous, it must therefore be right for her to refuse it milk, although it is not poisonous ! Let us grant that there is no right to compensation from the State in the case of a licence suppressed because it is superfluous. It does not follow that the State ought not to compensate in respect of a licence which is not superfluous. But the licences which the Bill will extinguish, at the end of the time limit, are licences which then will not be superfluous.

We are thus led to consider the first of the reasons that have been mentioned, and that which is most commonly heard—viz., that every licence is granted for one year only, that there is no legal right to renewal in the case of any, and that there is consequently no vested interest or property in a licence, but at best only an expectation of renewal with regard to it. As a matter of law and of fact is this true ? On the assumption that it is true the whole case for the time limit is founded ; and the time limit must therefore fall to the ground if this is not so. Now, if we wish to discover the meaning and scope of a particular law, there are two lines of inquiry open to us. We may consider the regular custom and practice in the administration of that law, and we may also consider the judicial interpretation or explanation of the law by the highest and most competent legal authority that has made a pronouncement with regard to it. If both these lines of inquiry bring us to the same conclusion, we may with some confidence accept that conclusion as correct. Let us therefore apply this mode of investigation to the law bearing on the renewal of licences. The universal rule and practice of the justices has been to renew licences against which no reasonable objection is known, and which are not in excess of the needs of the district. And when we turn to the interpretation of the law, we find it set forth in the clearest and most emphatic terms by the judges in the highest court of the realm in the case of *Sharpe v. Wakefield*. There it is reiterated in a variety of forms that the Legislature distinctly contemplated the annual

renewal of licences in general, as a rule, as a practice ; that the discretion entrusted to the justices, although absolute, was not an arbitrary discretion to be exercised capriciously ; that they had no authority practically to repeal the law permitting the sale of strong drink by refusing the renewal of a licence without good and sufficient reasons for doing so.

In the light of this, let us suppose that at the end of the time limit, when all superfluous houses are closed, the owners of the surviving licences apply for renewal *on the basis of the law even as it was prior to 1904*, the law in reliance on which their capital was invested. Under that law they have a legal right to a decision, for non-renewal or for renewal, from the licensing justices. But on what grounds can the justices refuse renewal? The premises, let us suppose, are suitable in every way ; the licences are not in excess of the legitimate needs of the district ; no other reasonable objection can be raised against them. The justices cannot act arbitrarily. They cannot refuse renewal when no reason exists on which they can honestly base their refusal. They are legally bound, therefore, to renew the licences. In other words, the licence-holders under such circumstances have a legal right to a decision renewing their licences. It is not a case of mere expectation. Expectation exists when there are too many licences, and some must be extinguished, but no one knows for certain which are to go. But when none are any longer superfluous, and no other just cause for refusal exists, expectation becomes certainty ; a legal right to renewal arises. If, therefore, fresh legislation is enacted with a view to extinguishing this legal right which has arisen under the former law, then the State, as a matter of justice, is bound to compensate the sufferers. Anything short of this would be treachery towards law-abiding people who had invested their means in a lawful business, relying upon the faithfulness of the law and the honesty of the nation.

It is said that the nation ought never to have parted with so valuable an asset as is represented by the monopoly value of licences. This may very well be. But a nation or an individual

that has parted with a valuable property, however unwisely, can regain that property in three ways only—by begging for it, or buying it back, or stealing it. Which of these methods does the Licensing Bill propose?

A time limit is not necessary for any single one of the genuine temperance reforms which the Bill seeks to effect. It will only clear the ground for the introduction of local option if the Legislature, at the end of the fourteen years, desire to try that experiment. One result, and one only, flows certainly from the time limit. The State will “recover” the monopoly value of licences at the expense of the present lawful owners. However valuable this asset may be, it is not worth obtaining at such a sacrifice of justice and honour. Wealth so won must ultimately cost the nation far more than it brings.

We turn next to consider the two omissions which need to be rectified if the Bill is to be really strong and effective as a means of promoting sobriety.

1. No provision is made for reducing the hours of sale in licensed premises or clubs. Those persons who are practically acquainted with the inside of public-houses, and with the habits of life of the poor, keenly realize that it is the lateness of the hour at which drink may be had in the evening, and especially on Saturdays, that causes so much drunkenness, and makes any real home life so difficult. The wages are in the husband's pocket in the public-house on the Saturday night; and even if the wife is not with him there, she cannot go out to do the necessary shopping for the Sunday. This must be done after eleven o'clock, and the unhappy local tradesman is compelled to keep open his shop till midnight, or even later. Often it is not done until the Sunday morning. This is the point where a true time limit is really needed—*i.e.*, a limit of the time now available for drinking at night. Among the conditions enumerated in Clause 20, which the justices may require on renewing a licence, this extremely important matter may surely be included, even if it is not possible to devote a general clause to it, leaving power to the justices to deal with exceptional cases.

2. The other serious omission in the Bill consists in the fact that it does nothing worth mentioning to check the indefinite multiplication of clubs. Provision is indeed made for objection to the registration of a club on the ground that it has been, or is likely to be, mainly a drinking club; but how is so vague an allegation to be substantiated? Whose business will it be to raise these objections? What is needed is that clubs in which strong drink is sold shall be licensed at the discretion of the justices, just like all other drink-shops, and a reasonable licensing fee be required, regard being had to the fact that a club is only a private establishment with a limited number of customers. It would then lie with the applicants to show to the satisfaction of the justices that there was a real need for their club, and that it was not going to be mainly a drinking club—a very difficult task, it is to be feared, in many cases; whilst the necessity of raising a fairly substantial licence fee in advance would also check the formation of bogus clubs.

The opposition to the Bill is steadily increasing, and it is not the organizations of the licensed trade alone that are protesting against it. There is most serious risk that the Bill will be thrown out if the time limit is not abandoned. What, then, ought our attitude to be with regard to it? We need at this moment a strong and trusted man to come forward as the leader of a party of compromise, whose aim shall be to obtain for the nation the reforms which the Bill embodies, together with those which it ought to include, and who shall be willing to surrender the time-limit clause, and all that goes with it, for the sake of securing the rest. Such a policy would not be inconsistent even if a man believed the time limit to be just. If the House of Lords can furnish us with such a leader, he will assuredly not lack followers. The line of action to be pursued would then be to give the Bill a second reading in the House of Lords, amend it by omitting the time limit and by adding the provisions that are now lacking, and then trust to the common sense of the Government to accept the amendments and to confer upon the nation the blessing of a real and permanent reform.