3.—*The Social Legislation of* 1904.

Registration of Clubs (Ireland); Licensing (England): Applicability of it to Ireland.

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[Read 17th February, 1905.]

The public general Statutes passed in the Session of 1904, are only thirty-six in number, and are contained in one hundred and three pages of print. Amongst these are four measures of considerable importance in social legislation, which it may be profitable to examine and discuss.*

The Registration of Clubs (Ireland) Act, 1904 (4 *E.* 7; *c.* 9).

The first legislation on this subject is contained in the English Licensing Act, 1902, Part III, which was passed to carry out the recommendations of the Royal Commission of 1896, with which I dealt in two papers read before this Society in 1902, and 1903, which will be found in the Society's Journal, Vol. XI., pp. 106 and 185.

The Act was followed by a more stringent measure for Scotland, contained in Part V. of the Licensing (Scotland) Act, 1903 (3 E. 7; c. 25), an Act which possesses the great advantage of being a consolidation with amendments of the laws relating to Licensing in Scotland, a mode of dealing with the subject by the legislature which might well be followed some day, both in England and in this country. The Irish Act of 1904 is almost an exact copy of the Part V. of the Scotch Act of 1903, with the exception that the Court to grant or renew a certificate of registration of a club in Scotland is the Sheriff, whose decision is final, in Ireland it is two justices at Petty Sessions, or in Dublin a police magistrate, subject to appeal as provided by the Summary Jurisdiction Acts. The main difference between the English and Irish measure is that while any club in which any intoxicating liquor is supplied to members or their guests must be registered, in England a club can be registered without any order of a Court in a form prescribed by the Secretary of State, (see for Form of Register, Statutory Rules and Orders, 1902, p. 32), whereas in Ireland an application to

* Registration of Clubs (Ir.); Licensing (Eng.); Prevention of Cruelty to Children (U.K.); Shop Hours Act (U.K.)

register must be made to the Court in manner prescribed by the Act. The preliminaries necessary to registration are probably familiar to members of existing clubs, which have held meetings to alter their rules so as to conform with section 4 of the Act, and make the club eligible for registration, but I may be permitted to refer briefly to the provisions of the Act, indicating any important difference from the English measure.

The object of requiring clubs where drink was supplied to members to be registered was to put down bogus clubs, that is to say, clubs started for the purpose of evading the licensing laws, and supplying drink to members, as to which the Royal Commission recommended; (1) that all clubs in which intoxicants were supplied should be registered; (2) that the onus of proving *bona-fides* should be placed on the club applying for registration; (3) that no club should be registered unless the club property was vested in all the members or in trustees, and unless no individual member was interested directly in the sale of exciseable liquor on the club premises; (4) that the registering authority, should examine the rules, and satisfy itself that the club was not formed solely for the purpose of the sale and consumption of intoxicating liquors, and that some check was placed on the election of members, the privilege of honorary membership, and on the introduction of friends by members; (5) that the sale of intoxicating liquor for consumption off the premises should be strictly prohibited, and (6) that no person under eighteen years of age should be admitted as a member of a club in which intoxicants were sold.

The evidence as to the number of clubs in which intoxicants were sold in the year 1896 shows that there were comparatively few in Ireland; out of a total of 3990 in the United Kingdom there were only 178 in Ireland, and 51 of them in Dublin, and 161 out of the 178 were open on Sunday. During the period 1886-1896 352 clubs were closed owing directly or indirectly to the action of the police or of the excise, 34 of these were in Dublin, and, although out of the 51 in Dublin 26 were new clubs, the total number had actually decreased. The assistant commissioner of police stated that 10 out of the 51 were irregular drinking clubs. Drinking clubs also existed in Cork and Waterford, but it was the opinion of some of the witnesses that the club movement had not got much root in Ireland.*

There is no definition of a club in the Irish Act, but it is plain that the Act applies (to quote the words of Sec 24 of the English Act) to "every club which occupies premises which are habitually used for the purposes of a club, in

* Royal Commission Report, p. 260.

which any intoxicating" (the word in the Irish Act is "exciseable") "liquor is supplied to members or their guests"; the only penalty provided by the Act (Sec. 7) in the case of an unregistered club being in the event of any exciseable liquor being sold or supplied to a member or other person on the premises (sub-sec. 1), or kept for supply or sale on the premises (sub-sec. 2). Assuming that the rules of the club contain the provisions mentioned in Sec. 4, which I need not set forth here, the secretary must lodge with the Clerk of Petty Sessions district where the club is situate (or if in the Dublin Metropolitan Police district with the principal clerk of the Police Court), an application signed by the chairman or secretary, stating the name and object of the club, and must publish the nature of application once in a local newspaper. He must lodge two copies of the rules, a list with the names and addresses of officers and members, and a certificate signed by two justices (and also by the owner of the club, if the premises are not owned by the club), that to the best of their knowledge and belief, the club has been and is to be conducted as a *bona-fide* club, and not mainly for the supply of exciseable liquor. A fee of five shillings is payable on application. The next step is that the registrar (as the clerk, with whom the application is lodged, is called) gives notice of the application to the police (the superintendent of police in the Dublin Metropolitan Police District, if elsewhere to the district inspector). The police, or any person resident in the parish where the club is situate, may object to the grant of a certificate of registration on any of the grounds specified in Section 5, and no others. These grounds are twelve in number—I read them from the section. They are in the main the same grounds as those specified in Sec. 28 of the English Act as grounds on any of which the Court may strike a club off the register; ground (*f*) in section 5 is wider than ground (*c*) in section 28, and ground (*g*) in section 28 has no corresponding ground in section 5, as this by sec. 4 (*c*) has to be provided for in the club rules. Objections must be lodged with the registrar within ten days of the receipt or publication of the notice of application, and a copy of the objection must be sent to the secretary of the club. If there are no objections lodged, the Court is to grant the application if satisfied that the application has been duly made, and that the rules comply with the Act. If objections are lodged, the Court hears the parties on the application and objections, orders an inquiry if necessary, and grants or refuses the application. The particulars of the club required by Sec. 1 are then entered in the register directed to be kept, and a certificate of registration is issued to the applicant which remains in force for twelve months, after which a renewal must be obtained

in the same way. Power is given (Sec. 6) to grant a search warrant to a constable to enter a club. Sections 7 & 8 provide for penalties for supplying and keeping exciseable liquor in an unregistered club, and for supplying exciseable liquor for consumption outside a registered club. Section 9 empowers the Court, on summary complaint by any person competent to lodge objections to a grant and renewal of a certificate of registration, to cancel the certificate. This section is analogous to Sec. 28 of the English Act (power to strike off register.) If an order is made under this section that a club is so carried on as to constitute a ground of objection to the renewal of its certificate, viz.:—(1) if it is not conducted in good faith as a club, or is kept for any unlawful purpose, or mainly for the supply of exciseable liquor; or (2) if there is frequent drunkenness on the premises, or persons in a state of intoxication are frequently seen to leave the premises, or the club is conducted in a disorderly manner; or (3) if persons who are not members are habitually admitted to the club mainly for the purpose of obtaining exciseable liquor, any person entered in the register as an official or a member of the committee of management or governing body is liable to a penalty, unless he satisfies the Court that the club was so managed or carried on without his knowledge or against his consent (Section 10.)

Section 12 makes liable to fine or imprisonment or both any person knowingly lodging with the registrar an application for registration false in a material particular. The Act came into force on January 1st, 1905. Several applications have been lodged in Dublin and elsewhere. In the Dublin Metropolitan Police District two magistrates sat together on January 17th and subsequent days to hear applications. Up to January 31st, 14 were granted, 12 adjourned, and 4 refused, 2 on the ground that the club was mainly for the purpose of drinking. Other cases stood over for want of appearance. It remains to be seen what effect on intemperance will be produced by this legislative restraint on the existence of clubs.

The Licensing Act, 1904, (*England*).

ALTHOUGH this Act applies to England only, it is desirable to consider its provisions, to see whether it is expedient that they should be applied to Ireland. The object of the Act is to carry out the recommendations of the Majority Report of the Royal Commission as to reduction of licenses and compensation, to which I referred in the paper read in 1903 above mentioned. The legislature adopted the view that no substantial reduction of licenses could be effected without some scheme of compensation. Before referring

in detail to the Act I may quote the following summary of it from an English Law periodical.*

"The policy of the Act is to make the owners of houses subject to 'existing licences' themselves pay the compensation due to the owners of any house which is closed on public grounds. A fund is to be formed by imposing an annual charge in respect of all existing licences. The rates are to be fixed by Quarter Sessions, and are to be graduated according to the annual value of the premises. They are not to exceed the maximum charges set out in a schedule to the Act. For example, these charges are £1 when the value is less than £15 a year, £10 when the value is from £40 to £50 a year, &c., the highest maximum being £100 in cases where the annual value is over £900. These charges are to be paid together with the charges on the Excise licence, but a tenant may deduct the whole or part of the charge he pays from his rent. If his unexpired term does not exceed a year, he may deduct the whole charge. But if he has a lease for more than a year unexpired, the part of the charge he may deduct varies inversely with the number of years his lease has to run, according to a scale in a schedule. For example, if there are five years unexpired, he may deduct 70 per cent; if there are ten years unexpired, he may deduct 45 per cent; if twenty, 15 per cent. The licence holder is precluded from contracting himself out of this right to deduct the charge from his rent. The compensation fund will obviously be of somewhat slow growth, but it will not be necessary to wait till the fund is large enough before houses can be closed, for power is given to Quarter Sessions, with the consent of the Secretary of State, to borrow money for the payment of compensation upon the security of the fund."

The material provisions of the Act are as follows:— The absolute discretion of the justices of the licensing district to refuse to renew an existing licence is taken away, and their power to refuse a renewal of such a licence is only to be exercised on one of the following grounds; viz., that the premises have been ill conducted, and are structurally deficient, or structurally unsuitable, or that the proposed holder of the licence is of bad character or unfit, or that the renewal would be void, and the power to refuse it on any other ground is transferred to Quarter Sessions, and is only to be exercised on a reference from the district justices and on payment of compensation in accordance with the Act. (S. 1. (1)).

The way in which this reference takes place is as follows:— If the justices on considering applications for renewals are

* Solicitor's Journal, 1904, p. 51.

of opinion that the question of the renewal of any particular existing on licence requires consideration on other grounds than those above specified on which the justices can still refuse to renew (*e.g.* on the ground that there are too many licences already existing) the justices are to refer the matter with their report to Quarter Sessions. The Quarter Sessions are then to consider the report, and are empowered to refuse the renewal subject to payment of compensation, after giving the parties interested an opportunity of being heard (S. 1. (2)). The next provision is as to the amount of compensation to be paid if a renewal is refused by Quarter Sessions, and how it is to be arrived at (S. 2). The persons interested in the licensed premises are to be paid a sum equal to the difference between the value of the licensed premises and the value which the premises would bear if they were not licensed premises, and the value of the licensed premises is to be calculated as if the license were subject to the same conditions of renewal as were applicable immediately before the passing of the Act, and including in that value the amount of any depreciation of trade fixtures arising by reason of the refusal to renew the licence. The amount to be so paid may be arrived at by agreement between the persons appearing to Quarter Sessions to be interested in the licensed premises (*e.g.*, owners, occupiers, mortgagee etc.), provided Quarter Sessions approve of the amount so agreed; in default of such agreement and approval the amount is to be determined by the Commissioners of Inland Revenue in the same way as on the valuation of an estate for the purpose of Estate Duty (*i.e.*, by ascertaining what the premises would fetch as licensed premises and what as unlicensed, and taking the difference between them). When the amount is ascertained by either method, Quarter Sessions is to determine the shares into which it is to be divided between the parties interested, and may refer any question that arises to the County Court. An appeal is given to the High Court for the decision of the Commissioners, but the costs of the Commissioners on appeal are to be paid out of the compensation money, unless the High Court order these costs to be paid by some party to the appeal other than the Commissioners. This provision will probably discourage appeals.

In ascertaining the amount to be paid to the holder of the licence, if he is a tenant, he is to receive not less than he would be entitled to as a yearly tenant, even though he may be a tenant for a less period, *e.g.*, by the month or by the quarter. Regard is to be had not only to his legal interest in the premises and trade fixtures, but also to his conduct and to the length of time he has held the licence. This seems to show that a licence holder who is only a manager,

not a tenant, may be entitled to a share of the compensation money.

Stopping here, there would be no difficulty in applying the Act to Ireland. The Quarter Sessions should however be made, as recommended by the Royal Commission, the authority to renew as well as to grant and transfer licences. The recommendation was that the licensing authority in counties should be the County Court Judge together with the stipendary magistrates and two justices resident within each Quarter Sessional division, and that in the boroughs where the Recorder was the sole licensing authority he should either continue as such, or that divisional justices or stipendiary magistrates should be associated with him. Power should then be given to Quarter Sessions so constituted, on considering the applications for renewal, to refuse the renewal of any licence, subject to compensation, on any grounds other than those on which renewals can at present be refused, viz.: the bad character of the applicant, and ill conduct of the house. The power to refuse renewals on either of these grounds would of course remain. An analogous limitation on the power to refuse renewals exists in England in the case of what are called the ante 1869 beer-houses, or beer-houses subject to the Wine and Beer-house Act, 1869* which can only be refused a renewal on four grounds, viz: want of good character, ill-conducted premises, forfeiture of a licence by misconduct, and disqualification of applicant. The Act of 1904 (Sec. 9. (3)) preserves this privilege, substituting in the case of such houses these four grounds for the wider grounds mentioned in section 1 of the Act, on which the justices can refuse renewals without compensation. Section 2. (Payment of compensation on non-renewal of licence) could be adopted without alteration. There would be less difficulty in Ireland in dividing the amount of compensation, for as a rule there are less persons interested in licensed premises than in England, tied houses being the exception in Ireland. But when we come to the financial provisions of the Act for raising a compensation fund which have been summarized above, serious difficulties would arise in applying them to Ireland at present, having regard to the different way in which licensed premises have till recently been valued in England and Ireland, of which more presently. Quarter Sessions are bound in each year (unless they certify to the Secretary of State that it is unnecessary to do so in any year) to impose a charge at rates not exceeding a certain scale in respect of all existing licences renewed in respect of premises within their area. The scale of maximum charges is set out in the schedule to

* 32 & 33 Vict. c. 27.

the Act. It is to be proportionate to the annual value of the premises to be taken as for the purpose of the publicans' licence duty. As already stated, the maximum rate of charge varies from £1 to £100, according to the annual value as given in the schedule. It starts with premises under £15 and goes up to £900 and over. If under £15 the maximum is £1, if £900 and over £100. The publicans' licence duty is imposed by 6 Geo. IV., c. 81., as amended by the Inland Revenue Act, 1880 (43 & 44 Vict. c. 20) Sec. 43, and depends on the annual value as ascertained by the Inland Revenue of the dwelling house in which the retailer of spirits resides or retails spirits, together with the offices, courts, yards and gardens therewith occupied. If varies from £6 if the value is £10 and under £15, to £60, if the value is £700 or over. An exception is made in the case of a *bona fide* hotel valued at £50 or more, in which case the duty is not to exceed £20. In the case of such an hotel the schedule to the Act of 1904 provides that the rate of charge that can be imposed by Quarter Sessions is to be one-third of that charged in other cases; so also in the case of railway refreshment rooms, *bona fide* restaurants, etc., to which the holding of a licence is merely auxiliary, such rate not less than one-third of that charged in other cases, as the justices think proper.

The Inland Revenue Act of 1880 provides that in Ireland the valuation under 15 & 16 Vict. c. 63 (Griffith's valuation) with an addition of *one-fifth*, is to be taken as the criterion of value, unless satisfactory evidence is produced that the true annual value is actually less, and the licensed person is given a power of appeal to the County Court Judge against the amount of annual value upon which the duty has been charged and paid. I refer to this provision later on.

The annual charges so imposed by the Act of 1904 are to be collected by the Inland Revenue as part of the duties on the corresponding excise licences, but a separate account of the amount produced by those charges in the Quarter Sessions area is to be kept, and that amount paid over to that Quarter Sessions in accordance with Treasury rules. Any sums so paid, or received by Quarter Sessions from any other source for the payment of compensation under the Act, are to be paid to a separate account, and to constitute the compensation fund.

Power to borrow on the security of the compensation fund with the consent of a Secretary of State is given to Quarter Sessions, for the purpose of paying any compensation payable under the Act. Expenses incurred by Quarter Sessions under the Act are to be paid out of the compensation fund. As already stated, a tenant paying a charge can deduct a proportionate part from his rent, notwithstanding

any agreement to the contrary. This proportion is regulated by a scale given in the schedule to the Act, under which the amount deductible varies inversely with the length of the unexpired term for which the tenant holds, the shorter the term the greater being the amount of the deduction. Thus a person whose unexpired term does not exceed 1 year may deduct a sum equal to 100 per cent. of the charges ; 10 years, 45 per cent ; 20 years, 15 per cent, and so on, 25 years but not exceeding 60 years, 1 per cent., but the amount deducted is in no case to exceed half the rent.

The creation of a special fund in this way would not have been necessary, if the licence duties could have been used for the purpose. In England and Scotland these duties go to the Local Taxation Accounts in relief of certain local burdens. In Ireland they are paid into the Exchequer, and an amount equivalent is paid out of the Exchequer to the Local Taxation Account at the Bank of Ireland pursuant to S. 58 of the Local Government Act of 1898, and applied as thereby directed, viz., towards the expenses of medical officers, nurses, schoolmasters, and other officials connected with workhouses, maintenance of paupers, lunatics, etc. The duties raised from publicans' licences in Ireland in the year ending March 31st, 1901, amounted to to £138,975 in Ireland, £132,132 in Scotland, and £1,392,748 in England. In the year ending March 31st,1904,the figures were: Ireland,140,956 ; Scotland, 134,347 ; England, 1,456,893, an increase all round. The number of publicans' licences from which this revenue was derived was in 1901, 17,695, and in 1904, 17,663.* Some members of the Royal Commission were of opinion that the beer and spirit duties should be resorted to as a compensation fund and placed reliance on the fact that when Mr. Goschen in 1890 imposed additional duties on beer and spirits he estimated that these additional dulies would bring in £1,304,000, and of this amount he proposed to allocate £440,000 annually as compensation for the reduction of licences. This proposal was given up, but the additional duties were retained and are still charged, the money being used principally now for technical education, instead of being used for the original purpose, viz., for paying compensation for licences which might be withheld in the interests of the public.

The Act came into operation on January 1st, 1905, having become law on August 15th, 1904. Rules were made on December 20th, 1904, by the Home Secretary in pursuance of Sec. 6 of the Act, dealing with the procedure to be adopted by the compensation authority, ascertainment and payment of compensation, provisional renewal and transfer of licences,

* See House of Commons Papers, 1903, No. 408.

compensation fund, borrowing by the compensation authority, and other matters. The rate of charge to be imposed by the compensation authority in each year under Section 3 will depend on the extent to which the licensing authority exercise their powers of refusing renewals, and on the amount required to pay compensation in the case of such refusals They will have before them the annual value as ascertained for excise purposes of each of the remaining public houses in their district, and can then calculate how much they will require get in each year by this charge.

Meetings of the licensing authorities have been held in various districts in England. At the County of London Sessions a report was received from a committee appointed to consider the Licensing Act, 1904; and upon their recommendation it was decided to delegate the powers of the Court under the Act, with the exception of the powers to impose charges on licensed premises, to borrow money, to divide the County into districts, and to make rules, to a County Licensing Committee consisting of 32 members—namely, the chairman and deputy chairman of the Court, and two members from each of the Petty Sessional divisions of the County.

It was also resolved that, for the first year, the charges imposed upon licensed premises be the *maximum* graduated charges allowed by the Act. which, according to a return recently made to the house of Commons, it is estimated will produce in London about £250,000 a year.

In considering the application of the Act to Ireland, two things must be borne in mind. 1st, that owing to the qualified right to insist on a renewal or transfer a public house in Ireland, is, (other things being equal) more valuable than a public house in England, where no such right existed at the time of the passing of the English Act of 1904, and 2nd, that the value placed upon a public house for poor law or local taxation purposes is less in Ireland than in England, owing to the different method of valuation adopted, the value of the licence being taken into account in England, but not in Ireland as a rule till lately; the result is that the Irish publican is unduly favoured, as, though his licence is, other things being equal, more valuable, he contributes less to local taxation than his English brother. It is true that the annual value for excise purposes placed upon public houses by the Inland Revenue is irrespective of rateable value, or poor law valuation, as it is commonly termed, it being the full annual value of the premises as in the case of inhabited house duty in England, but in Ireland a restriction is placed upon the powers of the Commissioners of Inland Revenue by the Section of the Act of 1880 to which I have referred, viz., that the value placed by them on licensed premises cannot be more than 20 per cent above the poor law valuation. The

mode in which the poor law valuation is arrived at in Ireland is therefore material.

The question has come up in a concrete form lately in Belfast, where a revaluation of the borough directed pursuant to S. 65 of the Local Government (Ireland) Act, 1898, is in progress. The English method of valuing public houses was adopted there by the Commissioner of Valuation, but objection was taken to that course, which resulted in a case being stated for the opinion of the High Court.

I refer to *Armstrong v. Commissioner of Valuation.* The facts of the case were shortly as follows :—Armstrong had a public-house in Shankill Road, Belfast, held subject to a fee farm rent of £22, for which he paid £3,560 in 1899, and on which he had since expended £1,100. These premises were valued at £115. On the revaluation taking place this figure was raised to £185, the value of the licence being taken into account, but it was reduced to £170 by the Commissioner of Valuation. This assessment was confirmed by the Recorder of Belfast on appeal, in May, 1904, who found that the value of the premises as if unlicensed was £115, and that the additional value by reason of their being licensed was £55, or £170 in all. On a case stated for the King's Bench Division, the decision of the Recorder was affirmed in December, 1904, and the English principle of valuation held applicable to Ireland by Lord O'Brien and Mr. Justice Gibson, Mr. Justice Madden dissenting. One of the arguments for the appellant there was based on S. 43 of the Act of 1880 to which I have referred, that it was a declaration that under the Valuation Acts a public house should only be, and then was, properly valued as a mere building, without regard to the licence. But it was held that the Act of 1880 was an Excise and not a Valuation Act, and that Sec. 43 was merely a restriction on the power of the Inland Revenue to assess the premises at the full value, and that it could not be inferred from that section that it was intended that a public-house should be valued as a building only, An appeal has been taken to the Court of Appeal, and argued, but judgment has been reserved.* Assuming, as is probable, that the decision will be affirmed, the principle of valuing public-houses under the Valuation Acts will be uniform in England and Ireland, and the revaluation of public houses in Belfast made on this principle will be sanctioned, with the result that the poor law valuation of public-houses there will be considerably increased, and a larger revenue derived from them for local taxation purposes. In a paper laid before the Select Committee of the House of Commons on the Irish Valuation Acts by Sir John Barton,

* The Court of Appeal affirmed the decision, February 28, 1905.

the Commissioner of Valuation in 1903 (Report 337, App. No. 2, p. 52). the total rateable valuation of the licensed houses in Belfast, in which appeals had been presented, was £63,303. The proportion of this amount representing the value of the licences was £16,553. That is to say, the value of the premises as if unlicensed was £46,750, but as licensed £63,303. I am not aware what value was put on Armstrong's premises for excise purposes, but it could not have been more than 20 per cent. on £115, or £138. The poor law valuation having been raised to £170, it is obvious that the value for Excise purposes can be increased also. The same can be done in the other cases. When the revaluation of the public-houses of Belfast for poor law, and for excise purposes has been finally made, then, and not till then, will it be practicable to put in force in Belfast with effect the compensation provisions of the Act of 1904, if Parliament thinks fit to extend those provisions to Ireland. Belfast is the only borough in which a revaluation has been ordered under the Local Government Act, 1898, Section 65, but a revaluation can be ordered for the other county boroughs mentioned in the section, on the application of the borough Council.

The Dublin Corporation Act, 1900 (63 & 64 Vic. chap. cclxiv.) section 60, provides that as soon as conveniently may be, after the commencement of that Act (Jan. 15th, 1901), a general revaluation of rateable hereditaments within the Act shall be made under the Valuation Acts in manner provided by section 65 of the Local Government Act, and the Council shall be deemed to have applied for a revaluation under that section, and the provisions of that section shall apply accordingly. Nothing has been done under this section pending the revaluation of Belfast.

The need of revaluation in Dublin is notorious, I may refer to the papers read before this Society by Mr. Charles Dawson on this subject (Journal, Vol. X., p. 32, 341), and to the evidence given before the Commission on Local Taxation, The question of revaluing the rest of Ireland was considered by this Commission, and the difficulties of carrying it out pointed out in the case of agricultural lands owing to the operation of the Land Acts and Land Purchase Acts. Sir John Barton was of opinion that it could be carried out. But in his evidence given before the House of Commons Committee in 1903, he was of opinion that, pending the transfer of property from landlord to tenant under the Land Purchase Act, 1903, it was inexpedient to have a revaluation of land in country districts. In urban districts (not county boroughs), certainly there would be no great difficulty but, as pointed out by him, some legislation on the subject would be necessary, as the power of revaluing

counties every fourteen years after the former valuation given by the Valuation Acts has never been exercised, and cannot now be put in force. I allude to the power given to the Lord Lieutenant on the application of the county grand jury under 15 and 16 Vict. c. 63, s. 34. An annual revaluation is provided by the Valuation Acts, 1854, s. 4, in the case of hereditaments, the limits of which have become altered, or the annual value of which is liable to frequent alteration such as fisheries, railways, canals, tolls of roads, bridges, mines, gas and water works and buildings. It was considered doubtful whether a public-house, the limits of which had not become altered, could be revalued under this enactment, but in *M'Cusker v. Commissioner of Valuation* (1904), 36 I.L.T.R., 176, an appeal as to the revaluation of a public-house in Belfast, it was held that, being a building, the public-house could be revalued, though its limits were not altered. The Court of Appeal expressed a similar opinion in *Switzer's case.* ([1902] 2 Ir. 275.)

As the greater majority of public-houses are situate in urban districts, a revaluation of such districts and a consequential reassessment of public-houses for excise purposes by the Inland Revenue would suffice, to enable the licensing authority to put in force in such districts the compensation provisions of an Act based on the Act of 1904. The practical way of carrying this out would be to pass an Act for Ireland based on the Act of 1904, and to give power to the Lord Lieutenant by Order in Council to put it in force in any particular borough, county or district. There can, I think, be no doubt that no considerable reduction in the number of public-houses in Ireland can be effected without compensation in the case of those houses which are deprived of licences. I have endeavoured to show how the plan adopted by the Act of 1904 can be applied to Ireland, and the need for its application.

New Licences.

The Irish Act of 1902 prohibiting the granting of a new licence (with certain exceptions), will, no doubt, have some effect in reducing the number of licensed houses, but though it is only a temporary Act, expiring on December 1st, 1897, yet it will have the indirect effect of increasing the value of existing licensed houses. It was the practice of the Recorder of Dublin to restrict the number of licensed houses by making it a condition of granting a new licence that the applicant should buy up and extinguish an existing licence. It was doubted whether this practice was legal, and it was ultimately decided in 1903 that it was not, following a decision in England in 1898 that if the payment of money was made a condition of granting a licence, that would invalidate the

licence, though the money was applied for a public object (*R. v. Bowman* [1898] 1, *Q.B.* 603.) (*R. Peacocke v. Recorder of Dublin ;* 37 *I.L.T.R.*, 145.)

The Act has, however, legalised conditions as to payment, and authorises the justices to attach to the grant of a new licence such conditions as to the payments to be made and the tenure of the licence, and as to any other matters they may think proper *in the interest of the public.* First of all payments, by which is probably meant annual payments, may be imposed to secure to the public any monopoly value which is represented by the difference between the value the premises will bear when licensed, and the value if not licensed. The Act thus adopted the recommendation of the Royal Commission that a person getting a new licence should be called upon to pay for the privilege conferred. Hotels and other premises where the profits are not wholly derived from the sale of drink are safe-guarded by a provision that in estimating their value as licensed premises no increased value arising from profits from other sources is to be considered. Again, following in this respect also the recommendation of the Commission, a licence may be granted for a term of seven years, instead of for one year, and, if so granted, an application at the end of the term for a re-grant is to be treated as an application for a new licence, not for a renewal, and transfers of such a licence shall, subject to any conditions attached thereto on the grant, have effect for the remainder of the term. The amount of any payments so made are to be collected and dealt with as the duties on Local Taxation licences referred to in Sec. 20 of the Local Government Act, 1888, by which the licence duties were paid to a separate account and assigned for certain local purposes, instead of being paid into the Exchequer.

In this respect the Act does not adopt the recommendation of the Commission, which was that such payments should form part of the compensation fund. The matter of assigning or allocating certain revenue duties to certain local purposes is fully discussed in the Final Report of the Commission on Local Taxation (England and Wales), p. 17, and the objections to it are there pointed out, but the consideration of them would have to be the subject of a separate paper. It was then pointed out that it was originally intended by Mr. Goschen to give local authorities power to impose licence duties, but that that scheme was not carried out.

The point for consideration is whether it would be desirable to give the licensing authority in Ireland similar powers as to imposing conditions in the case of new licences. It is, I think, clear that it would. Although owing to the restrictive nature of the Irish Act of 1902, there will be fewer opportunities of obtaining new licences than in England,

where no such restrictions exist, there seems no reason why new licences in Ireland should not pay toll, and be subject to conditions as in England, more especially as unless the law is altered they have a qualified right of renewal which does not exist in England. The Royal Commission recommended that the law as to renewal and transfer in Ireland should be the same as in England, and there seems no good reason why this should not be so, with, of course, a saving of existing licences. The provision in the Act of 1902 that nothing therein should affect the law as to renewal or transfer of licences, was put in for the sake of precaution.

The payments directed to be made as a condition of granting a new licence might be annual payments, which should be added to the compensation fund, or a capital sum, which might be applied in extinguishing a particular licence, or added to the compensation fund, as the licensing authority thought fit. The right to compensation would only be given as in England, in the case of existing licences, that is, on licences in force at the time of the passing of the Act.

I have not gone into all the details of the Act of 1904, but I have endeavoured to show that its provisions can well be applied to Ireland. Many of those interested in the cause of temperance were opposed to this measure becoming law, but now that it has become law, it is to be hoped that they will carefully watch its operation and assist the attainment of the object of the legislature, namely the reduction of the abnormal number of licensed houses in the sister country, with reasonable compensation where the licence is taken away from no fault of the holder, but in the interests of the public alone. Ireland has hitherto been in advance in temperance reform, witness the Sunday Closing Act of 1878, and the prohibition of new licences by the Act of 1902. Let them follow the example of England, and take the steps necessary to adopt a similar measure, which, if properly worked, will have the effect of reducing the number of public houses, already far too numerous, and improving the condition of those that are left in the interests of the public and making them contribute their fair share to the taxation of the country.

4.—*A Plea for Tillage Farming on Co-operative Lines.*

By Lord Castletown of Upper Ossory.

[Read March 7th, 1905.]

I must first of all apologise for the type of paper I am privileged to read before you to-night. It must be to a certain extent, egotistical, it must be in the nature of a proposition, and I must ask you to believe what I state though some of the facts may appear remarkable, and I must also apologise for not