

~~the part of Belfast. Considering how much this subject is "in the air" in England just now, it is more than likely that the Belfast Chamber will succeed in getting what they want. Therefore let me ask what is the Dublin Chamber of Commerce going to do in this matter? I am told that the Dublin Chamber has considered and come to a decision to give no evidence before the Royal Commission. I hope this statement is not true. What is the use of a Chamber of Commerce which simply abdicates its functions in such a case as this? If the Council of the Dublin Chamber have really decided to do nothing, it will probably result in the Higher Commercial Education for Ireland (when we get it) being located in Belfast. That may be the most desirable solution. But, as a Dublin man who is giving some attention to this subject of Commercial Education, I may be allowed to say that Irishmen cannot afford to sit down and let things drift along.~~

~~If the Council of the Dublin Chamber has really decided to take no action in support of the Belfast Chamber's action the decision should be made public. There would then still be time for the merchants of Dublin to take action independently of the Chamber. The Rip Van Winkles can be left to their long sleep. But there is a younger generation of business men who have to look into the future and to read the signs of the times. The signs all show that the Higher Grades of Commercial Education will, for these countries, be provided by means of a development of University institutions, such as we see now in progress in England. The time when University institutions in Ireland are being overhauled and reconstructed is the proper time for Irishmen to make a move to obtain in their own country those opportunities for systematised commercial education that have enabled other nations to loosen the hold of English commerce upon the markets of the world.~~

3.—*Licensing and Publichouse Reform in Ireland.*

BY WILLIAM LAWSON, ESQ., LL.D., BARRISTER-AT-LAW.

[Read Friday, Feb. 28th, 1902.]

No apology is, I think, needed for introducing this subject to the consideration of the Society, although I could wish that the task had fallen to one more conversant with it than I am. The evils of intemperance are so great that it is no wonder that efforts have been made from time to time to check it by individuals, by societies established for the purpose, by Bishops and clergy of all denominations, and by legislation, actual or attempted. In the present year attention has been particularly

called to the subject by the protest issued by the Irish Roman Catholic Bishops, by pastorals of members of that body, and by legislative measures introduced in Parliament by the Government, and by private members. Dr. MacRedmond, the Roman Catholic Bishop of Killaloe, in his pastoral, says :—

In Ireland the sum of at least £15,000,000 sterling is spent yearly on intoxicating liquors. Hence drunkenness is sometimes denominated our national vice—not certainly because Irishmen are more intemperate than English or Scotchmen, for the expenditure on intoxicating drinks in Ireland is less than a tenth of the drink bill of the United Kingdom, which amounts to nearly £155,000,000 sterling, or twice the rent-roll of the Three Kingdoms taken together, but because it stands in painful contrast to the other virtues for which the Irish people are conspicuous. Be this, however, as it may, the Bishops' protest calls attention to the houses, licensed by law, in which this amount is consumed, as being, on account of their excessive multiplication, the chief cause and danger of the outlay. In the year 1845, when the population of Ireland was eight millions and a quarter, the number of licensed houses in the country was 15,000; but, in the interval since then, while the population has fallen away to less than a half, or barely 4,000,000, the licences have increased by 4,000 to 18,751. In this diocese one of the principal towns has the largest proportion of licensed houses to its inhabitants of any town of its size and population in the kingdom; the other chief towns are equipped with them to nearly an equal excess, while in the country districts one village has 10 publichouses to 179 inhabitants, and another enjoys eight licensed houses to a population of 175, or to 27 houses altogether. In their first intention, and, indeed, in their present form, they are given to their holders as "licensed victuallers" who are thereby supposed to supply food as well as drink to be consumed on the premises. But this purpose has fallen into absolute disuse, and drink alone is now supplied to the consumers. The competition, which the excessive multiplication of publichouses had produced, but too frequently induces the poorest and more unscrupulous class of publicans to adulterate the inferior drink they sell, or to substitute for it a concoction, which drives the unsuspecting consumer mad, and creates scandalous scenes of drunken riot, which are a disgrace to the country. The Bishops appeal to the licensing authorities "to abstain from granting new licences, and to take every legitimate opportunity of reducing the number of existing licences until it has been brought within reasonable limits," to enforce the law, not only by inflicting the prescribed fines on defaulting publicans, but by endorsing the conviction in each case on their licences.

This statement is borne out by the Report of the Royal Commission, appointed in 1896 to inquire into the operation and administration of the laws relating to the sale of intoxicating liquors. This Commission took evidence from all parts of the United Kingdom, and made its final report in 1899, to some of the recommendations of which I shall presently refer. The figures 18,751, given by the Bishop, are, as appears from this Report (p. 41) the total number of licences in Ireland in 1896, which is made up thus:—On licences: Publicans (spirit retailers) 17,300; beer-retailers, 57; beer and wine retailers, 116; wine and sweets retailers, 29; and off-licences, 1,349. Of these "off" licences 768 were spirit grocers' licences. Dr. O'Dwyer, Roman Catholic Bishop of Limerick said in the course of an address on Sunday last:—

During the past year 907 men were convicted for drunkenness in the city, and the majority of these were several times arrested, the total arrests for

year being nearly 3,000. Was it not a shocking and appalling state of things to have this abominable vice working havoc all over the town. Until the torrent of liquor flowing over Limerick was stopped the city would remain as it was—beggarly, wretched, filthy, and impoverished.

Equally strong statements will be found in the evidence given before the Commission by witnesses from different parts of Ireland. It will conduce to a better appreciation of the recommendations of the Commissioners if a brief survey is taken of the law in Ireland as regards licences.

From the time of Charles I., when the first licensing statute for Ireland was passed in 1635 (10 and 11 Car. 1, c. 5) down to the present, Parliament has by a series of enactments controlled the sale of intoxicating liquors.

This statute was passed to redress the mischief which arose from the excessive number of ale houses erected in unfit places and kept by unfit persons, and provides that no one was to keep an ale house, or sell any beer or ale by retail unless licensed by Commissioners appointed from time to time for each county, from among the Justices of the Peace, with other persons selected by Lord Deputy. These licences were granted annually at the first Quarter Sessions after Easter, by at least two Commissioners, to persons of good character, for a proper number of houses in convenient places, and were to endure for a year and no longer. The houses to be licensed were to contain at least two beds for strangers, and the licence holder had to enter into recognizances to sell provisions to travellers and strangers at reasonable rates; not to permit drunkenness, gambling, or unlawful games; and not to harbour improper persons. A licence duty of 5s. 6d. was imposed. The power of licensing was transferred to the Commissioners of Excise in 1737, but no licence was to be issued without the certificate of the next Justice of the Peace that the applicant and his abode were duly qualified. After the Union the Justices at Quarter Sessions were made the authority to grant certificates, except in Dublin, where it was vested in the Divisional Magistrates. The Revenue Act of 1825, which is still in force, extending to the whole United Kingdom, laid down the rate of licence duties, and provided that no person should be licensed as a publican without a previous certificate. Up to this time the power of the Justices to refuse or annul a licence in the absence of any limiting definition was absolute. In 1833, however, an Act (3 and 4 Wm. IV., c. 68) was passed, which is the foundation of the present Irish licensing law. It empowered the Justices to refuse new licences on three grounds—either unsuitability of applicant, or premises, or the number of previously existing licensed houses in the neighbourhood. Transfers were regulated by the same sections as new licences. Renewals were granted, direct by the Excise, on production of a certificate signed by six householders to the good and peaceable conduct of the house during the past year. The Act of 1854 (17 and 18

Vict., c. 89) made a certificate signed by two or more Justices in Petty Sessions to the peaceable and orderly manner in which the house had been conducted in the past year an additional condition to the renewal of the publican's licence. Thus, as the law now stands, public house licences, or the certificates for them, are granted or transferred at Quarter Sessions, but renewed at Petty Sessions. The licensing jurisdiction of Quarter Sessions is exercised by the Justices assembled, presided over by the County Court Judge, except in the cities of Dublin, Belfast, Cork, and Londonderry, where it is exercised by the Recorder alone. The jurisdiction of Petty Sessions is exercised by two or more Justices, except in Dublin, where it is exercised by one Divisional Justice.

Excessive Number of Licensed Houses.

There can be no doubt that the number of licensed houses in Ireland is excessive, and utterly out of proportion to the needs of the inhabitants. Almost all the licensed houses in Ireland are public houses. This is clear from the figures I have already given. In towns the congestion of public houses is almost incredible. The cases mentioned by Dr. MacRedmond refer to the County of Clare (Report, p. 228). In Tralee there were, according to the testimony of a police officer, 117 public houses to a population of 5,367. "In some cases," said this witness, "if a man was blindfolded, and put standing in the centre of the street, and spun round a couple of times and started off in no particular direction, I don't suppose he could go 20 yards without striking against a public house." One has only to walk through the streets of Dublin, or any other of our towns, to see how many public houses there are. A witness calculated that taking one public house as supplying adequate accommodation for 100 families, Dublin would have 499, instead of 1,551; Belfast 416, instead of 1,110; Waterford 44, instead of 232; Clonmel 18, instead of 113. In country districts, too, there are public houses by the wayside which act as traps for men who are half drunk, coming back from fairs and markets. There is urgent necessity, therefore, for the reduction of the number of public houses.

Bad Condition of Houses.

But a substantial reduction in number will not suffice; something must be done to improve the character and condition of the houses that remain.

A publichouse in Ireland is not required to be of any particular rateable value, and many are of very small value. For instance, in Cork city, 307 houses were valued at £15 and under, and of these 13 are valued at £5 and under. In the town of Thurles, in Tipperary, out of 77 houses 38 are under £10 valuation. In Londonderry city and county evidence was given to show that the lower the house was rated the more numerous were the prosecutions of the persons licensed for them. The Report

recommends a rating qualification of £25 for all houses in towns over 10,000 inhabitants, £15 in towns over 5,000, and £12 elsewhere; and that this should apply to all new licences, and be applied to all existing publichouses at the end of five years.

Besides, many houses are very badly constructed and situated. But what is worse, is the lack of accommodation and refreshment for travellers. In many of these houses, especially in country districts, nothing can be got but liquor, not even tea and bread and butter. The absence of solid refreshment makes the effect of drink worse. Some of the earlier statutes, in addition to the Statute of Charles I., contained stringent provisions for the sale of victuals to be consumed on the premises; but these are not in force now. In Dublin and Belfast the Recorders sometimes impose conditions that a house should only be used as a hotel or restaurant; but this can only be done by the applicant giving a voluntary undertaking, which it is difficult to enforce, as the law with regard to renewals now stands. If a renewal was a matter of discretion, as in England, it might, possibly, be enforced by refusing a renewal. The report recommends a separate hotel licence, and full power to impose conditions as to restaurants, supply of food, etc. Another evil is the combination of the sale of groceries, and other articles, with the sale of liquors in public houses. This prevails very largely in towns and country districts. In Dublin nine-tenths of the trade is a mixed trade. One has only to walk through the streets of Dublin to see how prevalent this is. In some cases the grocery and drink departments are separate shops or departments, without any connection, but in the majority of cases drink is supplied in the shop where the groceries are sold, generally at the back.

A similar state of things prevails in all parts of the country. In many cases the trade is not confined to groceries, but extends to draperies and such like goods. This leads to drinking and drunkenness, especially amongst women, who, as one witness says, have no sense of shame in entering a grocery and having a drink while waiting for their goods. The remedy suggested for this is that at the end of five years no licences should be renewed to any house supplying any other goods than provisions for consumption on the premises, and that in the meantime no new grant of a licence or transfer should be made except on the same conditions.

Administration by the Licensing Authority.

The excessive number and bad condition of public houses above described is due (1) partly to defects in the law, and (2) partly to the misuse by the Justices of the powers they possess under the law as it stands. As to (1) the law (*i.e.*, the Statute law) is in a state of confusion, and ought to be repealed and a codifying Act passed. Transfers are granted under exactly the same sections of the Act 3 and 4 Wm. IV., sections 2 and 4, as new licences, but in the celebrated Clitheroe case (*The Queen at the prosecution*

of *Clitheroe v. the Recorder of the City of Dublin*, I. R. 11 C. L. 412) it was held by the Court of Queen's Bench, reversing the decision of the Recorder in the year 1877, that a certificate could not be refused on the ground of there being already, in the opinion of the Justices, an excessive number of public houses in the neighbourhood. Renewals can only be refused on the ground that the licence holder is of bad character or that the house has not been properly conducted in the past year. These are granted at Petty Sessions, *i.e.*, by a different authority from that which grants new licences and transfers, *i.e.*, the Quarter Sessions. This, it is pointed out, is very inconvenient, as the original licensing authority loses control over the licence, until an application is made for a transfer; conditions may have been imposed, but they cannot be enforced. This would not be so injurious but for the decision in *Clitheroe's* case as to transfer. The effect is, that once a licence is granted it may remain for ever, subject to the condition of good conduct, *i.e.*, fitness of applicant and of premises.

Clitheroe's case was generally thought to have been a wrong decision on the words of the statute (Report p. 25, and evidence of Mr. Justice Barton, the Solicitor-General there referred to); an attempt was made to re-open it in the Queen's Bench Division in 1893 (*The Queen at the prosecution of Smith v. Cavan Justices*, 30 L. R. Ir. 137), but that Court held that it could not be re-opened except in the Court of Appeal, but one of the judges, Mr. Justice Holmes, said that if that had been the first occasion on which the question had to be decided, he would have been prepared to hold that the justices acted within their jurisdiction. Strange to say, the case was never brought to the Court of Appeal. But from the observations of some of the judges in the Court of Appeal in another case, which was distinguishable from *Clitheroe's* case, it would seem that they could probably affirm the principle of *Clitheroe's* case, when the same point came before them. (*The Queen (Cox) v. Recorder of Dublin*, 16 L. R. Ir. 424.)

In England the law is different; the justices have absolute discretion as to renewals and transfers, and the Report recommends that the law in Ireland should be the same, and that all licences should come under the same jurisdiction, and that the licensing authority should have full power to grant or refuse a renewal or a transfer as well as a new licence.

As to (2) the evidence before the Commission proves the maladministration of the existing law by the Justices; canvassing and packing of benches flourishes, and is a most serious evil. (Report p. 256.) Opportunity for these and other irregularities is given by the number of Justices who may attend being so numerous, and by their fluctuating attendance. In the County Dublin the Recorder has had as many as sixty or seventy assessors, an always changing court. In County Down the Judge

had in one instance a court of 74. The County Court Judge is a mere figurehead, as the Justices do not accept his ruling, even on points of law. As regards new licences the figures show the reckless way in which they have been granted. (Report p. 227.) So also renewals and transfers are granted in very many cases without inquiring into the conduct and character of the applicant, and no distinction is made between those who have offended and those who have not. (Report p. 238.) Again, in the trial of offences under the Licensing Acts, they have displayed the same inefficiency, or worse, than in the granting of licences.

It is only fair to say that recently the Justices in some counties have evinced a determination to discourage new licences, and to administer the law firmly. This is, no doubt, due to the pressure of public opinion, clerical and lay. For example, at Newcastle West, in the County Limerick, the magistrates have passed resolutions against granting new licences in country districts, and in favour of reducing, if possible, the number in small towns and villages, and of a more stringent treatment of offences against the licensing laws. In the County Wexford also action in a like direction was taken. But there are isolated cases. In a paper read at a Temperance Conference at Longford, the Rev. H. J. Johnson insists on the importance of the reform of the licensing authority. He points out that it is a reform on which most persons are agreed, which is most pressing, and which would be productive of the greatest results. After referring to the evidence given before the Commission as to the County Kerry, he says:—

“Have things improved in the interval? I believe they are infinitely worse. The climax was reached at the last October Licensing Sessions in our own neighbourhood. At Boyle and Ballinamore 15 new licences were applied for, and 15 new licences were granted, there being only an opposition from one or two in a large bench of magistrates. The number of licensed houses in the village of Ballaghadereen, with a population of 1,360, was increased to 72, or a proportion to the population of 1 to 19, and a village in our own diocese now beats the record of Knocknagree. With 174 inhabitants the village of Rooskey had hitherto 9 public houses. On the plea of the advent of tourists, two new licences were granted, making the proportion 1 to less than 16, although the police sergeant stated that he saw only two tourists in Rooskey during the past summer. This record has in its turn been surpassed by the famous, or rather infamous, case of Ballinlough village, near Castlereagh. The number of inhabitants is stated by the clergyman to be under 200. There were 8 public houses. During the past year 11 new houses were built; one of these was a dispensary, and the other belonged to a member of the C.I.T.S. The tenants of the remaining nine applied for and obtained new licences. Seventeen public houses for a population of 200! The local paper speaks out strongly, and calls it “one of the most glaring travesties of justice.” “Is there no regard,” it asks, “for the welfare of the country in the minds of magistrates who lend themselves to this indiscriminate distribution of licences?”

(*The Visitor*, Feb. 1902.)

It appears from the Report of Inland Revenue for 1901 that the total number of publicans' licences in Ireland in that year was 17,695, as against 17,300 in 1898. I hope to obtain informa-

tion as to the number of new licences granted in different counties in Ireland during the past three years, and to add it to this paper, as it will appear in the Journal of the Society.

The Commissioners unanimously recommend, that the prosecutions of licence-holders should only be tried by resident magistrates or stipendiaries, and that a resident magistrate should be in the same position as a stipendiary; that the licensing authority should be reconstituted as follows:—Save in the towns where the Recorder is the licensing authority, the licensing authority should consist of the County Court Judge, with all the resident magistrates of the county, sitting at all licensing sessions in the county, and with two Justices resident within each Quarter Sessions division, to be selected annually by the general body of the Justices of each county. The Minority Report recommends that in the five towns the divisional Justices or the stipendiaries or resident magistrates should sit with the Recorder. The Majority Report recommends that the Recorder should remain the sole licensing authority, and that if the law is altered as for renewals and transfers as suggested, there should be an appeal to a Court for each province, constituted of the County Court Judges of that province. The minority are of opinion that no appeal is required. It was suggested that there should be an appeal to the Judge of Assize, but it was well observed that this would make the Judge of Assize the licensing authority, and that he could not have the same knowledge of the county as the Judge of the county. The reason for the suggestion that the divisional or resident magistrates should be associated with the Recorder is that he would have to deal with renewals and those off-licences which are at present dealt with by the divisional magistrates or at Petty Sessions. Another advantage would be the additional local knowledge which these magistrates would have of their respective districts. The Commissioners' memorandum appended to the Report lays great stress on this, that Justices, when exercising a discretion as to the grant or refusal of a licence, are not a Court, or bound by rules of evidence, but may act on their own private information or belief. (*Boulter v. Kent Justices* [1897] *Appeal Cases*, 556).

Spirit Grocers' Licences.

So far I have dealt only with the public house licence, that is, the principal licence for consumption on the premises. There is, however, an off-licence peculiar to Ireland, known as the spirit grocers' licence. This may be held by any person dealing in or selling tea, cocoa nuts, chocolate, or pepper, and authorises the sale of spirits in any quantity up to half a gallon for consumption off the premises. The rate of licence duty varies with the valuation of the premises from £9 18s. 5d. to £14 6s. 7d., but there is no qualification of annual value required for the premises. This licence is granted, renewed, and transferred by the Inland Revenue on production of the certificate of two Justices at Petty Sessions,

or in Dublin of a divisional magistrate, to the good character of the person and the suitability of the premises, and in case of a renewal or transfer, to the good character of the applicant and the good conduct of the house. Spirit grocers are mostly confined to Dublin and Belfast, owing to the facilities for obtaining the public house licences elsewhere. The great majority are retailers of beer (which includes ale and porter) as well. The evidence from Belfast is that surreptitious dealing goes on in these establishments, especially by women, and that women take away drink with them, and it is put down with the husband's account as groceries.

The evidence from Dublin is not so strong, but the Recorder of Dublin says that there is a great deal of illicit trading, especially among the smaller spirit grocers. Judge Orr (County Down) says that they are the greatest evil of Ireland, that anyone who could not get a publican's licence took out a spirit grocer's licence. The Minority Report recommends that an off-licence should be issued similar to the grocers' licence in Scotland, but for premises exclusively used for the sale of intoxicants, and that these licences should be subject to the ordinary licensing law. The Majority Report does not recommend the abolition of their licences, but suggests certain alterations, viz. (1) To make it subject to the ordinary licensing law. (2) To limit the sale to closed vessels, and in a certain minimum quantity. (3) To impose the same rating qualification as that proposed for publichouses. (4) To extend the spirit dealers' additional retail licence, as granted in England, to Ireland. The reason for this last suggestion and for the alternative suggestion of an off-licence like that in Scotland is that spirits in quantities between two quarts and two gallons cannot be legally sold except under the ordinary publican's licence. Consequently dealers in spirits who wish to sell less than two gallons (which the wholesale spirit licence allows them to do) but more than two quarts (which the spirit grocers' licence allows them to do) have to get a publican's licence, and this they are liable to lose, unless they sell spirits which are consumed on the premises, because it has been decided that the certificate (which is necessary for a renewal) that the house has been conducted in a peaceable and orderly manner in the past year cannot be given by the Justices, if the house has not in fact been conducted as a licensed house—that is, if there has been no sale of spirits consumed on the premises. (See *The Queen v. Justices of Antrim* [1900], 2 Ir. R. 500.) But now by 63 & 64 Vict., c. 30, the Justices have a free and unqualified discretion as to granting a certificate for a new licence for sale of beer or spirits, to be consumed off the premises. This gets rid of the difficulty in *Reg. (McKenney) v. Justices of Antrim*. [1901], 2 Ir. R. 162, where it was held by the majority of the Court of Appeal that in the absence of an objector by the police the parties are bound to certify to the good character of the applicant, and could not hear evidence of character.

The necessity for giving the Justices a discretion as to granting a spirit grocers' licence instead of being confined, as at present, to consider whether the premises are suitable for purposes of sale is shown by *Marshall's Case* (1895, 2 Ir. R. 174), where it was held by the Court of Appeal that the justices could not refuse an application for a certificate on the ground of the unsuitability of the premises, because the premises named were in the neighbourhood of another publichouse, and also close to a school and place of worship.

Sale to Children.

The Commission recommended that no child under 16 should be served with any intoxicating liquor for consumption either on or off the premises. This recommendation of the Commission has resulted in legislation. I refer to the Intoxicating Liquors (Sale to Children) Act, 1901. This Act imposes a penalty on the holder of a licence who "knowingly sells or delivers, or allows any person to sell or deliver, save at the residence or working place of the purchaser, any intoxicating liquor to any person under *fourteen* years for consumption by any person on or off the premises, except liquors in corked or sealed vessels in quantities not less than one reputed pint for consumption off the premises only;" and also a penalty on any person who sends any one under fourteen years to any place where liquor is sold. This Act was only passed after great pressure of public opinion was brought to bear, and the age was lowered to fourteen from sixteen, as in the original Bill. Again, the Bill formerly read that any publican, serving a child *apparently* under the age of sixteen, should be liable to a penalty; but this was altered to *knowingly* selling. Further, the exception of corked or stoppered vessels was put into the Bill, "corked," being defined to mean "closed with a plug or stopper, whether made of cork, or wood, or glass, or some other material."

(See *The Visitor*, Feb., 1902, p. 22.)

Hours of Closing.

The minority Report recommends the extension of Sunday closing to the five exempted cities—viz., Dublin, Belfast, Cork, Limerick, and Waterford. They point out that in Londonderry, which is larger than Waterford, and rapidly creeping up to Limerick, Sunday closing has been a success, and they believe that complete Sunday closing in these cities will be beneficial, and supported by the great bulk of public opinion in Ireland.

The census of 1901 shows the population of Limerick (exempt), 45,806; Londonderry (not exempt), 39,873; Waterford (exempt), 27,947. The majority Report is only for a certain limit of hours on Sunday. All recommend earlier closing on Saturdays (9 p.m.). The majority recommend opening at 8 a.m., and the minority earlier closing on other week-days at 10 p.m. all over Ireland. All agree that the *bona fide* travellers' privileges are

abused, and recommend the extension of the limit from three miles to six or seven miles, and that he should only be served at houses selected for the purpose, viz., hotels or restaurants with a separate hotel licence. The minority would have the *bona fide* traveller defined as a person who is taking a meal or about to lodge in the house, and who has travelled at least seven miles. It seems to be thought that a person who has travelled three miles is a *bona fide* traveller. But the case of *Parker v. The Queen* (1896, 2 Ir. R. 404) shows that a person is not a *bona fide* traveller when the object of the journey is to resort to a licensed public house for the purpose of drink. This decision might be applied with advantage in the neighbourhood of the exempted cities, where the evidence is that this class of person is especially numerous and obnoxious.

Offences.

The Commission recommend (1) that all convictions, or all after the first, should be recorded; (2) that the Scotch Act of 1882, so far as it relates to illicit sales, should apply to Ireland; (3) that keeping liquor without a licence should be an offence under the Act of 1872, s. 3, and not as now only under 17 and 18 Vict., c. 89, s. 3; (4) that the power of summary arrest for simple drunkenness should be more clearly defined. The majority Report also recommends that there should be increased penalties for offences by habitual drunkards, and that the suggestions in the English Report as to offences for drunkenness, powers of arrest, and treatment of habitual drunkards, should be adopted for Ireland.

Clubs.

It is recommended that all clubs where intoxicating liquor is sold should be registered, and certain conditions are prescribed with which clubs should comply. The evidence is that clubs are much less numerous than in England, but evidence was given that clubs have been a serious evil in Dublin, and that 10 out of the 51 were irregular drinking clubs. (Report, p. 260) A Bill has been introduced by the Government in the present Session for the registration of clubs, and dealing also with drunkenness and habitual drunkards, and amendment of the licensing laws. But it applies to England only.

Part I. deals with the amendment of the law as to drunkenness. Clause 1 provides that if a person is found drunk and incapable in a public place, he may be apprehended and dealt with according to law. Clause 2 provides that a person found drunk in charge of a child under the age of 7 years, may be apprehended, and shall be liable to a fine of 40s. or a month's imprisonment, with or without hard labour. Clause 3 provides the power to require a person convicted of drunkenness to give security for good behaviour. Clause 4 provides that when it is proved that any person was drunk on licensed premises, the licensed person must prove that he took all reasonable steps

to prevent drunkenness on his premises. Clause 5 deals with the strengthening of the law with regard to husband and wife, and provides protection for the wife or husband of a habitual drunkard. Orders may be made that the applicant be no longer bound to cohabit with the other, for the custody of the children, and for payment of an allowance to the wife.

Part II. deals with the amendment of the licensing law, as to recording of convictions, control of justices over the structure of licensed premises, makes an Excise licence necessary in all cases where liquor is sold by retail to be consumed off the premises. Part III. deals with the registration of clubs.

Conclusion.

I have dealt with the main recommendations of the Commission as regards Ireland. It remains to consider the schemes proposed for the reduction of the number of public-houses, and for compensation, and the question of popular control in the direction of regulation, or prohibition, or local management. This must be the subject of a separate paper, as also the experiments that have been made in England by individuals to improve the condition of public-houses. In particular, I wished to refer to the working of the "People's Refreshment House Association, Limited," registered under the Industrial and Provident Societies Act (1893), and of the Council of which the Bishop of Chester is chairman. The Report says that it is a company working on Gothenburg principles, but not long enough in operation to show any distinct results. There are also more ambitious schemes, such as "Lord Grey's Public House Trust Association," which is criticised by Lord Carlisle in the February number of the *Monthly Review* of this year. Suffice it to say here, that the view of the Commissioners, that although they believe that their recommendations, if carried out, will result in a reduction of the number, and an improvement in the condition, of licensed houses, yet that those remaining will be far in excess of the wants of the population; that, therefore, some scheme is necessary, so that there shall not be more licensed houses than are necessary for the requirements of the community. Their idea also is that compensation should be given for the licences taken away, not as a matter of right, but as a matter of grace.

The practical question, however, at the present time is, to have the main recommendations of the Commission carried into effect so far as this country is concerned. Parts I. and III. of the Government Bill ought to be extended to Ireland.

Government legislation at the present day proceeds on the lines of least resistance, hence it is that many measures which should extend to Ireland are limited to England—and it is only after the lapse of time and the result of pressure that these measures are afterwards extended to this country. The amendment of the law as to drunkenness and habitual drunkards, and the protection of women therefrom is wanted here as much as in England. The

question of clubs is not so pressing, but at the same time there is no reason why the law as to clubs should be different in England and Ireland. Some of the provisions of Part II. ought also to be applied to Ireland. A separate Bill for Ireland should be introduced assimilating the law as to renewals and transfers to that in force in England, establishing the new licensing authority, and carrying out the other reforms peculiar to Ireland recommended by the Commission. This would be a contentious bill, and it might be better, first of all, to introduce a measure dealing solely with the reconstitution of the licensing authority, and then to deal with the other amendments of the law by a separate measure. Finally, when the alterations in the law have been agreed on, an Act should be passed codifying and simplifying the law. The retail licences, as it is suggested by Mr. Whitaker in his memorandum to the Report, should be reduced to five in number.

1. Full on publican's licence as at present.
2. Full off licence.
3. Hotel licence.
4. Restaurant wine and beer licence.
5. Special limited licence for railway station, theatre, music hall, or steamboat.

Every one who has the welfare of this country at heart should do what in him lies to have these reforms carried into law. The Parliamentary machine moves slowly nowadays, and will only act under the pressure of public opinion. Drink is the parent of crime; not only is it fatal to material prosperity, it saps the morals and the health of those who give way to it. Let me conclude in the eloquent words of Mr. Whitaker, "The nearer men are to publichouses, and the greater the opportunities and facilities for obtaining liquor, other things being equal, the higher is the death-rate. Abounding facilities are an ever-present temptation. In the very nature of things the weak, the careless, the unsuccessful, the incompetent, the lazy, and the criminal, are those who drift into the casual, irregular, and more or less doubtful and unsatisfactory employments. They form the majority of the dwellers in the poorest and worst districts of the large centres of population. They are the classes who are most deficient in moral force and power. Everything seems to tell against them and their capacity to resist temptation is, by their circumstances, surroundings and mode of life, reduced to the lowest ebb. It is precisely where they live and work, and close to their doors, that our licensing system has planted publichouses most thickly, as though it had been the intention of the Legislature and of the licensing authorities to take advantage of their weakness, and to provide facilities for luring them to deeper degradation by tempting them to indulgence which only renders them more helpless and hopeless, and makes them fall easy victims to disease and death. If it be true that the aim of legislation and government ought to be "to make it easy to do right, and difficult to do wrong," it will be difficult to find a graver and more deplorable

example of failure to discharge a primary duty than that which is presented by the extent to which, under the direct sanction and regulation of law and executive authority, temptations to indulge in the most insidious and fatal vice of our time and nation have been scattered most freely and recklessly just where they have done, and must do, the most injury."

No. 4.—*The Arterial Drainage of Ireland.*

By CHARLES A. STANUELL, Esq., M.A.

[Read Friday, April 18th, 1902.]

WHEN I mention that a sum of £961,235 14s. 7d. has been expended upon Arterial Drainage in Ireland, and that the annual instalments paid in redemption of principal and interest amount to £31,944 9s. 8d., I think the Statistical Society will be astonished to learn that, although the subject is intimately connected with the Land Laws of the last twenty years, no effort has been made to adapt the system of 1863, faulty though it is, to the changed circumstances of the country, except a very small Act passed in 1892, the 55 and 56 Vic., chap. 65, to which I will refer later.

The astonishment will be the greater when I add that not only has there been grievous waste of money due to the faulty procedure, but that the work is practically at a stand still, and that this large sum is in risk of being wasted by the rivers being allowed to return to their original condition.

My object to-night is to call attention to the defects and to make some suggestions for improvements; but it is evident from the apathy with which the subject has been regarded that very little is known about it, and it will, I think, be proper to commence by giving some explanation of the system as it at present stands.

In the first place we have to deal with the peculiarities of Ireland. A large portion of the country is exceedingly level, as every one is well aware, and the centre portion is the flattest, the hills fringing the coast in Wicklow, Kerry, Galway, Mayo, Donegal, Antrim. The result very naturally is that the rivers generally are slow and but little below the ordinary level of the country, so that the drainage of separate farms and fields is practically impossible owing to the absence of fall, unless the various main channels are sunk or cleared in the first instance.

No individual proprietor, it was felt, could attempt such large works as would be necessary for this purpose, and it was decided