





LIBRARY  
OF THE  
UNIVERSITY  
OF ILLINOIS





The care & treatment of the insane poor. By C. Robertson M.D.	1
Agricultural Progress. Drainage - By James Sanderson	2
Immigration. By Rev Charles Gibson	3
The Pollution of Rivers	4
Friendly Societies versus Beerhouse, &c. &c. By Rev J. M. Stratton	5
Teaching the Dumb. By B. St. J.ickers	6
Vocal Speech for the Dumb. By B. St. J.ickers	7
How infection is spread through the Sweating System	8
Intemperance	9
Letters on Easter Fisheries. By W. Fell Wood	10
The Coffee Public House	11
The Ch of England Temperance Society & the <sup>Annual</sup> General Meetings By Canon Ellison	12
The Ethics of Urban Landholders	13
Thrift. By Charles Romwell M.P.	14
Trades Unions. By Robert Johnson	15
To the Agriculturists of England	16
At night in a Hospital. By E. Lyman Linton	17
Tramps & Vagrants. By Sir Charles Trevelyan	18
Maintenance of Main Roads. By W. Sturtevant M.P.	19
Infection. By Sir E. Clarke Ferriess. Nip. Hightingale	20
Local Option - Local Control. By Canon Ellison	21



# “Local Option”---“Local Control.”

---

---

BY

THE REV. H. J. ELLISON, M.A.,

*(Chaplain in Ordinary to the Queen,*

*Hon. Canon of Christ Church Oxon., and Chairman of the Executive of the  
Church of England Temperance Society.)*

---

Reprinted from the *Church of England Temperance Chronicle*.

London :

CHURCH OF ENGLAND TEMPERANCE PUBLICATION DEPOT,  
BRIDGE STREET, WESTMINSTER, S.W.

---

1882.

[Price Two Pence.]





## OUR LEGISLATIVE POLICY.

### OBJECTS.

“ The giving to Local Public Opinion its due share, in conjunction with the existing authorities, in the granting or refusing of Licenses, and in the Regulation of Public houses or beer shops.

“ The removal of Benefit, Friendly, and Burial Clubs from public houses.”—(*Object Paper of the Society.*)

WITH the near approach of the meeting of Parliament the interest in Temperance legislation necessarily revives. It was determined by the Executive, at the meeting of the 3rd inst., to re-introduce the Bill of the Society. As a preliminary to this — that our readers may understand the principles on which the Bill is drafted, and the whole action of the Society, past and present, in relation to these principles—we purpose to give a short history of the Society’s legislative operations from the beginning.

1864.—It was in the year 1864 that—in view of the convictions to which their Temperance work among the masses was leading them, that the Beer-shop Act of 1830 was foremost among the causes of the National Intemperance—the Committee of the then Church Society embarked in their first legislative action, for *the repeal of the Act*. They associated with themselves some prominent Temperance Reformers outside of their own body, and for the next four years, by Conferences and meetings, by the circulation of innumerable tracts and leaflets, and by the use of the public press, they endeavoured to form a sound public opinion upon the subject.

1868.—After meetings held at the Langham Hotel, and attended by Archbishop Manning and the most eminent of the London Nonconformist ministers, as

well as by leading Churchmen, it was resolved to form a "National Association for Promoting Amendment in the Laws relating to the Liquor Traffic." It was formed "to be the exponent of the opinions of those who, deeply impressed on the one hand with the evils springing from the National Intemperance, and convinced on the other that these were owing, in no slight degree, to the undue temptations and facilities for drinking offered by the excessive number of drinking houses, were desirous of promoting legislative change in the direction of *progressive restriction*." The Chairman of the Church Temperance Society, who had been Chairman of the Beer Act Repeal Committee, became Chairman of the new Society, and as a first step, the further prosecution of the repeal of the Act was taken in hand.

The beer-houses at that time numbered nearly 50,000, and were increasing at the yearly rate of 2,000. The license was a purely personal one, to be obtained by any qualified person from the Excise, at a small payment. Nothing would have been easier, therefore, than to enact that, "On and after a certain day no fresh licences should be issued under the Act of 1830." The existing ones would have died out with the death or failure of the existing holders; a gradual diminution of their numbers would have set in; and the ultimate result, probably before many years were passed, would have been their entire extinction.

The opportunity was lost never again to recur. That the public opinion of the country was prepared for such a measure there can be no doubt, and the National Association would have introduced it. But on the first day of the Session of 1869, a Bill had been brought in by Sir H. S. Ibbetson, for transferring the licensing power to the Magistrates. The Government measure, promised in the Queen's Speech, was not forthcoming, and as a stop-gap to the further increase of beer-houses, and pending their own contemplated revision of the Licensing

Laws, the Government of the day adopted Sir H. S. Ibbetson's proposal. But with the express reservation that it was a suspensory measure only, and was not in any way to prejudice their own future dealing with the subject. When the measure came, the stipulation was found to be worthless ; and though some seven or eight thousand of the worst of the houses were got rid of under the new Act the remainder continue "a *damnosa hereditas*" to the present day.

1869.—In the meanwhile the National Association was addressing itself to wider issues. In the Spring of 1869 Conferences were held at the Rooms of the Society of Arts, presided over by the Archbishop of York, the late Lord Lyttelton, and Lord Sidmouth, and resolutions were adopted as a safe and practical basis for future legislation. They included (1) a restraining power, on the part of the people, on the issue of licenses ; (2) the exercise of this restraining power through Licensing Boards to be elected annually by the ratepayers, besides other provisions for the better regulation of the whole traffic. In the same year the Report of the Committee of Convocation was presented, containing a recommendation, amongst others, that "a legal power of restraining the issue or renewal of licences should be placed in the hands of the persons most deeply interested or affected, namely, the inhabitants themselves, who are entitled to protection from the injurious consequences of the present system."

1871.—The Session of 1870 passed without any Government action, and it was not till 1871 that Mr. Bruce introduced his long-promised measure for the entire revision of the Licensing System. Its principal feature was that, while recognising a vested interest in the licensed houses *for ten years*, at the end of that period it provided for a very large reduction in their number, a limitation of houses to population being the first essential, and then, a further power of reduction being reserved to the ratepayers. The Bill was vigorously assailed by the

whole liquor interest, and coldly received by Temperance Reformers in the House ; the plea in the latter case being that before ten years were passed they intended to get rid of the houses altogether. The Committee of the National Association, on the other hand, saw the advantages of the proposal, and a meeting of Delegates from the leading Temperance Societies in all parts of the country was convened to consider the question. The main principles of the Bill were accepted by them ; amendments were agreed to and drawn up ; when, in the midst of their deliberations, the announcement came that the measure was withdrawn. It seemed desirable to take advantage of the presence of so many delegates for the discussion of a future Bill.

The delegates present were from the United Kingdom Alliance, License Amendment League, Central Sunday Closing Association, National Temperance League, British Temperance League, Western Temperance League, Devon and Cornwall Temperance League, Dorset County Temperance Association, Wrexham District Temperance League, The United Kingdom Band of Hope Union, The Social Working Men's Club Association, and the Church of England Temperance Reformation Society, and before they parted the outline of a Bill was adopted in the following form :—

- I. The control of the issue and regulation of licenses to be vested in the ratepayers of each locality.

This control to be exercised by means of Licensing Boards to be elected by the ratepayers.

- II. Houses to be reduced in the manner following :—

1. Licenses to be absolutely forfeited on second conviction.
2. Beer-house license to expire with the vacation of the existing personal license from death, insolvency, or any other cause.
3. Licensing Board to determine how many licenses shall be issued or renewed.
4. Mode of reduction (in addition to above self-acting provisions) : Voluntary sale or compulsory purchase of existing interests.

- III. Board to impose a license rental, in addition to the Excise license, of not less than — per cent. on the rateable value of the remaining houses. The expenses of the Board to be a first charge upon such rental; the remainder to be capitalised, and applied to the compensation of deprived license holders.
- IV. Fresh licenses to be tendered for by public competition. The basis of tender to be an advance on the license rental as fixed by the Board.

It will thus be observed that the two principles for which the Society has, from the beginning, contended, and which had been accepted in the main by the great bulk of Temperance Reformers, have been, 1st, *progressive restriction* in the facilities for drinking; and, 2nd, *Local Control* exercised by the ratepayers through the means of Licensing Boards. We have little to add to the above *resumé*.

1872.—In this year the Bill prepared by the National Association on the above basis was introduced by Sir Robert Anstruther and Sir Harcourt Johnston. But Mr. Bruce's second Bill had now appeared, and no place was left for the Bill of a private Society. The principle of Local Control was, to some extent, recognised by Mr. Bruce in the power given to the several localities to reduce the hours of sale—a provision of which Liverpool and a large number of localities throughout the country gladly availed themselves.

1874.—This was followed by the re-actionary Bill of 1874, and the Church of England Temperance Society having now, on its new basis, adopted legislation as part of its recognised work, it seemed that its first step must be to create a new and sound public opinion on the whole subject of Intemperance and the facilities given by the Grocers' Licensing System throughout the country. With this view, during the succeeding years, Conferences were arranged, papers issued, and the results brought together and formulated in the Executive Meetings, 1878—79.

In the interval, a Memorial signed by 14,000 of the

Clergy, had been presented to the Archbishops and Bishops, asking for further restriction in the sale of intoxicating liquors, and for the recognition of the wishes of the inhabitants. It was as the result of this that the Archbishop obtained the Committee on Intemperance in the House of Lords, which has been the means of collecting such a mass of valuable evidence upon the subject.

**1879.**—In the latter year the draft of a Bill was again agreed to, mainly on the lines of the preceding one; but with the provision that one-half of the Licensing Board should be, as now, Magistrates. The Bill was introduced by Sir H. Johnston and Mr. Birley, and read a first time in 1880. The second reading could only be secured at the end of a Wednesday sitting. It was then talked out by opponents, and having been “blocked” by opposing Members, no further opportunity of discussing it could be obtained.

**1881.**—Through the obstruction caused to the whole business of the country by Irish affairs, it seemed impossible to re-introduce the Bill in this Session, and the Executive contented itself with the presentation of a memorial to the Prime Minister, asking for the recognition of the principle of Local Control, by means of Licensing Boards, in any measure which the Government might introduce, and reminding him that such control was in the minds of the 14,000 Clergy, when they asked for further restriction in the sale of intoxicating drinks.

But we must now for a moment retrace our steps. In 1879 Sir Wilfrid Lawson had introduced his Local Option resolution. And as it will be impossible to consider the future action of the Church of England Temperance Society apart from this, we now propose to show the distinction between Local Option and our own principle of Local Control, explaining the point up to which they travel together, and vindicating our own principle at the point on which they differ.

## “LOCAL OPTION”—“LOCAL CONTROL.”

---

WE have already said that the two principles for which our Society has, from the beginning, contended, have been, first, Progressive restriction in the facilities for drinking; and second, Local Control exercised by the ratepayers by means of Licensing Boards. We have brought the history of legislative effort down to the introduction of the “Local Option” Resolution of 1879. And we must now give a short account of the course of action which led up to this.

The Permissive Bill had been before Parliament from 1864 to 1876 inclusive. Shortly, its provisions were to give to a two-thirds majority of the ratepayers in any place the power of extinguishing all licences for the sale of intoxicating drink. They were to vote “yes” or “no” on the question of granting licences at all. If a majority of two-thirds voted “no,” no house for the sale of strong drink could, for three years at least, exist in that place. The Bill provided no intermediate process, either for reducing the number of houses or preventing the issue of new licences. The vote was for all or none.

The course of the debates in Parliament must have convinced Sir W. Lawson that the Bill as it stood could never come within the range of practical politics. Moreover, representations were made, both public and private, to the effect that if the principle which was underlying the Bill—that of popular control—could be submitted to the House, apart from this special application of it, it would meet with a support far in excess of any that the measure had as yet received.

The event has proved the justice of these anticipations. A Resolution, affirming the principle, was introduced by

Sir Wilfrid in 1879, and received the support of 134 members instead of the former minority of 86. On its re-introduction in the New Parliament in 1880, the minority was converted into a majority of 26, the numbers being 229 for, and 203 against.

This was still further confirmed in 1881 by a Resolution affirming that it was the duty of the Government to introduce a measure which should give effect to the previous one.

The original resolution was, "That in the opinion of this House a legal power of restraining the issue or renewal of licences should be placed in the hands of the persons most deeply interested and affected, viz., the inhabitants themselves, who are entitled to protection from the injurious consequences of the present system"—thus far the Resolution was taken verbatim from the Report of Convocation; but then came the addition which has given it its name and character,—"*by some efficient measure of Local Option.*"

What "Local Option" meant did not at once appear. It might mean the "option" or "choice" between all licences or none as in the Permissive Bill. It might mean the choice between many and few licences, any or no new ones, and so forth. And it was in this latter sense that it was understood and accepted by the bulk of its new supporters. Thus, in a letter from the Chairman of our Society addressed to all our Branches, and widely circulated amongst Members of Parliament in anticipation of the debate, their vote was claimed on the distinct understanding that the principle of popular control was clearly recognised in the Resolution, and that Parliament would still retain in its own hands the power of shaping the application of it. Thus Mr. Forster, in giving his reasons for supporting it: "I come to the other principle involved, of giving power to the inhabitants of a district to control the number of public houses, and that is a principle which I have always been in favour of. I am



in favour of giving them power to restrict the number but not altogether to prohibit public houses." So Mr. Stansfeld and others.

What Sir Wilfrid Lawson meant by the phrase was not quite clear. He said, indeed, that if the Government failed to act upon the Resolution, "it would be his duty to consult with his friends to try to hit on some rational, sensible, and satisfactory way of carrying out the principle that has been enunciated." But his supporters were not long left in doubt. At a public meeting a few weeks afterwards he said that the "Option" meant that which was given by the Permissive Prohibitory Bill. This has been repeated and emphasised again and again at other meetings, and now, we regret to find our contemporary, the *Alliance News*, not only supporting this view, which was natural, but in a recent elaborate article, written to assail representative boards, and to uphold the direct vote, characterising Temperance reformers who are in favour of the boards as "afraid of their own shadow," and as promoters of "peddling legislation." The description, we venture to say, is a hazardous one. Not only does it include our unworthy selves, who are, perhaps, in the estimation of the writer, too lean to have a shadow, but persons of very considerable bulk and substance, in what has been considered the Alliance Camp. There is scarcely a Local Option meeting held now, unless our eyes deceive us, in which either the Chairman, as Mr. Buchanan, M.P., at the recent Edinburgh meeting, or some prominent speaker, as Mr. Illingworth, M.P., at Bradford, does not utter the heresy (for which he is presently called to account by Sir Wilfrid) that by Local Option he means the entire control of the traffic; and the Liverpool Temperance reformers, including such representative names as Mr. A. Balfour, J.P., Mr. Caine, M.P., and the bulk of those who for years have been working out this problem in the midst of a very fruitful local experience, have come to the conclusion, and have

recorded it in one or other of their public documents, that "the licensing authority should be transferred to Licensing Boards."

For ourselves, however, it becomes necessary to justify the position we have taken up. In doing so, we have no wish to accentuate, still less to aggravate, any differences of opinion which may exist among Temperance reformers. Our object, it appears to us, should rather be to lay fast hold of the ground which we occupy in common. If this should appear to be the possession of a common principle, in the application of which we are not as yet agreed, our policy should be to bring our united forces to bear on the Government of the day, insisting, that is, upon the principle on which we are agreed, and hoping that in the discussion of details carried on in our pages in perfect friendliness they may discover the light which shall guide them to a safe, practicable and speedy legislation.

By "Local Popular Control," then, we understand the application to licensing, and licensed houses, of that principle of local self-government, which is as old as the British Constitution, and which, in all such matters as Poor Law administration, sanitary regulations, and education, already obtains.

The principle depends upon another and co-ordinate one, that taxation and representation—local taxation and local representation, no less than imperial—should go together; and if in such institutions as have just been mentioned, then surely in one which is said to exist only to supply a public want, and which, in doing so, notoriously inflicts a heavy burden upon the public in the shape of poor, prison, and police rates, and affects the whole moral condition of the locality in which it exists. To be worthy of its name the control must extend, not only to the granting or refusing of new licences, but to the reduction in the number of existing houses, the regulation of hours, limitation of the structure and size of houses, their inspection, and the enforcement of penalties against transgressors of the law.

That this would, logically, embrace the power of prohibition is evident. But such a power—containing as it does, a new principle of legislation—must be regarded as a separate issue, to be decided by the legislature on its own merits; its adoption or rejection by Parliament in no way affecting the main question of the general control to be vested in the ratepayers. Supposing the decision to be in its favour it would be the extreme application of the controlling power—the last round of the ladder, to be reached, its advocates say, at once and at a bound, all intermediate rounds being knocked away; to be reached, in our opinion, much more surely, if in some cases more slowly, by preserving the rounds and advancing by the method of progressive restriction.

If this principle of Local Control be once conceded it is difficult to see in what way it could be applied, if not by the elective method and by Boards, as existing in the fore-mentioned cases. The expedient of a direct vote, to say nothing of its inapplicability to the constantly arising details of the Licensing Question, would in no wise satisfy the conditions of the problem. These are (1) that in view of possible reactions, no step, in the direction of restriction, shall be taken in advance of the public opinion of the locality; (2) that the administrative machinery shall be such that as the public opinion advances it shall at once be enabled to register itself in a corresponding restrictive action. Nothing but a Board, elected by the ratepayers and responsible to them, could so adjust its decisions to the ever-rising level of Temperance reform. "The Barometer," in words before applied to this subject, "might, or might not rise, to the prohibitory point of 'set fair,' or, as the enemy would say of 'very dry,' it would be no small gain to find it emerging from 'the very wet' and 'stormy' indications which have given to the moral, as to the climatic, condition of England, so bad a reputation with the rest of the world." It is scarcely necessary to add that the

very existence of such a Board, with the constant stimulus which it will give to enquiry and discussion, will be an educatory agent of the highest order; ever tending to bring up the voters of the locality to a higher standard of Temperance opinion and action.

But then to fulfil these conditions the Board must evidently be elected "*ad hoc*," and for no other purpose. To suppose that Town Councils, whose members, in nine cases out of ten, are elected on a political ticket, and whose decisions are more or less influenced by political considerations, or the proposed County Boards, the main consideration in whose election will probably be such matters as highway rates, and in whose deliberations the strictly local element will be largely diluted if not lost sight of, could in any sense satisfy the "Local Option" Resolution of the House of Commons, is absurd on the face of it. We are not sure, from some pilot-balloons that have been recently thrown up, that this last may not be the direction in which special vigilance, on the part of Temperance Reformers, may be necessary, lest the prize, already within their grasp, should be snatched from them by well-meant but entirely inadequate legislation.













