

existing or proposed, in their neighborhood. A dispossessed publican took to Court both the Association and the objectors to his licence. Unfortunately the Legal Agent of the Association had only taken one mandate from the objectors, and had made it do purpose both for the Licensing Court and the Appeal Court. The Judges decided that the mandate did not cover the Appeal Court, that consequently neither Law Agent, nor Association, nor objectors were privileged and their allegations therefore that the house was the rendezvous of women of easy virtue became slanderous. Certain office-bearers and directors of the Association were mulcted in heavy damages, and these they had to pay over and over again to the extent of thousands of pounds, as they had to settle with other publicans similarly situated, even with those who retained their licences. More startling, however, than the decision, was the flashlight that was cast on the interior of the public-house, and the blunt declaration of the law as made by Lord President Dunedin in his address to the Edinburgh jury on 16th May, 1910, in these terms:—"There is no reason why a public-house keeper should not supply liquor to a woman who was a prostitute. She was entitled to her liquor as she was entitled to her bread or clothing if she chose. The mere fact that a publican knew her character would not be sufficient to justify him in refusing her liquor if she was perfectly sober. On the other hand there were certain things he was not entitled to do, and they were very well summarized in the terms of the licence certificate, one of the clauses of which provided that he must not permit or suffer men or women of notoriously bad fame or girls or boys to assemble in his public-house. That was the test, and what the jury had to consider was the general way in which the pursuer conducted his public-house. In one sense the police evidence was only negative. The police could not possibly be always there, and that they did not see certain things happen was no actual proof that they did not take place. On the other hand they had the evidence of a class of people who no doubt were not reliable, but there was no law that their testimony was not to be accepted, and it was really a question of common sense for the jury to say whether or not they believed them as they would believe anybody else, provided the jury came to the conclusion that there was no particular reason why they should not be telling the truth. \* \* \* \* It was a very dirty corner of society they had shown to them, but that could not be helped, and they had to take it as men of the world and come to a conclusion."