

DECISION OF COURTS IN BRITAIN

The matter of compensation has been decided emphatically in the negative by all the Courts in England, including the House of Lords. See *Digest of Sharpe vs. Wakefield*, as follows:—

A licensee applied to the licensing authority in due course for renewal and without any objection to his conduct or to the building, the license was refused. Susannah Sharpe, the owner of the inn, aggrieved by this action, appealed on the ground that in the matter of renewal the authority was not entitled to decline simply on account of the wants of the community if the character of the holder and the building were satisfactory. It was contended by Henn Collins, Q.C., that the question was whether when places had been licensed and the owners had spent large sums of money in expectation of the renewal the license can be refused to a fit and proper person. The legislature, it was held, could not have intended such loss of property. Thus the question was expressly raised:

IS THE EXPECTANCY OF RENEWING A LICENSE A PROPERTY?

If it is not a property there can be no question about confiscation. If there be no property confiscated or injured there is no case for compensation. The case was argued and disposed of in every court with the same result. The High Court, the Appeal Court and the House of Lords all affirmed that there is no property in a license beyond the year for which it is given.

DECISION OF COURTS IN BRITISH COLUMBIA

In the Supreme Court of British Columbia, the Honorable Mr. Justice McDonald ruled against the two hotels at Eburne whose licenses were taken away without notice, dismissing the cases with costs, his exhaustive finding ending as follows:—

"I do not think that any legal right has been affected which to the 'end that justice may be done' requires the interference of the Court. In my opinion both rules should be discharged with costs."

II.—HISTORY SAYS "NO!"

(1) When the common "law" right to sell intoxicants was destroyed by the English Act of 1551, on account of the growth of crime and disorder connected with the public-houses, none of those deprived of the right to sell were compensated.

(2) From 1882 to 1900 there were 1320 licenses refused renewal in England and Wales, solely on the ground that they were not required, and not one of these holders were compensated.

(3) When the liquor party of England with the help of the "beer-age" in the House of Lords, secured the Act of 1904, providing a measure of compensation, the funds for this purpose were not taken from the public purse, but were raised by an annual charge on the remaining licensed houses. Even this concession aroused the nation against the liquor interests, and largely caused the defeat of the Balfour Government in 1906.