

5. In section 18 of Act, no number of Commissioners is specified as a quorum.

6. We think it would be advisable to give the Courts discretionary powers to grant licenses to keep certain houses open during extended hours in special cases, and in certain cases to impose special conditions. Whenever extended privileges are granted, an extra fee should be prescribed by the Court.

7. Sections 23 and 24 are unworkable in their present form.

8. There is no provision in the Act to compel the attendance of witnesses. When complaints are made against a house, it is most important, for the sake of all parties concerned, that the Court should have power to issue subpoenas, and that it should have such other powers of maintaining order and securing necessary evidence as are required by a Court of Justice.

I have, &c.

CHAS. C. BOWEN,  
Resident Magistrate.

The Hon. the Minister of Justice, Wellington.

## No. 7.

The RESIDENT MAGISTRATE, Dunedin, to the Hon. the MINISTER of JUSTICE.

SIR,—

Resident Magistrate's Office, Dunedin, 5th June, 1874.

I have the honor to acknowledge the receipt of your letter of 22nd May, requesting my opinion on the working of the present Licensing Act, and in answer beg to say,—

1. The constitution of the Licensing Court is a great improvement on the mode of granting licenses formerly in practice. No quorum is mentioned.

It is expedient to provide for the absence of a member of the Court.

I am informed that counsel in Dunedin have given an opinion that the proceedings of the Court held here are invalid by reason of the informal or imperfect constitution of the Court.

It is stated that the Resident Magistrate appointed to act should have been specially appointed by the Governor, and that the Proclamation in the *Gazette* is insufficient, as it contains no appointment of the Resident Magistrate in terms of section 4.

It is expedient that a clause be inserted in the Amendment Act confirming past proceedings, notwithstanding any informality or irregularity.

2. Transfers of hotels often take place during the year. Provision should be made enabling the Resident Magistrate to authorize transfers when necessary.

3. It is advisable to repeal the Provincial Ordinances and consolidate the law.

4. The time for making application for wholesale licenses is not clearly specified in section 12. The section may be interpreted that such application may be granted while the Court is sitting for the granting of certificates for publicans' licenses.

5. The Act is silent in regard to the time for making application for other certificates than publicans and wholesale. The time should be specified in every class of licenses, including bottle and brewers' licenses.

6. No certificate for a publican's license should be granted unless there is *bonâ fide* accommodation for travellers, say, four bed-rooms and two sitting-rooms, with stabling and conveniences.

7. No female under thirty years of age should be allowed to act as barmaid. There was a painful case here last month. A woman who had been barmaid at the Universal Hotel was found wandering in a state of nudity at Half-way Bush, suffering under *delirium tremens*. She was sent to the Lunatic Asylum.

8. Special legislation is required for railway refreshment-rooms. It is suggested that a public bar at a station, unless on a roadside station at a convenient place on a long journey, is highly inexpedient. A public bar is not required at a terminus. Those at Dunedin and Port Chalmers have been perverted from their proper use for travellers; and at the latter place especially the bar and platform in front has become a lounging place for men having no business on the platform at all. The enormous rent at Port Chalmers (£485) shows that it is supported from outside. The sale of intoxicating liquors at stations places a temptation in the way of employes, productive of danger to the public.

9. Applicants should pay a fee on lodging their application, and also a hearing fee, and fee for certificates, to be defined in a Schedule to the Act. At present there is no fund from which to defray expenses incurred. In Otago, most of the license fees belong to the municipalities, and there is no provision for charging them with expenses. It is only reasonable that these should be paid by the applicants, as was done in the majority of provinces heretofore.

10. Schedules should be annexed to the Act, providing forms of applications for bottle, wholesale, brewers', and packet licenses, and a form of bottle license should be given.

11. The present discretionary power, having worked well, should not be diminished.

12. Clauses authorizing search for adulterated liquors, and prohibiting possession and sale thereof, should be added. Penal clauses should also be added, punishing licensees for permitting gambling, supplying liquor to children under sixteen, allowing prostitutes to assemble at the bar or meet with men in their houses, supplying liquor to intoxicated persons or to habitual drunkards after notice from the police, neglecting to keep a light burning above the principal doorway, selling liquor in prohibited hours or on Sunday.

13. Penal clauses are also necessary to punish for sly grog-selling.

14. Provision is required for granting temporary special licenses for race meetings, regattas, balls, and the like.

15. Licensed houses should not have privilege of concert rooms or music halls without special permission of Resident Magistrate. In Dunedin there are two theatres, which renders such places (*i.e.* music halls) unnecessary. Where they exist, they are found to be the resort of thieves and prostitutes, and productive of crime.