

SESS. II.—1891.
NEW ZEALAND.

POLICE PROSECUTIONS UNDER "THE LICENSING ACT, 1881."

(CORRESPONDENCE RELATIVE TO).

Return to an Order of the House of Representatives dated 30th January, 1891.

Ordered, "That there be laid before this House and be printed copy of correspondence between the Hon. the Minister of Justice and the Hon. Sir W. Fox, K.C.M.G., on the subject of prosecutions by the Police of licensed victuallers offending against the law; also, copy of correspondence between the Hon. the Minister of Justice and Bishop Cowie, as chairman of a public meeting held in Auckland, on the subject of the conduct of the police in that city."—(Hon. Sir. J. HALL.)

Inspector BROHAM, Auckland, to the COMMISSIONER of POLICE, Wellington.

SIR,—

Police Office, Auckland, 22nd May, 1889.

I have the honour to inform you that at the last annual licensing meeting here several licenses were issued to married women, notwithstanding my opposition. Since then the Court of Appeal has decided that married women cannot hold publicans' licenses. The same married women are also applying for licenses this year, and the licenses will probably be granted. Will you please state whether, in that case, the police should take action against the holders of the licenses, for, of course, the licenses issued will be null and void in law. This opens up the question how far the police should abide by the action of the Licensing Commissioners in other cases. It is well known that throughout the colony Licensing Commissioners do things every day contrary to the Licensing Act, but heretofore, so far as I know, the police have taken no steps to enforce the law against the decision of the Commissioners. I also find that some of the Road Boards here pass by-laws permitting cattle to stray upon public roads contrary to the Trespass of Cattle and Police Offences Acts. If the police continue to remain inactive in all cases where Licensing Commissioners and public bodies run counter to the law, the law, after a time, will be quite shadowed over by by-laws quite illegal, and decisions contrary not only to law but to all sense and reason.

I have, &c.,

T. BROHAM, Inspector.

There are about four hundred licensing districts in the colony, and each district returns five Commissioners every year to enforce the Act, or, say, two thousand for the entire colony.

To Inspector Broham.

I FEAR that the legality of this action on part of the Licensing Boards must be tested by prosecuting the women in question. It is very hard for them, but we must support the law.

27th May, 1889.

W. E. GUDGEON.

The Hon. Sir W. Fox to the Hon. the MINISTER of JUSTICE.

SIR,—

New Zealand Alliance Office, Auckland, 17th September, 1889.

By direction of the Council of the New Zealand Alliance for the Suppression of the Liquor Traffic, I have the honour to call your attention to a circumstance connected with the administration of the licensing laws which appears to require the intervention of your department. Cases have occurred more than once, and exist at this moment, in which licenses to sell intoxicating drinks have been granted by Licensing Committees apparently in direct defiance of law. For instance, where a local-option vote against any increase has been duly taken a Committee has afterwards deliberately granted a certificate for a new license, in excess of the existing number, and such license has been acted upon by the publican in whose behalf it was granted. In another case a license has been issued to a married woman, and, what made it worse, in a false name, apparently to conceal the fact of her coverture. In another case an extension of hours from 10 to 11 at night has been granted to several publicans to sell liquors at their houses because a flower-show