

Mr. Butt argued that the Licensing Committees were bodies with vastly greater powers than Borough Councils. The Committee had been elected by the people, and the Court must assume that they had, in issuing the license, registered the will of the people. The validity of a particular vote of a member of Parliament could not be challenged because it was in direct antagonism to a promise made by him to his constituents.

His Worship said he was inclined to think that the production of the license must be final so far as the defence was concerned in that Court. He did not think the Court had power to review the actions of a body of equal jurisdiction properly constituted, and with special powers conferred upon it by statute. So far as that Court was concerned, it must assume that all which had been done had been purposely done. If it were desired to go behind the license and ascertain whether or not the license were properly issued he thought the proper Court to inquire into the matter was the Supreme Court. It could not be done by a Court of inferior jurisdiction, or, at best, of only equal jurisdiction. He was not clear that the Committee were not liable to proceedings *quo warranto*, or if they had not been guilty of a misdemeanour; but these were questions which that Court could not determine. As the learned counsel for the defence had pointed out, if that Court were in a position to go behind the license, there would be no limit to the power of the Court, and it would possess full authority to view all the proceedings of the Committees. Such a power he did not think the Court possessed, and the case would therefore be dismissed.

His Worship declined to allow costs.

BISHOP of AUCKLAND to the Hon. the MINISTER of JUSTICE.

SIR,—

Bishopscourt, Auckland, 8th November, 1889.

At a large meeting of Auckland citizens held on the 5th November, I was requested to send you the enclosed extract from the *New Zealand Herald*, containing a statement made by the Rev. G. B. Monro at a meeting of the New Zealand Presbytery. In consequence of the publication of the said statement in the local newspapers, a meeting was convened, by circular, for the consideration of this subject, and was attended by a large number of clergy and laity of various denominations, the chair being occupied by myself. At this meeting a committee was appointed, of which Sir W. Fox was convener, to consider the subject and to report to a future meeting, to be called by circular. At the second meeting it was resolved that a letter be sent to the Minister of Justice, calling his attention to the necessity of steps being taken to suppress "disorderly houses" by legal proceedings. There appears to be no power to proceed summarily on the prosecution of the police before the Resident or other Magistrates, although provision has been made to that effect by colonial statutes in a great number of other specified cases of offence against good order, decency, health, and morality. It is believed that the offence of keeping a "disorderly house," although it amounts at common law to a public nuisance, can only be punished by indictment in the Supreme Court. It is self-evident that this is not the function of any private person. The intervention of the Crown Prosecutor would be required; but the police, who, it appears, are in full possession of the facts with which they almost necessarily become acquainted in the routine of their ordinary duties, could be required by Government to "get up" the cases, and pass them on to the Crown Prosecutor as they do in the case of various other offences. It appears from the Rev. Mr. Monro's statement that in Auckland the police are well aware of the existence of a large number of "disorderly houses;" and it is believed that in some of the other cities of the colony regular reports on the subject have been periodically made by the police to the heads of their departments. The police have, it appears, cognisance of the names of many of the habitual residents in some of such houses, and of the casual frequenters of both sexes in others, as well as of the owners or tenants of most of them. There would be no difficulty in obtaining sufficient evidence to convict the keepers of such houses. It is a fact that for some centuries in England prosecutions by indictment under the common law have been carried on successfully down to the present time. In that country, however, one or more Acts have been passed for the purpose of facilitating proceedings, but they do not supersede the common law remedy, and, though probably they are not in force in this colony, the common law is. If, however, any technical or practical difficulties should be found to exist they could, it is thought, be easily removed by legislation; but we are not aware that any such difficulties do exist. I am requested to add that it is the unanimous opinion of the persons present at the meetings held in Auckland during October and November to consider these matters that the "age of consent" should be raised to sixteen years.

I have, &c.,

The Hon. the Minister of Justice.

W. G. AUCKLAND, Bishop.

VICE IN AUCKLAND.—THE REV. MR. MONRO'S INVESTIGATIONS.—DISCUSSION BY THE AUCKLAND PRESBYTERY. (1ST OCTOBER, 1889.)

At the ordinary meeting of the Auckland Presbytery yesterday morning, the Moderator (Rev. B. Hutson) asked the Rev. G. B. Monro if he had any report to submit as to what had been done by the Religion and Morals Committee.

Mr. Monro said that he had not.

The Rev. J. Macky thought there was a very general desire in the Presbytery that Mr. Monro should give a report in connection with the work of the committee, of which he was the convener. He thought that Mr. Monro would consider the Presbytery as fit as the public prints to receive any information.

The Moderator asked Mr. Monro if he could give them no information at all. Could he give them, if not an interim report, some information as to what was being done by the committee?

The Rev. Mr. Monro said he could not give any report in the name of the committee without their consent. It would be a different matter if the Presbytery passed by the members of the committee and asked him for a report.