

*Licensing Laws.*

A large amount of evidence has been produced to show that the sale of liquor during prohibited hours is practised by hotelkeepers in spite of the provisions in the licensing-laws. We are satisfied that this practice is pretty general throughout the colony, although not to the extent those who are hostile to the liquor trade assert. A return which will be found in the Appendix, showing the number of arrests for drunkenness on Sundays indicates that comparatively few persons obtain liquor on Sundays from hotels or private sources in sufficient quantities to bring about intoxication.

We do not think that those who charge the police with negligence in enforcing the observance of the law relating to the sale of liquor properly appreciate the difficulties they have to contend with. There is a very general unwillingness on the part of persons who induce hotelkeepers to break the law to give evidence against them: and yet it is generally on such persons the police must rely for evidence to support their information.

The police visit licensed houses in towns on Sundays, but their approach is in many cases announced by sentries, secret electric bells and telephonic communication being used for the purpose.

As the law now stands, it is no offence to be in an hotel on Sunday, or at any time during closing hours. Drink may be sold to a lodger, who may supply his guests, and travellers may obtain refreshment on arrival from a journey. When the police enter an hotel they may find a number of persons therein, and actually witness the consumption of liquor; but if a lodger will say he was treating those present as his guests, and the police cannot prove the contrary, it would be useless to prosecute.

A strong inducement to publicans to resort to perjury in defending such cases is the severe nature of the penalties imposed by the Licensing Act. Indorsement must follow a conviction for certain offences. Many hotel leases contain a provision for forfeiture in case of indorsement of the license, and this may involve a loss of hundreds, or even thousands of pounds to the licensee. The evidence may, and often does, show that the offence is merely a technical one, or possibly due to the carelessness of a servant. In such cases, and in all first offences, a discretion should be given to the Magistrate whether or not an indorsement should follow a conviction. The monetary penalties for such offences might be considerably increased. Indorsement is in many cases a punishment out of all proportion to the offence, and Magistrates must feel a reluctance to convict when it carries such a penalty.

Some startling facts were brought under our notice as the result of the observations of persons who "watched" various licensed houses on Sundays, which undoubtedly indicate that a large Sunday trade is carried on. The number of persons who entered those houses, counted between 8 a.m. and 8 p.m., is said to have amounted in one case to 200; in another, 250. The houses referred to are not hotels at which a large number of boarders reside, and, after making allowance for boarders, members of the licensee's family, those who enter to obtain meals and for other legitimate purposes, there is no doubt whatever in our minds that a large number of those who entered did so for the purpose of obtaining liquor. Whether they succeeded we do not know, and the entry of the premises is not, as we have pointed out, illegal.

We are of opinion that the law should be amended in the direction of prohibiting during closing hours the supply of any liquor for consumption by the guest of a boarder, except with meals, and making all persons, other than *bonâ fide* travellers, lodgers, and members of the hotelkeeper's family and servants, found on licensed premises at prohibited hours, without reasonable excuse, liable to a penalty as provided by section 25 of the English Act. That section, altered as proposed by us, will read as follows:—

"If, during any period during which any premises are required under the provisions of this Act to be closed, any person is found on such premises, he shall, unless he satisfies the Court that he has reasonable excuse for being thereon, be liable to a penalty not exceeding £2.

"Any constable may demand the name and address of any person found on any premises during the period during which they are required by the provisions of this Act to be closed; and if he has reasonable grounds to suppose that the name or address given is false, may, if such person fail upon such demand to give his name or address, or gives a false name or address, apprehend him without warrant, and take him as soon as practicable before a Justice of the Peace.