

“ Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false evidence with respect to such name and address, shall be liable to a penalty not exceeding £5.”

The circumstances of the colony appear to require the slight modification of this section we propose by the insertion of the provision for reasonable excuse. The hotel in this country is often the only place where people can meet their visiting friends, and it would be a great inconvenience if their doing so on Sundays was prohibited by making a *bond fide* visitor liable to a penalty. At some places in the colony, in consequence of tidal rivers and other causes, intending travellers by sea and land have often to wait for steamers, coaches, and other vehicles at hotels, in the absence of other suitable accommodation, until long after the hour fixed for closing. Such cases as these appear to require the modification of the English Act suggested, but the onus of proof of “ reasonable excuse ” must be on the party claiming it, and what is a “ reasonable excuse ” should be a question of fact to be determined by the Magistrate trying the case.

If the existing law is amended as now indicated, the power of the police to enforce the observance of the law relating to hours of closing would be greatly augmented.

Taking into consideration the difficulties the police have in proving breaches of the licensing laws in licensed houses, we consider they have been fairly successful. It is quite certain that numerous offences under these Acts are committed which are not detected, and of which probably many could be detected with more vigilance on the part of the police ; but any want of vigilance which may exist, or has existed, cannot, in our opinion, be attributed to the heads of the department. We are satisfied the late Commissioner has done nothing to check the men in the performance of their duty in the matter, but, on the contrary, has encouraged vigilance in respect of it. It has been suggested that constables who were energetic in prosecutions against hotelkeepers suffered—that they, by the influence of those they had prosecuted, had been removed to other stations, and sometimes to less advantageous positions ; but the evidence adduced does not establish this. It is true men have been transferred in some cases shortly after such prosecutions, but such removals have been shown to have been generally to the benefit of the constables. Although hotelkeepers have complained of what they thought sharp work on the part of constables, and have threatened to use their influence to get them removed, and although there are several cases in which a strong impression was created in the minds of some members of the Force that there removal was the consequence of publicans’ influence, yet in no case has it been proved that the removal took place as the result of their action.

A return will be found in the Appendix giving the number of prosecutions and convictions for breaches of the licensing-law (chiefly for being open at unlawful hours, and not including drunkenness) during the last seven years.

The existence of the system of “ No licenses ” in the Clutha district and the King-country has developed a numerous class of sly-grog sellers, whose defiance of the law has called for unusual action on the part of the police.

#### *Sly-grog Selling.*

The difficulties already referred to in respect to prosecutions for selling after hours and on Sundays exist and are greater in cases of sly-grog selling. Usually, persons breaking the law in this way in districts where alcoholic refreshment is not otherwise obtainable are regarded by those obtaining it as benefactors, and they are most unwilling to give evidence against them. Such sales are usually in private, and the difficulty of obtaining evidence on which to secure conviction is in consequence very great. The police, after using all ordinary methods, have had recourse to a system which is strongly condemned by many persons : We refer to a system of deception. Constables have, under instructions, assumed false characters and resorted to subterfuge to obtain the confidence of men with the intention of betraying them. We do not think it necessary that we should express to your Excellency our opinion on the ethical question involved, but from a police point of view the course pursued has proved satisfactory. We are aware there are some cases which may justify its use, but express the hope that it will never become a recognised police system in this colony.

In sly-grog-selling cases if purchasers as well as vendors were by law made liable to a penalty it might tend to check the offence. It is true it might increase the difficulty of getting the evidence of those persons, but if the power given by section 5 of “ The Evidence Further