

Enclosure in No. 29.

MEMORANDUM by Mr. Fox.

WITH reference to the Circular Despatch, dated 20th July last, from the Right Honorable the Secretary of State for the Colonies, Ministers transmit, for His Excellency's information, the enclosed copy of a Memorandum by the Attorney-General on the subject of the law in force in New Zealand in regard to the Sale of Intoxicating Liquors.

Wellington, 24th November, 1871.

WILLIAM FOX.

Sub-Enclosure to Enclosure in No. 29.

MEMORANDUM on the Law in force in New Zealand with respect to the Sale of Intoxicating Liquors.

THE original law in force in New Zealand is contained in an Ordinance passed in 1842, which, with its several amendments, is still on the Statute Book of the Colony; but inasmuch as all the Provinces have passed Ordinances regulating the sale of intoxicating liquors, the law above referred to is virtually inoperative.

Certain Acts of the General Legislature are in existence, which are limited in their operation either as to time or place, or which have been enacted for the purpose of meeting special cases, in which it has been thought fit to exercise a restraining power over the trade in liquor. Of these may be mentioned an Ordinance passed in 1847, restricting the sale of spirits or intoxicating liquors to Natives, power being reserved to the Governor to modify or suspend the operation of the Ordinance in certain cases. Another Act, too, which is limited in its operation, is "The Public Houses Act, 1868," which provides that where the Colonial forces may be employed in the suppression of rebellion, the Governor may proclaim districts within which spirituous or fermented liquors may not be sold without the permission of a person appointed by the Governor to grant the same; while the Distillation Act of 1868 regulates the manufacture of spirituous and fermented liquors within the Colony, and makes provision for the granting of licenses to brewers, distillers, and wine and spirit merchants.

1842, Sess. II.,
No. 12.
1844, Sess. III.,
No. 2.
1851, Sess. XI.,
No. 16.
1866, Act No. 71.

But as it would appear from Earl Kimberley's Despatch that information is sought as to the sale of intoxicating liquors by retail, as a question of social economy, some extracts from the existing Provincial legislation on the subject are shown in the Table annexed.

For the reason above mentioned, this Table does not refer to the provisions of the Provincial Ordinances for the granting of "wholesale licenses," or the kinds of licenses variously termed "bush licenses" or "conditional licenses," which take effect in remote and thinly-peopled parts of the Colony, or are granted under other exceptional circumstances.

The Ordinances of Auckland, Otago, and Canterbury have alone been referred to, but it may be observed that those of the other Provinces are very similar in their main provisions.

Wellington, 23rd November, 1871.

J. PRENDERGAST.

TABLE showing the chief Provisions of the Ordinances in force in the Provinces of Auckland, Canterbury, and Otago, regulating the Sale of Spirituous and Fermented Liquors.

AUCKLAND.

General provisions of Provincial Ordinance regulating Sale of Spirituous and Fermented Liquors, Retail.

"The Licensing Act, 1871" (Session XXVI., No. 9), provides for the holding of annual licensing meetings on the third Tuesday in April in each year. These meetings are presided over by Justices of the Peace, who are authorized to grant certificates for the issue of licenses and to transfer licenses.

Any householder within the district may attend the meetings of the Justices and object to the grant of any license applied for.

By the 23rd section it is provided that no license shall be granted in respect of any house or premises within the City of Auckland, or any Town or Highway District, in which two-thirds of the adult population, male and female, shall by memorial signed by them, addressed to the Justices, request that no license be granted in respect of any individual house. The Justices are required to verify the statement of the memorial, and are empowered to deal with the request.

Provisions as to Sale of Liquors on Week-days and Sundays respectively.

1. *Week-days*.—No person holding a license is to sell or supply any alcoholic liquor or suffer the same to be drunk in his house between the hours of ten at night and six next morning, or on Sundays, except to or by *bonâ fide* travellers and persons resident thereat and sleeping therein.

Provision is made authorizing Justices of the Peace to grant permission to keep house open till eleven on Saturday nights and twelve on ordinary nights.

2. *Sundays*.—See above clause.

Remarks on the Operation of the existing Law.

It is submitted that the information required under this head can only be completely answered by the Provincial authorities.

General provisions of the Provincial Ordinances more or less identical.

Scale of fees charged for the various kinds of licenses. Disqualification of brewers, &c., and Justices of the Peace, who may be interested, to sit at licensing meetings. Prohibition of taking pledges in payment for liquor. Against gambling. Music and dancing without special license or permission. Right of inspection and entry to police authorities. Forfeiture of license in certain cases.

Penalties.—For sly grog-selling or breach of provisions of Ordinance. On conviction for drunkenness, &c.