

1874.
NEW ZEALAND.

LICENSING ACT OF 1873,

(INSTRUCTIONS AND CORRESPONDENCE RELATING TO).

Return to an Order of the House of Representatives, No. 5, of the 9th July, 1874.

“That there be laid upon the Table copies of all Instructions issued to Resident Magistrates or Licensing Boards, and all Correspondence with either, relating to the introduction and action of the Licensing Act of 1873.”—(*Hon. Mr. Fox.*)

No. 1.

MEMORANDUM ON “LICENSING ACT, 1873.”

SECTION 3.—Proclamation of Districts.—The section gives full latitude in defining the boundaries of districts. To give it a fair chance of efficiency, they should not be large. Each district should include so much as may be considered the support of any given group of houses. Thus, in Wairarapa there may be four districts, of which the centres would be Masterton, Carterton, Greytown, and Featherston. In Rangitikei, there might be Bull’s, Marton, and Turakina. In municipalities, the several wards might do, or they might be subdivided. The Resident Magistrates should be required to suggest boundaries of districts, guided by the above principle.

Section 4.—This clause may seem superfluous. It is, in fact, a “vestige of creation” which has survived the original Bill, mutilated in its passage through the House. It has, however, an intelligible operation in reference to clauses 5 and 15.

Section 13.—In section 7, defining kinds of licenses, “bush licenses” are not specified, being considered as included in “publicans’ licenses.” Their specific mention in section 13 was to take them out of the jurisdiction of Provincial Governments, as at present, and place them on the same footing as all other licenses to be granted by the Licensing Court.

Sections 16 and 17.—The Licensing Court is not in accordance with my suggestion, which was for an elected Board. Mr. Vogel proposed a permanent official, nominated by the Government. The Court provided by the Act is neither one thing nor the other—a lame sort of compromise. The object, however, was to get rid of the ordinary Justices of the Peace sitting as a Licensing Board *ex officio*. The only suggestion I can make (and I do it with hesitation), is to leave it to the Resident Magistrate to suggest his own colleagues, instructing him to avoid Justices of the Peace as far as possible.

Section 23 contains the “Permissive Veto.” The provisions are substantially the same as in the Auckland Act of 1871. In my original Bill, in which I proposed to enact the more sweeping prohibitory clauses known as Sir Wilfred Lawson’s, there was machinery for taking the vote of the residents, to be put in operation by the Resident Magistrate, on request of a given number of rate-payers. The loss of this part of the Bill leaves the permissive clause, which was substituted, in a very imperfect condition; its operation being dependent on a memorial, the signature of which necessarily involves so great an amount of personal labour as to be very ominous to the prospect of success on any general scale. I believe the Act will have to be altered in this particular. The Act, however, leaves it to the judgment of the Licensing Court to decide whether the requisite proportion has signed, and possibly in rural districts, if not too large, the material for ascertaining the fact may be within their reach.

7th October, 1873.

WILLIAM FOX.

No. 2.

The UNDER SECRETARY, Department of Justice, to certain RESIDENT MAGISTRATES.
(Circular No. 88.)

SIR,—

Department of Justice, Wellington, 14th October, 1873.

I have the honor, by direction of Mr. Reynolds, in the absence of the Minister of Justice, to call your attention to the 3rd section of “The Licensing Act, 1873,” and to request you to be good enough to furnish the Government with descriptions of the outward boundaries of districts to be proclaimed licensing districts, within your district, as Resident Magistrate. Such districts may, as provided by the Act, have their boundaries conterminous with those of Municipal Wards and Road Board or School Districts, provided the latter are not too large, as large districts are not generally desirable.