

read the Act as contemplating the holding a Court in each district; but I see that in practice this has not in many cases been done. Still, in suggesting the districts I was guided by my reading of the Act; and I saw that to cut the province up into the numerous small districts as desired by the Good Templars, would render it a matter of extreme difficulty, if not of impossibility, to get the necessary Commissioners to sit and act. There were not, moreover, suitable petty subdivisions existing, as road board or school districts, which could be adopted for the purposes of the Act. I do not see that the districts I have suggested are so very large. The province is divided into six districts, and one public-house is in a seventh (Taupo). Now, although these districts may in some cases be geographically large, they have not a large population. The largest district (Waipawa) is chiefly uninhabited bush and mountainous country. If houses are to be closed because they sell liquor rather than because they are misconducted, then an orderly and well-conducted house might be closed, and a very inferior one licensed a mile or two off, if the licensing rested with the group of householders immediately contiguous. Some of the houses exist almost exclusively for travellers, there being few, if any, residents. Many such must have come under your notice during your late journey. How could these be dealt with on the minute subdivision plan?

I will enclose reports of the meetings of our several Licensing Courts, if I can obtain a spare copy of the *Hawke's Bay Herald*. The *Hawke's Bay Times*, which has for many years been a staunch and consistent organ of the temperance societies, will no doubt have been sent you. Its reports were good of the meetings, which were attended by its ordinary reporter, viz. Napier, Petane, and Ngaruroro.

I have, &c.,

H. B. SEALY, R.M.,
Chairman of Napier, Petane, Ngaruroro, Waipawa,
and Porangahau Licensing Courts.

The Hon. W. Fox, M.H.R., Marton, Rangitikei.

No. 11.

The Hon WILLIAM FOX, M.H.R., to the RESIDENT MAGISTRATE, Napier.

SIR,—

Westoe, Marton, May, 1874.

I have the honor to acknowledge your letter of the 11th current, and to thank you and your colleagues of the Licensing Bench for the courteous manner in which my complaints of certain houses in Hawke's Bay Province have been received and acted upon, as well as for the trouble you have taken in your letter under acknowledgment, to explain the grounds of the action taken by yourself and brother Commissioners. The treatment I have received at your hands is an agreeable contrast to that I experienced from the Foxton Bench, to whom I addressed similar complaints. That Board neither acknowledged the receipt of my letter nor acted upon it; though in one case the conduct of a publican complained of involved loss of life, and in the other a very objectionable house. There had been no application sent in according to the requirements of the Act, or posted at all, as the Act requires, and the residents in the district had consequently had no opportunity of exercising their veto.

You will perhaps allow me to make a few remarks on the reasons you give in your letter for the course pursued in the Waipawa and Ngaruroro cases, and on some other points. You appear to me to have misunderstood the spirit of the Act. The fundamental principle of the whole Act is to give to the adults in every district the power of prohibiting the existence of any individual public-house, or, by exhaustion, of any public-house at all, within the district. It seems to me that in defining the districts it was your duty to have done so in such manner as to enable the persons intrusted with this veto to exercise it with the greatest facility. The obvious way of achieving this end was (as I had indicated to the Colonial Secretary) to include in any one district only such persons as might be supposed to have a direct interest in any given group of public-houses, and not to include remote residents, who neither received benefit nor injury from that particular group, but had a group of their own nearer to them. In short, the districts should have been made as small and not as large as possible. Had this been done in the two cases named, there is little doubt that the right conferred on the people by the Act would have been exercised. By the course pursued by you, and by other Magistrates in this and other districts, the provision of the Act has been entirely nullified. The only difference it could have made to the Licensing Benches would have been that they would have had to hold a few more Courts—in your case apparently three or four more at most. You say that the members of the Benches would probably have declined so much labour. If those appointed had so declined, I have no doubt the Government could have found others willing to give a few days to the performance of a most important public duty; and if the Government had issued their Proclamations in anything like reasonable time, such a difficulty as this, if it existed, could have been easily adjusted.

As to the "furious discords and hardships innumerable" which you suppose likely to have occurred if you had made smaller districts, I cannot understand why the danger of such contingencies should be less in larger than in smaller districts, unless on the supposition that the Act would not be put in force at all in the larger ones. But the suggestion is, I am confident, entirely unfounded. We have in New Zealand, as a rule, no such rowdy population in our country villages as to get up *émeutes* formidable enough to frighten the majesty of the law. If any little "rumpus" should ever occur, it would be of dimensions such as the ordinary police force and a firm magistracy could easily cope with. There would be no more risk of disturbance of the public peace than on the ordinary elections for the local Legislatures. In America, prohibitory laws have been put in force in thousands of cases among people far more excitable than ours, and I never heard of a single riot resulting. You may read in a late *Times* (London) of the quiet way in which first-class houses in Boston are submitting to the law, while large cellars full of their choice wines, &c., are being seized and destroyed by the police. In Great Britain, individual action of the landowners or a few Justices of the Peace have swept whole districts of public-houses, but no furious discords or hardships occurred. But even if there were any reason to anticipate such results as you do, the matter seems to me not to be one for your consideration. All such contingencies were fully discussed during the three Sessions when the Permissive Bill