

was before the Legislature; and if it was satisfied to pass the Act notwithstanding, it seems to me no part of the duty of the Resident Magistrate to defeat its operation, for that has been the practical result, on the ground of any such danger to the peace of society. Such considerations were for the Legislature.

I think you are entirely in error in supposing that it was the proper or the better course for the Templars to have assigned reasons for refusing licenses in every separate case. The whole intention of the Act is to enable the veto to be exercised without any reason being given, except that the majority of the people concerned so decide. The Act has recognized the right of the people in this matter, and all that it requires is evidence that the required majority of the people has said yes or no. If they have said nothing, the issue of the license then rests in the discretion of the Licensing Bench (section 22); and I apprehend it is for it to make proper inquiry, and not to expect Templars, or any one else, to give reasons. The reasons the Templars had were no doubt general, and founded on the injury done to society by the existence of the liquor traffic. The law has given a standing ground to such objectors; and if the districts were of such size as not altogether to render volunteer action impossible, the veto of the requisite majority would be absolute. In the cases mentioned, it is clear that had the districts been such as the principle suggested by me to the Colonial Secretary would have indicated, the veto would have taken effect to the fullest extent, and no reasons could have been demanded of the memorialists. What seems hard is, that such being the case, the Bench should not, on receiving the memorials, in the exercise of the absolute discretion possessed under clause 22, have given them the effect which they would have had but for the undue size of the districts. The Bench could have done so, and in my humble opinion ought to have done it.

The argument incidentally used by you in Elmbranch's case, that there must be a public-house for coach-travellers at certain stages, I do not deny. But why a public-house licensed to sell intoxicating drink? Would not a temperance accommodation house do as well? It is said such houses are not generally comfortable. I can only say that I have stopped at many, and found them far more comfortable than the generality of licensed houses. It is said also that accommodation houses will not pay, and therefore will not exist in such situations, unless licensed to sell intoxicating drink. This practically means, unless licensed to demoralize the residents in the neighbourhood, permanent or temporary, particularly sawyers, Maoris, and road parties. Is the provision of intoxicating liquors for a few transient travellers so pressing a necessity as to compensate for this? But if an unlicensed house would not pay in a few instances, such as Elmbranch's, why should not the Government, being anxious, as you say, to encourage travel on that or any other road, subsidize an unlicensed house to a small extent? Would there be anything more unreasonable in its subsidizing a house for travellers to eat and sleep in, than in its subsidizing the coach in which they ride?

The great defect of the present Act undoubtedly is the want of machinery for the collection of votes. It is a great anomaly to recognize a political right in the people, and to leave them to exercise it only by volunteer action, and the laborious canvassing of the voters for signatures to a memorial. The Act introduced by me contained provisions which would have made it efficient in this respect, and enabled the votes to be taken without risk, either of furious discords or the necessity of any impossible labour on the part of the public, such as the canvassing of large districts is. To strike out such machinery was in my opinion fatal to the prospect of effect being given to the fundamental intention of the Act; and till it, or something analogous, is added by fresh legislation, I have little hope of the people finding themselves in a position to exercise a right which the Legislature has admitted they possess—that of controlling the liquor traffic of the colony.

I have to thank you, in conclusion, for the newspaper reports of the proceedings in the Licensing Courts in your province, which are very interesting, and have the honor to remain, &c.,

WILLIAM FOX.

No. 12.

OTAGO PROVINCIAL COUNCIL.

ADDRESS No. 123.

Licensing Laws.

RESOLVED,—“That, in the opinion of this Council, the Licensing Laws at present in force in this province should be amended in the following particulars, viz.,—

(1.) That provision should be made for the transfer of publicans' and bottle licenses between the times of the sittings of the Licensing Court.

(2.) That in order to prevent the undue creation of vested interests in the liquor traffic, no new publican's license should be granted in any district until a memorial signed by a majority of the male adult residents in the district be presented to the Licensing Court, the genuineness of the signatures to the memorial being verified as provided for by section 23 of “The Licensing Act, 1873;” and that a respectful address be presented to His Honor the Superintendent, requesting that he will be pleased to forward the foregoing resolution to the General Government, with a view that the Licensing Act may be so amended.”

Passed the Provincial Council, 9th June, 1874.

WM. E. SESSIONS, Clerk of Council.

JOHN L. GILLIES,
Speaker.