

failure to do so brings the Licensing Act into deserved discredit, and leads the public to regard the whole thing as a sham. A case occurred in Auckland a few days ago in which a tradesman was summoned by the police before the sitting Magistrates for obstructing the footpath in front of his shop by allowing packing-cases to remain on it. The defendant produced a "permit" from the Mayor authorising him to do it. But the Court "went behind this"—simply ignored it as *ultra vires*—and convicted the defendant, with a £1 penalty and costs. The extension of time granted at Newmarket by the Licensing Committee was equally *ultra vires*, and the defect apparent on the face of the permit. Why did the police and the Bench go behind the permit in one case and refuse to do so in the other?

3. At all events, if cases should occur which necessitated recourse to the Supreme Court, why should the duty of carrying them before that tribunal be imposed upon any private persons? Is it not more consistent with the spirit of the Act, and with the practice in innumerable other cases on other subjects where indictment in the Supreme Court is the remedy, that the police should get up the case, and the Crown Prosecutor to take it into the Court, and the Government be responsible for the work and cost? There seems no shadow of reason whatever for imposing on private persons the enforcement of this Act, which, as already noted, expressly provides for its "enforcement in every respect" by the Inspector of Police.

W. F.

Inspector BROHAM, Auckland, to the COMMISSIONER of POLICE, Wellington.

SIR,—

Police Office, Auckland, 5th November, 1889.

With reference to Sir William Fox's letter and memorandum of the 26th October, I have the honour to inform you that I have carefully considered Sir William's views, and would beg to state that in my opinion the department should, at times, take action against the decision of Licensing Commissioners, but only in important cases where the law was clear, and the Commissioners, well knowing what they were doing, deliberately set the law at defiance. The case of Jeremiah Kenny, mentioned in the attached papers, is one in point. In that case I think it was the duty of the police to prosecute. The Commissioners well knew what they were doing; they well knew that the Act did not intend to give them the power to grant Kenny a license, and yet they did so. It is much to be regretted that the Act is so defective that no steps can be taken to cancel the license. Sir William again refers to the case of the married woman, Mrs. Corbett, holding a license at Wairoa without being prosecuted by the police; but he could not be aware at the time he wrote that the law in respect to married women holding licenses has been altered by the Licensing Act Amendment Act of this year, clause 3 of which states that every married woman shall be looked upon as a *femme sole* for the purpose of holding a license. The police could, of course, take action against the two publicans at Newmarket for keeping their houses open up to 12 o'clock; but the Commissioners who gave the authority were clearly of opinion that they had the power to do so. The Commissioners had such power under the repealed Act, and many of them are still ignorant of the fact that the law has been altered. It does not appear to me that these were cases in which the police should interfere. Sir William also mentions the case of a man who had a permit from the Mayor being brought up by the police here for obstructing the footpath. In that case I was not aware the man held a permit until the charge was called on in Court. He obtained the permit under false pretences, well knowing the police would make inquiries from the Mayor which would expose him. He kept the fact of the permit being issued a secret until the case was called, thinking the Bench would dismiss it on this ground. The Mayor has no authority to grant a permit under the by-law in question; but still, in an isolated case, if he did so, and thereby misled an innocent man into the commission of an offence, I would not feel myself compelled to bring the case into Court.

I have, &c.,

Major Gudgeon, Commissioner of Police, Wellington.

THOMAS BROHAM, Inspector.

Inspector THOMPSON, Oamaru, to the COMMISSIONER of CONSTABULARY, Wellington.

SIR,—

Constabulary Office, Oamaru, 14th June, 1886.

I have the honour to report for your information that in the early part of last year the determination of the ratepayers in the Waiareka Licensing District was taken, in the manner provided by sections 45 to 49 of "The Licensing Act, 1881," on the question as to whether the number of licenses held under the Act should or should not be increased. The result was a majority of one voted against an increase of accommodation licenses, of four against an increase of publicans' licenses, and of fourteen against an increase of bottle licenses. At the annual licensing meeting of the Licensing Committee held in June, 1885, after the votes were taken, a man named Jeremiah Kenny sent in an application asking for a publicans' or accommodation license, but the Committee declined to consider it because of the local-option vote being opposed to an increase. At the last election of members of this Licensing Committee Mr. Kenny nominated Messrs. George Henry Cox, William Falconer, John McLaren, Thomas Thompson, and Joseph Williams. The nomination was seconded; there was no opposition, and these gentlemen became members of the Committee. At the last annual meeting of the Committee there were present Messrs. Falconer (Chairman), Cox, McLaren, and Thompson. Mr. Kenny forwarded an application for an accommodation license, and when it came up for consideration I pointed out that it could not be granted in face of the votes given against an increase under the local-option clause of the Licensing Act. The Committee overruled the objection, and granted a certificate authorising the issue of a license. The matter has excited so large an amount of comment amongst the public and the Press here that I feel it my duty to place you in possession of the facts. I enclose extracts from the *Oamaru Mail* of the 8th