

had during the day been going on in another place in the borough, altogether unconnected with any licensed house, and in no respect in conformity with the provisions of section 36. In all these cases the matter has been within cognisance of the police, who, when appealed to, have admitted the illegality of the cases and the liability of the parties to prosecution, but have declined to take action on the ground that they had instructions from head-quarters not to interfere. That is to say, they have been instructed to accept the production of a license as conclusive as to its validity, though personally they might know that it was invalid, and that offences against the law were being daily committed under its cover. This has actually occurred in various parts of the colony. But for such instructions, the police, it is believed, would have done their duty and brought the offenders to justice. Presuming that the head-quarters to which the police are responsible for thus declining to enforce the law means the office which you fill, the Alliance begs most respectfully to request that such instructions as have prevented the police from acting may be rescinded, and that the Force may be instructed, in all cases where illegal sales are being effected (or any other offence against the licensing laws is brought to their knowledge, such as Sunday trading, selling beyond licensed hours, giving drink to intoxicated persons, &c.), to take the necessary steps to bring the offenders to justice. If I am wrong in assuming that the instructions not to prosecute have emanated from your office, but that they have been issued by the Defence and Police Departments, I still beg respectfully to suggest that, being an interference with the course of justice and the operations of Acts of Parliament, your office is the one which ought to exercise control in the matter; if you think otherwise, will you oblige by sending this letter to the Defence or other department which is responsible.

I have, &c.,

WILLIAM FOX,

President of the New Zealand Alliance.

The Hon. the Minister of Justice.

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

SIR,—

Police Office, Auckland, 5th October, 1889.

With reference to Sir William Fox's letter, attached, complaining of the conduct of the police in not prosecuting persons under the Licensing Act in certain cases, and stating that they, the police, have declined to take action on the ground that they have been instructed from head-quarters not to interfere, I have the honour to inform you that the first case Sir William alludes to—viz., one in which a Committee granted a certificate for a new license in excess of the existing number and in defiance of the local-option vote—must be the case of Jeremiah Kenny, to which the accompanying papers refer. Such a case, so far as I am aware, has never occurred in this district. The second evidently refers to the case of a Mrs. Corbett, for Sir William brought it under my notice just before the last annual licensing meeting. Mrs. Corbett has held a publican's license at Wairoa, near Papakura, for over six years; it was supposed she was a widow, but lately her husband, whose name is Hope, a drunken loafer, came to the district, and soon spread the fact abroad that he was her husband. He is not living with her. It then appeared that she had left the South Island to get away from this man, and had come to Wairoa and obtained the license in the name of a former deceased husband of hers. During the time she held the license she conducted the business in a most satisfactory manner. By my directions, the fact that Mrs. Corbett was a married woman, and the decision of the Court of Appeal with respect to married women holding licenses were brought under the notice of the Licensing Bench at the annual meeting by the local constable, but, notwithstanding, the Bench unanimously granted the license. The third case Sir William refers to—that of granting a permit to publicans to sell after hours—also occurred here. There was an annual flower-show at Newmarket a few weeks ago, and the Committee granted two publicans there authority to keep their houses open from the usual hour of closing—viz., 10 o'clock till 12 o'clock. The Committee fully believed they had power to do this. They had such power under the provincial licensing ordinances, but not under the present Licensing Act. No instructions, so far as I am aware, have ever been issued to the police from head-quarters not to interfere with the action of the Licensing Commissioners or prosecute in cases where licenses have been issued by them; but ever since the Act was passed the police have had great difficulty in such matters. Before the present Act was passed Resident Magistrates were the chairmen of all Licensing Benches; they knew the law thoroughly, and the law itself was then more simple. Now there are some fifteen hundred or two thousand men elected every year to perform the work formerly done by Resident Magistrates, and many of these are quite ignorant of their duties. It cannot be wondered at that they sometimes commit serious blunders. The question is, Are the police in every case in which Commissioners have issued licenses contrary to law to bring the matter before the Police Courts? My letter of the 22nd May last, No. 227, refers to the case of married women applying for licenses, and also raises the question as to how far the police should abide by the action of the Licensing Commissioners in all cases. In the same letter I likewise mentioned the fact that Road Boards are in the habit of framing by-laws contrary to the Trespass of Cattle and Police Offences Acts. You replied to my query with respect to the married women applying for licenses, but not to the other parts of my letter, from which I concluded that there was no intention to depart from the present practice. The question seems to me to be somewhat embarrassing. If the police interfered with the action of the Commissioners it would tend to degrade the Commissioners, and a feud must soon arise between them and the police: the legal costs to the Government in the way of prosecutions would be very great, for every case would be defended, and legal difficulties would arise at all points owing to the many imperfections in the Act. But, on the other hand, if the police do not interfere the law will be in time in a great measure shadowed over and set aside by the Commissioners.

I have, &c.,

Major Gudgeon, Commissioner of Police, Wellington.

T. BROHAM, Inspector.