

taken at Ngapara was corrupt. The Inspector pointed out that the vote could not be upset. We have stated the arguments *pro* and *con*, in order that the position may be comprehended. We are aware that only twenty persons voted when the local-option poll was taken—twelve against and eight for—but the vote decided that no new publicans' licenses should be granted, and a Committee is required by the Act to respect such a vote. It matters not whether the poll be large or small, or whether the majority be one or many, the vote cannot be impugned. The Act clearly lays down that "If the majority of the votes that have been given are in favour that the number of licenses . . . is not to be increased, then that shall be the determination;" but that if the vote should be in favour of any increase, the Committee are not bound by such a decision to grant any increase. It is evident that Mr. Butt realised that this was the intention of the Act when Inspector Thompson read to the Committee those portions of the Act referring to the question, and that he was driven to the necessity of making the very questionable suggestion that the Committee could infringe the Act with impunity, as no penalty was provided in case of any infringement. According to Mr. Butt, it is only incumbent upon one to do right through fear of punishment. That gentleman sunk his morality in his professional assiduity. He ought to have learned by this time that lawyers must not be dishonourable even in the interests of a client, and that it is not one of the functions of the learned in law to encourage infractions of the law. We have noted everything that has been urged in favour of the applicant (Mr. Kenny) and of granting him a license; but, even if Mr. Kenny were an angel, and the people of the locality that he seeks to benefit were dying of thirst, the establishment of the means of mitigating such suffering could not be compassed in the face of the present law. It is true that Mr. Kenny nominated the Committee, and that it was elected without opposition; but these circumstances do not entitle Mr. Kenny to an exceptional and improper advantage, nor do they justify the Committee in ignoring the law that they were appointed to administer. So long as the principle of local option is retained in the Act, it must be as much respected as any other portion of the Act. If the local-option vote is to be subject to the veto of a Committee the sooner the provisions conferring the power to exercise that vote are eliminated from the Act the better. We are, however, convinced that, though the people are careless in the exercise of the local-option privilege, they would not relinquish it without a severe struggle. It is a wise and beneficent privilege that should be valued by all parties—by the licensed victuallers because it is calculated to restrict competition, and by the public because it gives them the power to prevent the establishment in their midst of what might prove a nuisance and an agency for the creation of immorality. There can be no question, as our correspondent "Observer" pointed out last night, that the Committee has done an illegal act, and that legal proceedings might be instituted that would prevent Mr. Kenny from enjoying the privilege that has been illegally granted to him.

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

SIR,—

Constabulary Office, Oamaru, 13th July, 1886.

I have the honour to report, with reference to the attached correspondence on the grant of an accommodation license to Jeremiah Kenny, that I laid an information against Kenny for selling liquor without being duly licensed; that it was heard yesterday before the Resident Magistrate, by whom it was dismissed, on the grounds that he had no jurisdiction to inquire into the acts of the Committee. I beg to attach a cutting from the *Oamaru Mail* of yesterday, giving a full report of the proceedings.

I have, &c.,

ANDREW THOMPSON, Inspector.

The Commissioner of Constabulary, Wellington.

THE KENNY LICENSING CASE.

THE question of the validity of the license recently issued to Jeremiah Kenny for Kenton Hotel, under the certificate of the Waiareka Licensing Committee, came before the Resident Magistrate's Court to-day, when Mr. Kenny was charged with selling liquor without being duly licensed. His Worship H. W. Robinson, Esq., R.M., was on the bench.

Inspector Thompson prosecuted, and Mr. Butt appeared for the defence.

Inspector Thompson, in opening the case, said that the information had been laid in order to test the validity of an accommodation license granted to the defendant by the Waiareka Licensing Committee at its last annual meeting in June. Section 45 of "The Licensing Act, 1881," stated that no new accommodation license shall be granted until the ratepayers shall previously have determined whether the number of such licenses may or may not be increased. Sections 46 to 48 described the manner in which that determination shall be ascertained; and section 47 provided, *inter alia*, that, "If the majority of the votes that are given are that the number of licenses is not to be increased, then that shall be the determination." In 1885 the votes of the ratepayers in the Waiareka Licensing District were taken under that portion of the Act, and the determination was that there should be no increase in the number of licenses. At the annual meeting of the Committee in June, 1885, Mr. Kenny applied for an accommodation license, but, as the granting of it would have increased the number of licenses, the Committee declined to entertain the application. At the last election of a Licensing Committee for the Waiareka district Mr. Kenny came forward and proposed the members of the present Committee.

Mr. Butt objected to a matter which had no relevancy to the case being introduced.

Inspector Thompson said he would not persist in the matter. He went on to say that at the last annual meeting of the Waiareka Committee Mr. Kenny renewed his application for a license, and the Committee granted it, with a full knowledge that in so doing they increased the number