

THE LOCAL OPTION POLLS.

AN INTERESTING POINT.

It will be remembered by our readers that in connection with the petitions against the prohibition and reduction votes carried in Otago, Mr Adams, a Dunedin solicitor, gave it as his opinion that in the event of the polls being declared null, no license could be granted in the districts affected. At the request of the Dunedin "Star" Mr Adams made a detailed statement, which our contemporary prints, as follows.—"The crux of the position is really section 21 of the Alcoholic Liquors Sale Control Act of 1893. That section has an interesting history. It was introduced into the Act whilst the celebrated Sydenham appeal case was pending, and it was hoped by the liquor party that the section would have the effect of enabling them to succeed in the Court of Appeal in that case. The temperance party have always had a strong opinion that had there not been an appeal pending at the time when that Act was passed section 21 would have been enacted in a slightly different form. The section reads as follows—'21. Where a district constituted under this Act or the principal Act has been abolished or altered, and has been constituted or divided into new districts, the poll in force in such first mentioned district at the time of such abolition or alteration shall continue and remain in force in such new districts until the period arrives for taking the next triennial poll, and shall have the same force and effect as if such poll had been taken in such new districts.' Section 3 of the 1895 Act provides that 'No license of any description shall be granted or renewed until the electors of the district have previously determined,' etc. Now, as Dunedin, Caversham, etc., are now new districts, the electors of those districts have never had any opportunity of coming to a determination under this Act until the first poll after the alteration of the boundaries this year. The poll taken on the 25th November was therefore the first poll taken in those districts under the Act. If this poll stands, then licenses may be granted where only reduction is carried. If it does not stand, but is declared void, and, as Mr Thornton puts it, is thus a nullity ab initio, the electors of 'the district' have not determined anything, and section 3 of the Act of 1895 therefore prohibits the granting of any licenses. The trade, consequently, are on the horns of a dilemma. They may either accept the present situation, and submit to reduction with the best grace they can muster, or they may press their petitions, with the risk of succeeding and preventing any licenses being granted at all. I do not wish to be understood as saying anything at all as to the merits or the probabilities of success in connection with the petitions. They are sub judice, and it would be manifestly improper for me to express any opinion. The position is different in different districts. In Dunedin and Caversham reduction only was carried; in Chalmers, Bruce and Mataura no-license was carried. Obviously the effect of the above will be different in the cases of reduction and no-license. It will be suggested that the liquor party have nothing to lose in pressing their petitions in Chalmers, Bruce and Mataura, as licenses are bound to go in any event. But I do not think it will work out so at all. For instance, if in Chalmers the party were to succeed on their petition and have the poll upset, then, if my interpretation of this Act is correct, no licenses can be granted in that district. And this singular result will follow—The licenses will be extinguished. At the next licensing poll the questions to be submitted to the voters will be the same as at present, viz.—(1) Continuance, (2) reduction, (3) no-license. Suppose the poll to be taken and 'continuance' carried, that means that 'the number of licenses in the district shall continue as at present,' and as there will be no licenses in the district none can be granted, and no vote for restoration can be taken, therefore licenses are for ever excluded from the district. It looks as though the petitioners will be 'hoist with their own petard.'

In connection with the same subject Mr J. McGregor writes to the "Star"—"For the information of your readers it may be worth while quoting section 3. No license of any description shall be granted or renewed until the electors of the district have previously determined—(1) Whether the number of licenses existing in the district is to continue; (2) whether the number of licenses existing in the district is to be reduced; (3) whether no licenses are to be granted in the district. It must be aware that the Dunedin district, for example, was altered just before last election; consequently the electors of the new district had never 'previously determined' the questions stated. There is therefore no 'previous determination,' and a thing that has never existed can hardly stand."

A POPULAR C.T.

The following, from the Gisborne "Times" will interest the many friends of the gentleman referred to:—"Mr Hugh Wallace, the well-known representative of the Auckland firm of Messrs L. D. Nathan and Co., arrived in Gisborne yesterday, having ridden through from Tauranga via the Coastal townships. His many friends in this district will regret to hear that this is his last business trip to the East Coast, as he will in future travel in that part of the province north of Auckland. Mr Wallace is one of the oldest and most popular travellers coming to Gisborne, and for years past he has been accustomed to travel overland from Paeroa and Tauranga to Gisborne. He has been visiting Gisborne and Coastal districts for close on twenty-one years, and has a knowledge of the country that is possessed by very few persons living here. Mr Wallace can relate many exciting instances of the dangers attached to travelling from Opoitiki to Gisborne by way of the Coast, and he has had many thrilling experiences since he first made this trip. His genial face will be much missed by all old residents on the Coast, and he has had many thrilling experiences since he first made this trip. His genial face will be much missed by all old residents on the Coast, and we are sure that they will all join with us in wishing him every prosperity. His place is to be filled by Mr Murray, late of Robjohns and Company, Napier. As mentioned in our issue of last Thursday, Messrs L. D. Nathan and Co. are extending their operations on the East Coast, and Mr Murray has been permanently appointed to Gisborne, from which place he will work all country districts. The firm's many clients will thus be much better catered for, and we are sure that Messrs L. D. Nathan and Co. will add to the already large and extensive business that Mr Wallace has built up for them. We wish the firm every success."

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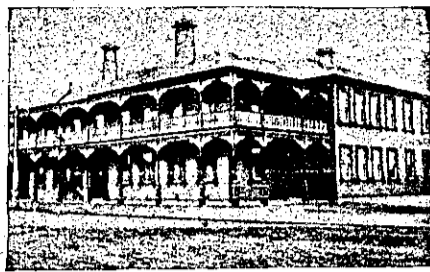
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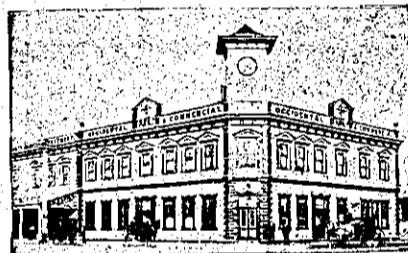
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