

land Act, said His Worship, the onus is left upon the prosecution of proving that the drunken men were permitted to remain upon the licensed premises some appreciable length of time. The only evidence of intoxication is that of the two police officers who went into the hotel and found the men there. There was no evidence of what length of time the men were there upon the particular visit before the police found them. "In the circumstances," said His Worship, "I am unable to say that the defendant is guilty of permitting drunkenness, and the charge will be dismissed."

Mr. F. Earl appeared for the defendant and Sub-Inspector Hendrey prosecuted.

#### GAMBLING IN HOTELS.

##### A MAGISTRATE'S WARNING.

Speaking at the annual meeting of the Christchurch Licensing Committee, Mr. H. W. Bishop, S.M., chairman of the committee, said that before applications for renewal of licenses were considered he wanted to deal with one aspect of the conduct of certain houses—he did not intend to specify them—which had arisen in connection with police reports. It was stated that book makers frequented hotels on race days, and made use of the premises for betting purposes. The committee thoroughly appreciated the action of the licensees of the United Service and City Hotels. When the police drew their attention to this serious blot on the trade they promptly put a stop to the practice, and their action stood out very handsomely. Five objections had been lodged concerning the practice of bookmakers frequenting hotels for betting purposes. When he received the police reports he took the Licensed Victuallers' Association into his confidence, and that body at once grasped the position, and pledged itself to use the utmost effort to ensure the law being strictly observed. The association had also communicated with the owners, mortgagees, and licensees of each hotel affected, and he had received from those persons individually assurance in the most ample terms that the difficulty would be met, and the practice, if it existed, stopped.

He knew that certain licensees had scruples as to how far they would be justified in putting a stop to the frequenting of their houses by bookmakers. Immediately the licensee had any reasonable ground for believing that accommodation and refreshment were being sought as a cover for the carrying on of an illegal practice then he was fully justified in refusing to receive or serve the bookmaker. He had no wish to preach a sermon about gambling, but one could not hide from oneself the fact that it was being carried on to a considerable extent, and all thinking men must realise it was a very serious evil. Holding the opinion he did that gambling was a sort of moral cancer, he should be extremely sorry if he thought that publicans were covering acts of those, bookmakers, harpies, as he believed them to be, by virtue of their licenses.

#### LICENSING LAW ANOMALIES.

##### CURIOUS POSITION AT A BYE ELECTION.

Mr. J. S. Palmer, President of the New Zealand Licensed Victuallers' Association, in a letter addressed to the Auckland evening paper, draws attention to some curious anomalies in the Licensing law. He says:—"Having regard to the fact that an election for a member to represent the district of Auckland East in Parliament will take place on Thursday, 16th inst., it will perhaps be interesting for your readers to learn what the position will be with regard to the Statutory half holiday, and the sale of liquor in any licensed premises within the district in connection therewith. Section 123 subsec. 1 of 'The Legislature Act, 1908, provides: "That every day on which any election takes place shall be deemed to be a public holiday after mid-day, and it shall not be lawful to sell intoxicating liquors in any licensed premises within the district between the hours of 12 o'clock noon and seven in the evening.

Sub-sec. 2 reads: "Where the polling day at any election is other than that appointed as the weekly half-holiday under the 'Shops and Offices Act, 1908,' the provisions of the Act relating to the weekly half-holiday shall be deemed to refer to the polling day in lieu of the day so appointed, and it shall not be necessary for any employer to observe the day so ap-

pointed in the week in which the polling day falls." Now Sir, let us see what the effect of this will be so far as the district of Auckland East is concerned; one side of the whole of Queen Street, and one side of the whole of Karangahape Road are included in Auckland East, the other side of these two thoroughfares are included in Auckland Central. This means that under the law the business premises on one side of Karangahape Road and Queen Street will remain open on Wednesday, 15th, all day, and close on Thursday, 16th inst., at mid-day; whilst on the other side of the same two thoroughfares, the positions on Thursday, 16th, will be reversed. Then with regard to the hotels, those on Auckland East side of Karangahape Road and Queen Street will be compelled under the law to refrain from selling intoxicating liquors to any persons between the hours of 12 o'clock noon, and seven o'clock in the evening, whilst on the other side of the same two thoroughfares the hotels will remain open and conduct their business as usual.

"A peculiar feature attaching to the anomalous position is the fact that the 'Licensing Act, 1908,' itself, under sections 39 and 46, deals only with this aspect of the questions so far as it refers to Licensing Polls and Licensing Committee Elections.

"Any further comment from me on the absurd and ridiculous position which will obviously have to be faced next week by reason of such defective legislation, I consider at this juncture unnecessary and superfluous. It is, however, worthy of note that the phraseology contained in section 123 of the 'Legislature Act, 1908,' is by no means perfect, and therefore open to comment and criticism."—I am, etc.,

J. S. PALMER.

#### MORE LAW ANOMALIES.

Hotelkeepers are victimised in England in much the same fashion as they are in New Zealand, by anomalies in the Licensing law. At the Liverpool County Court on April 22nd, a licensee was summoned for damages for an assault and battery committed by his barman upon a would-be customer while ejecting the latter from his employer's premises under the following circumstances. Plaintiff's version was that on February 19th last, he entered the licensee's premises and was supplied with drink which he had partly consumed when the barman forcibly ejected him, in doing which he knocked the plaintiff down and his head came into contact with the counter with the result that he was seriously injured. The barman's evidence was to the effect that the plaintiff entered the house under the influence of drink, in fact he had refused to serve him earlier the same evening and when he refused to serve the man on the second occasion he became abusive, used filthy language and declined to leave the house. In ejecting the man, as he was bound to do, the barman said he used no more force than was necessary and alleged that the man received his injuries in attempting to re-enter the house a third time by a side door when he fell down some steps against the counter and received his injuries. The County Court judge held that the plaintiff's behaviour on the occasion did not amount to drunken, violent, quarrelsome or disorderly conduct within the meaning of section 18 of the Licensing Act, 1872 (which was relied on as a defence) so as to entitle the barman to forcibly turn the man out. He awarded the plaintiff £7 7s damages and costs instead of £15 claimed, which he considered excessive. It should be mentioned that a few days after the assault the barman was sum-

moned before the Magistrates and fined £1 and costs. The anomaly is this:—If the assault had been committed by the licensee and he had been fined instead of his barman the conviction and payment of the fine would have been a bar to any subsequent proceedings in a Civil Court but at Common law a master is responsible for the acts of his servant while acting within the scope of his employment as this barman was in ejecting an objectionable customer from his employer's house.

#### PROHIBITION AND THE FAMILY.

Anti-Saloon League orators argue that the open saloon breaks up families. The fact is (says the Chicago "Champion of Fair Play"), that prohibition states have more divorces in proportion to population than have the so-called "wet" states. Here are the figures from the United States Census Bulletin No. 96, on marriage and divorce, pages 36, 38 and 48, covering 1887 to 1906 inclusive:—

In dry Maine there have been granted 3,628 divorces for drunkenness, from 1887 to 1906. Maine has forbidden the liquor traffic for more than sixty years.

"Dry" Kansas has granted 4,086 divorces for drunkenness from 1887 to 1906. Kansas has been "dry" for thirty years.

Twenty and two-tenths per cent. of all the divorces granted in Maine from 1887 to 1906 were for drunkenness, while in Michigan in the same time, only two and four-tenths per cent. were granted because of drunkenness.

Of the 3,628 Maine divorces, 3.3 per cent. were granted to husbands because of drunken wives.

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#### THE BARMAID OF OLD.

In view of Mr. Ell's proposed Bill for the registration of barmaids, the following from the South Australian Weekly News and L.V. Gazette, is interesting.

We wonder if our worthy members of Parliament, who have worked so strenuously to abolish the fascinating barmaid are aware that she dates back to the time of Pharaoh. In a papyrus recently removed with difficulty from the top of a mummy case in the Berlin Museum there was set forth a very "human document," which ran thus:—"Protarche, a barmaid, is engaged to

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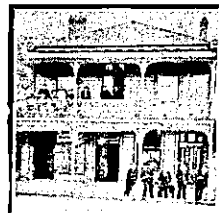
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