

THE LICENSER VICTUALLERS' GAZETTE

MORE TRAPS FOR THE UNWARY.

THE NEW LICENSING LAW.

ITS EFFECT IN "NO-LICENSE" DISTRICTS.

A more careful examination of the provisions of the Licensing Amendment Act, 1 Geo. V., 1910, No. 46, reveals more "traps for the unwary" than could possibly have been dreamt of by residents in No-License areas, much less imagined. The general impression concerning the new Act appears to be that, while of a much more stringent character than the old law, it still preserves liberty of action for the individual, so far as his personal habits and requirements are concerned. But, if the view taken by Mr. J. S. Palmer, President of the New Zealand Licensed Victuallers' Association, be correct, (and on the face of things it appears to be only a reasonable construction of their scope and probable effect), then, section 37, which apparently gives a reasonable amount of personal liberty to residents in No-License districts, is rendered nugatory by the succeeding section, which provides severe pains and penalties, for any breach of that section. And, as the two sections are most certainly of a conflicting character, it is really a difficult matter to determine the position of the man who keeps intoxicating liquor upon premises situated within a "No-License" area, even although that liquor may be intended merely for his own use. In discussing the several clauses of sections 37 and 38, with a representative of the "L.V. Gazette" on Monday, Mr. Palmer pointed out that

"clauses 1 and 2 of section 37 provided that

"(1) No building, room, or other premises in any no-license district shall be kept or used as a place of resort for the consumption of intoxicating liquor on those premises."

"(2) Nothing in this section shall extend or apply to the consumption of liquor by any person on any premises in which he dwells or is resident, whether he is the occupier of those premises or not, or to the consumption of liquor supplied to any person by way of gift, by any person who so dwells or is resident on the premises on which the liquor is consumed."

"That's all very well, so far as it goes," said Mr. Palmer. "It seems to make matters nice and comfortable for residents of 'No-License' districts, who wish to offer visiting friends a glass of wine. But, Section 38 provides:

"(1) It shall not be lawful within any no-license district or within any area to which section two hundred and seventy-three of the principal Act, is applicable, for any person whomsoever to store or keep liquor for any other person, or to lease, let, hire, or permit, or suffer to be used, any building or place belonging to, or occupied by him, or in his possession or under his control, or any part of such building or place, for the purpose of storing or keeping therein or thereon, any liquor for or by any other person."

"Any freedom of action residents of no-license districts may believe themselves to possess under clause 2 of section 37, would appear to be completely destroyed by clause 1 of sec-

tion 38," Mr. Palmer added, as he finished the quotation.

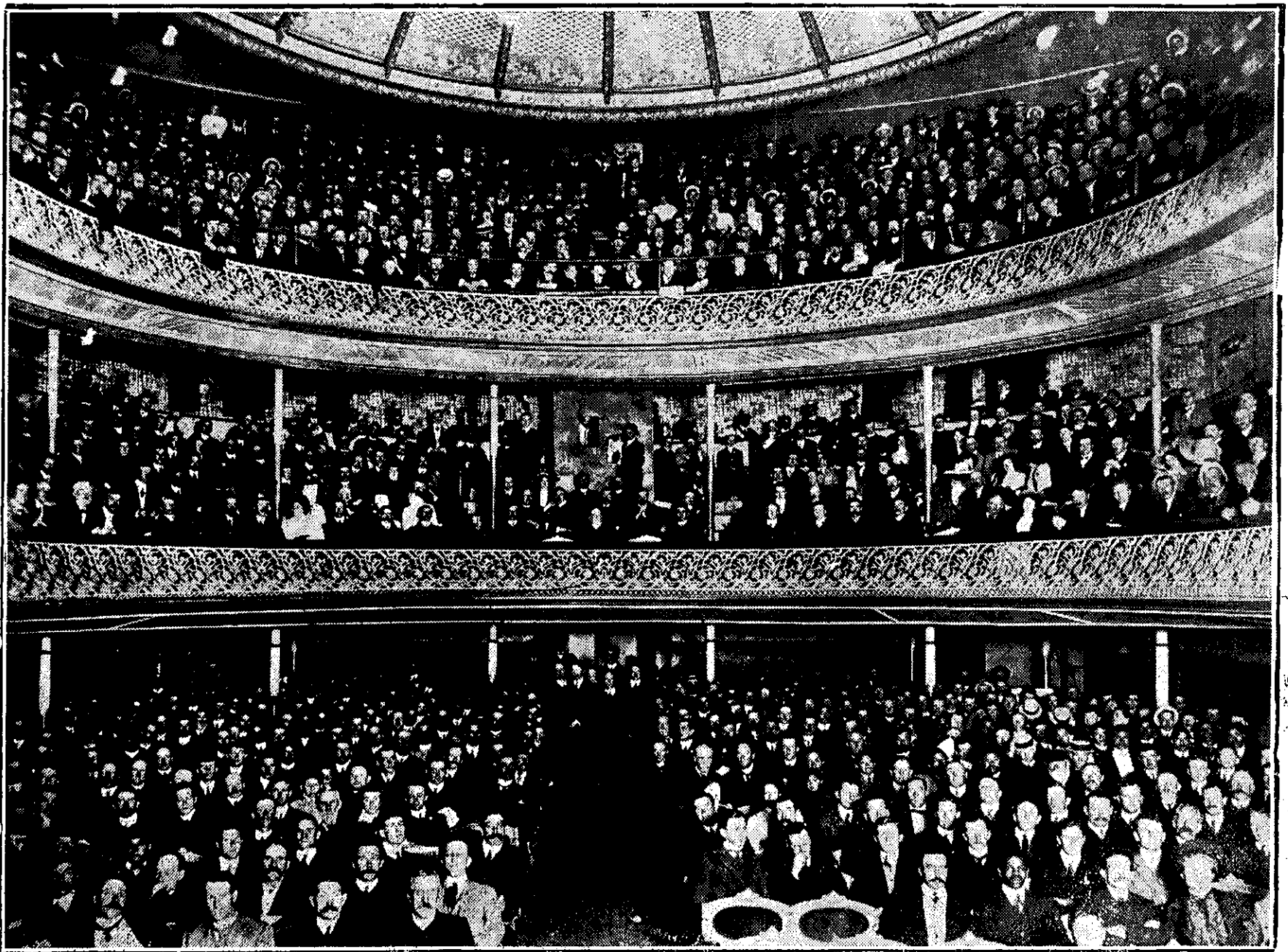
"A PLACE OF RESORT."

"We, in the 'Trade,' have good reason to know," Mr. Palmer continued, "that there are as many prosecutions instituted for technical breaches of the law, as for the more serious penal offences, which the Legislature endeavours to make impossible. The letter of the Act is sometimes enforced against the very spirit of the law, and at times unreasonable and illogical demands are made upon hotelkeepers by Magistrates administering the law, that necessitate appeals to the Supreme Court; as, for instance, in the supply of liquor to prohibited persons, etc. If the law is enforced in No-License districts in the same way, as it is at times sought to be enforced, against hotel licensees, and their employees, there will be very serious trouble in those districts before very long. It becomes a moot point, indeed, whether any man's home will be safe from invasion by the police, under the new law, and it is obvious that sections 37 and 38 may be construed in very oppressive fashion. The question that first arises, under section 37, is, what constitutes 'a place of resort for the consumption of intoxicating liquor'? Clause 6 of the section, and I want you to take particular notice of its wording, says:—

"For the purpose of this section, premises shall be deemed to be a place of resort for the consumption of intoxicating liquor notwithstanding the fact that they are open only for the use of particular persons, or

particular classes of persons, and are not open to all persons desirous of using the same."

"The provision was apparently intended to end the locker system in clubs, and to do away with the consumption of liquor on sports grounds; but, read in conjunction with the next succeeding clause (1. of section 38), its scope and effect is far wider than that. Take the case of a man who is in the habit of entertaining his friends at his own house, every now and again. He invites them to dinner, say, and to a subsequent social evening and continues to dispense his hospitality on other occasions. Not being a teetotaler, he keeps liquor upon his premises, for use, and, when he entertains his friends, provides their liquid refreshment from his supply. Clause 2, of section 37, apparently leaves him at liberty to do that. But, clause 1, of section 38, prohibits him from 'storing or keeping' upon his premises 'liquor for . . . any other person'. What is his position if, while he is entertaining his friends, the police raid his premises, confiscate the liquor they find upon his festive board, and proceed against him for 'keeping or using' his premises as 'a place of resort for the consumption of intoxicating liquor'? The police may not take action against him on the first, second, or even the third occasion. But they may very well conceive that they have the right to do so, and, when they do make their raid, and proceed against him under the law, evidence may be adduced to show that several previous gatherings of that character, having been held on the premises, the house has become 'a place of resort' within the meaning of the Act.



THE JOHNSON-JEFFRIES' FIGHT PICTURES.—Flashlight Photograph taken at the opening exhibition by McMahon's Pictures, at the Wellington Opera House.