

WANGANUI AND WEST COAST DISTRICT.—Wanganui, Aramohe, Feilding, Foxton, Palmerston North, Terrace End (Palmerston North).

WELLINGTON AND MARLBOROUGH DISTRICT.—Wellington, Blenheim, Clyde Quay (Wellington), Johnsonville, Manners Street (Wellington), Masterton, Mount Cook (Wellington), Pahiatua, Petone, Thorndon Quay (Wellington), and Wellington South.

NELSON AND WESTLAND DISTRICT.—Greyouth, Hokitika, Nelson, Reefton, The Port (Nelson), and Westport.

CANTERBURY AND NORTH OTAGO DISTRICT.—Christchurch, Addington, Akaroa, Ashburton, Belfast, Bingsland, Kaiapoi, Linwood, Lyttelton, Oamaru, Papanui, Phillipstown, Rangiora, St. Albans, Sydenham, Temuka, Timaru, Waimate, and Woolston.

DUNEDIN, SOUTHLAND, AND LAKES DISTRICT.—Dunedin (Central), King Street (Dunedin), Anderson's Bay, Bluff, Caversham, Clyde, Cromwell, Gore, Invercargill, Lawrence, Mornington, North-east Valley, North Invercargill, Port Chalmers, Queenstown, Ravensbourne, Roslyn, St. Clair, South Dunedin, South Invercargill, and Woodhaugh.

One shako and the materials for making one jumper and one pair of trousers annually. One waterproof coat and one night-duty overcoat every two years.

[NOTE.—In cases of mounted men, one pair of leggings and the materials for one pair of riding-pants can, if desired, be substituted for the materials for the trousers; and they will not be supplied with an overcoat.]

B.—Town Stations north of Wanganui, namely:—

AUCKLAND, WAIKATO, AND BAY OF ISLANDS DISTRICT.—Auckland, Avondale, Devonport, Eden Terrace, Ellerslie, Freeman's Bay, Hamilton, Mount Roskill Road, Newmarket, Newton, Northcote, Onehunga, Paeroa, Parnell, Ponsonby, Shortland, Surrey Hills, Thames, Waikato, and Whangarei.

NAPIER AND EAST COAST DISTRICT.—Napier, Carlyle Street, Gisborne, Hastings, Spit (Napier), and Tauranga.

WANGANUI AND WEST COAST DISTRICT.—Hawera, New Plymouth, and Stratford.

Same as "A," except that the night-duty overcoat will not be supplied.

C.—Country Stations throughout the colony, namely:—

AUCKLAND, WAIKATO, AND BAY OF ISLANDS DISTRICT.—Aratapu, Cambridge, Coromandel, Dargaville, Helensville, Hikurangi, Huntly, Kaikohe, Kaitiaki, Karangahake, Kawakawa, Kihikihi, Mercer, Mongonui, Ngaurua, Ohauhu, Otirohanga, Pahi, Papakura, Pororo-tarao, Pukekohe, Raglan, Rawene, Russell, Te Aroha, Te Awamutu, Te Kuiti, Waipu, Waitekauri, Waiuku, Warkworth, Whangaroa, and Whitianga.

NAPIER AND EAST COAST DISTRICT.—Clive, Herbertville, Opotiki, Ormond, Ormondville, Port Awanui, Rotorua, Taradale, Taupo, Te Puke, Tologa Bay, Waipawa, Waipukurau, Wairoa, Whakatane, and Woodville.

WANGANUI AND WEST COAST DISTRICT.—Ashhurst, Bull's, Eltham, Hunterville, Inglewood, Kimbolton, Manaia, Mangaevu, Marton, Moawhango, Mokau, Normanby, Oningaiti, Opunake, Patea, Pungarehu, Raetihi, Taihape, Waitata, Waitotara, and Waverley.

WELLINGTON AND MARLBOROUGH DISTRICT.—Carterton, Eketahuna, Featherston, Greytown North, Havelock, Levin, Lower Hutt, Mangatainoka, Martinborough, Otaki, Picton, Te Nui, and Upper Hutt.

NELSON AND WESTLAND DISTRICT.—Ahaura, Brunner, Charleston, Collingwood, Denniston, Kanieri, Kumara, Lyell, Okarito, Ross, Seddonville, Spring Grove, Stafford, and Takaka.

CANTERBURY AND NORTH OTAGO DISTRICT.—Amberley, Coalgate, Culverden, Fairlie, Geraldine, Glenavy, Hampden, Kaikoura, Kuroo, Leeston, Lincoln, Little River, Methven, Ngapara, Oxford, Pleasant Point, Rakaiia, Sheffield, and Southbridge.

DUNEDIN, SOUTHLAND, AND LAKES DISTRICT.—Alexandra South, Arrowtown, Balclutha, Clinton, Green Island, Kaitangata, Lumsden, Mataura, Middlemarch, Milton, Mosgiel, Naseby, Nightcaps, Ophir, Orepuki, Otatau, Outram, Owaka, Palmerston South, Pembroke, Riverton, Roxburgh, St. Bathans, Tapanui, Waikanae, Waikouaiti, Waitahuna, Waitati, Winton, and Wyndham.

One shako, one waterproof coat, and the materials for making one jumper and one pair of trousers (or, if mounted men, or men who have much riding to do, one pair of leggings and the materials for one pair of riding-pants in lieu of the materials for the trousers, whichever the officer desires) every two years.

D.—Clerks, and Inspectors of Weights and Measures:—

An original issue will be made of one shako, one waterproof coat, and the materials for one jumper and one pair of trousers, to be replaced by new as they become unserviceable.

The materials for jumpers include buttons, cord, braid, and, for sergeants-major and sergeants, chevrons in addition.

Law Report.

DWYER v. HERMANN.

("New Zealand Law Reports," Volume xix., pages 209-19.)

Licensing Acts—Offences—Sale to Drunken Man—Sale to Another for Consumption by Drunken Man—"The Licensing Act, 1881," Sections 146, 170.

Section 146 of "The Licensing Act, 1881," provides that if any innkeeper sells any liquor to any person already in a state of intoxication he shall be liable to a penalty. A sober man applied for and obtained and paid for a glass of liquor to be consumed, and which was in fact consumed, by a drunken man on the premises. There was no evidence pointing to collusion between the two men, or to agency.

Held, That no offence had been committed by the innkeeper within the above section. *Scatchard v. Johnson* (57 L.J. M.C. 41) distinguished.

This was an appeal from the dismissal by H. Eyre Kenny, Esq., S.M., Wanganui, of an information charging the respondent with an offence under section 146 of "The Licensing Act, 1881." The facts of the case are sufficiently stated in the headnote and judgment.

S. T. Fitzherbert, for the appellant: In the English decisions a distinction is drawn between the class of cases coming under the head of "Offences against Public Order," of which the present is an instance, and cases such as *Pine v. Barnes* (20 Q.B.D. 221), which came under the head of "Illicit Sales." The judgments in *Cundy v. Le Cocq* (13 Q.B.D. 207), Commissioners of Police v. Cartman ([1896] 1 Q.B. 655), and *Scatchard v. Johnson* (57 L.J. M.C. 41) indicate that the innkeeper is responsible if, as a matter of fact, a drunken person is supplied with liquor, and that the ignorance of the innkeeper as to his customer's condition is merely a ground for reducing the penalty, but is not an answer to the charge. In *White v. Nestor* (13 N.Z. L.R. 751), which is the case relied upon by the Magistrate in dismissing the present information, *Richmond, J.*, apparently with some reluctance, followed *Pine v. Barnes*; but the charge in that case was laid under a different section, and it was merely a case of illicit sale. Moreover, *Pine v. Barnes* was referred to in *Scatchard v. Johnson*, and the Court did not consider it an authority in case of an information laid under section 3 of the English Act, which corresponds with section 146 of "The Licensing Act, 1881." Counsel also referred to *McVeigh v. Eccles* (18 N.Z. L.R. 44), *Corbet v. Haigh* (5 C.P.D. 50), and *Miller v. Hobson* (17 N.Z. L.R. 225).

Barnicoat, for the respondent: The Magistrate found as a fact that there was no sale under section 146. "Sell" does not mean "supply for consumption." The Licensing Acts distinguish between procuring liquor for another and a sale: See sections 166, 167, 168, 169, 191 of the Act of 1881, section 12, (8), of the Act of 1893, and section 25 of the Act of 1895. *Scatchard v. Johnson* is distinguishable. In *White v. Nestor*, *Richmond, J.*, held that "sell" did not mean "supply for consumption," and distinguished and explained *Scatchard v. Johnson*.

S. T. Fitzherbert in reply.

Cur. adv. vult.

Stout, C. J.: The facts in this case are simple: A drunken man named Frederick Jones was in the bar of the Rutland Hotel on the evening of Maeking night. The bar was crowded with persons manifesting their joy by drinking various kinds of intoxicating liquors. A Mr. Scally came into the bar with two others and called for drinks. Seeing Mr. Jones, and Mr. Kershaw, his companion, present, he recognised them as acquaintances, and offered them liquor, ordering some from the barmaid. The liquor was supplied as ordered, and Mr. Scally paid for it. An information was laid by the appellant, who is a police officer, against the respondent, who is the licensee of the Rutland Hotel, charging him with a breach of section 146 of "The Licensing Act, 1881." This section says, "If any innkeeper . . . sells any liquor to any person already in a state of intoxication . . . he shall be liable to a penalty," &c. This section is similar in language to section 13 of the English Licensing Act, 35 and 36 Vict., c. 94.

On the English statute several cases have been decided. One case very much like this is that of *Scatchard v. Johnson*, decided in 1888. In that case the facts were as follows: Two men came into a publichouse together: one was drunk and the other was not drunk. The sober man applied for and obtained and paid for a glass of rum supplied to the drunken man. The Magistrate held that, the rum having been knowingly supplied to the drunken man, it was in the nature of a sale to him. The Divisional Court of Appeal (*Cave and Smith, J.J.*) upheld the decision. Reliance was placed on the 62nd section of the Licensing Act, which is similar to section 170 of our statute. It states, "In proving the sale or consumption of liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed or