is a practical difference in the application of section 29 of the Crimes Act, 1908, is to allow form to prevail over substance.

I am not sure that this is in practice quite correct. A prisoner who is tried upon four separate indictments has the advantage of a trial by a separate jury in each case, and he may be lucky enough to escape conviction upon one of them. If so, his convictions at that sitting of the Court will not bring him within section 29. If he is tried under one indictment containing four counts in respect of the same offences, and is found guilty, the verdict of one jury will, if his trial is deemed to be a separate occasion in respect of each count of the indictment, bring him within that section.

It does not appear to me that it would be illogical if the Legislature deliberately intended that before a prisoner could be declared an habitual criminal he should be found guilty by each of four separate juries, or that he should have pleaded guilty to each of four separate crimes charged in a separate indictment. Probably the question has never been carefully considered, but the language of the statute is consistent with that construction, and the prisoner is, in my opinion, entitled to the benefit of it.

It is to be regretted that the adoption of this construction will probably materially increase the cost of trying persons who are entitled to but little consideration. That circumstance, however, ought not to affect the construction placed by this Court upon the statute. If it is considered that an offender who has been convicted of the specified number of crimes, whether charged in one indictment or in several indictments, should be brought within section 29, a very simple amendment of the law will have that effect.

Cooper, J.:—

The question for determination by the Court in this case was left open in Rex *v.* Steele (29 N.Z. L.R. 1039) and Rex *v.* Ehrman (31 N.Z. L.R. 136). In my opinion the Court ought, in the construction of paragraph (*b*) of subsection (1) of section 29 of the Crimes Act, 1908, to give the words used their ordinary sense and meaning. I think that the ordinary meaning of the words "previously convicted on at least four occasions" mean four separate and independent occasions, and that the circumstances set out in the case reserved by Mr. Justice Chapman only show previous convictions on two separate occasions. If a prisoner is arraigned generally upon an indictment charging him in two or more counts with two or more independent offences, and pleads a general plea of "Guilty" to the whole indictment, then in my opinion, although he is convicted on this plea of two or more independent offences, this conviction is on one "occasion" and not on two or more "occasions." There is, in fact, but one arraignment and but one plea. It is true that in law the plea is distributive and applies automatically to each count, but the "occasion" or incident, although it involves this consequence, is one only.

I think that to say that what really takes place upon one "occasion" in point of time is, because of the distributive nature of the plea, to be theoretically two or more "events" is placing a strained meaning on the word "occasion," and this we are not in my opinion justified in doing, especially in a case like this which involves penal consequences to the prisoner.

Chapman, J.:—

I think that section 29 of the Crimes Act, 1908, must be read as an ordinary educated man would read it. Looking at it in this way we find that the prisoner, when sentenced on this occasion, had been previously convicted on two occasions. It is true that on one of these occasions he had been subjected to four and on the other to two distinct convictions based on as many distinct offences, but it would not accord with plain ordinary English to say that for this reason he had been previously convicted on six occasions. Sections 387, 388, and 389 enable us to determine the nature of a count in an indictment whether these sections are restatements of the common law or modifications of it, but they do not help us to interpret the words under consideration. A Court must always be on its guard against the temptation to overlook the exact language used, and try to shape an enactment into the expression of a logical system. When no term of art has been employed it is safer to endeavour to give effect to the words used in their popular sense. I think that in doing so here we must hold that the prisoner was not liable to be declared an habitual criminal.

A fresh sentence need not be passed. The Court has jurisdiction under section 445, subsection 1, paragraph (*f*), to quash so much of the sentence as declares the prisoner to be an habitual criminal, and this will suffice.

Declaration quashed.

[Solicitors for the Crown—Crown Law Office (Wellington).]

[Solicitors for the prisoner—O'Leary & Kelly (Wellington).]

EXTRACTS FROM NEW ZEALAND GAZETTE.

(From *Gazette*, 1913, pages 1556 and 1557.)

Land at Belmont declared to be a Sanctuary for Imported and Native Game.

LIVERPOOL, Governor.

PURSUANT to the powers vested in me by the Animals Protection Act, 1908, I, Arthur William de Brito Savile, Earl of Liverpool, do hereby notify and declare that the area described in the Schedule hereto, comprising lands the property of the Belmont Land Company (Limited) and Dr. H. W. M. Kendall respectively shall be a sanctuary for the purposes of the said Animals Protection Act, and that no imported game or native game shall be taken or killed within the said area.

SCHEDULE.

DESCRIPTION OF LAND TO BE PROCLAIMED A GAME SANCTUARY.

ALL that area in the Wellington Land District, containing by admeasurement 981 acres 3 roods 6 perches, more or less, being Sections Nos. 202 and 203 and parts of Sections Nos. 60 and 187, Block IX, Belmont Survey District. Bounded towards the north by Sections Nos. 257, 256, and 255, Block III, and Section No. 200A, Block IV, Belmont Survey District; towards the south-east generally by the Western Hutt Road, by the abutment of Liverton Road, and again by the Western Hutt Road; towards the south generally by Sections Nos. 57 and 425, Block IX, Belmont Survey District; and towards the west generally by Speedy's Stream to the place of commencement.

As witness the hand of His Excellency the Governor, this sixth day of May, one thousand nine hundred and thirteen.

H. D. BELL,
Minister of Internal Affairs.

Inspector of Weights and Measures, Counties of Geraldine, Levels, &c., appointed.

Department of Internal Affairs,
Wellington, 2nd May, 1913.

HIS Excellency the Governor has been pleased to appoint

Constable JAMES JOHN SPARKS

to be an Inspector of Weights and Measures under the Weights and Measures Act, 1908, for the Counties of Geraldine, Levels, and Mackenzie, and the Boroughs of Geraldine, Temuka, and Timaru, *vice* Constable William John Pardy.

H. D. BELL,
Minister of Internal Affairs.

Inspector of Weights and Measures, Counties of Hawke's Bay, Patangata, &c., appointed.

Department of Internal Affairs,
Wellington, 3rd May, 1913.

HIS Excellency the Governor has been pleased to appoint

Constable JOHN BERNARD ROSANOSKI

to be an Inspector of Weights and Measures, under the Weights and Measures Act, 1908, for the Counties of Hawke's Bay, Patangata, and Wairoa, and the Boroughs of Napier, Hastings, and Wairoa, *vice* Constable Frederick Burrell.

A. L. HERDMAN,
For Minister of Internal Affairs.

Licensing Officer under the Arms Act, 1908, appointed.

Police Department,
Wellington, 2nd May, 1913.

HIS Excellency the Governor has been pleased to appoint

Constable FREDERICK BURRELL,

of the New Zealand Police Force, to be a Licensing Officer under the Arms Act, 1908.

A. L. HERDMAN,
Minister of Justice.