

properly be used as a test for the purposes of s. 146. The only objection to adopting it is that the effect might be to make a vendor outside a no-license district guilty of an offence when transmitting liquor to a purchaser within such a district, if the liquor were delivered to the purchaser or his agent within the district so as to vest the property therein in the purchaser within the district. But it would be easy for a vendor to obviate such a result as that, and this of itself would not be a sufficient reason for rejecting the vesting of property as a test. If it is to be adopted as a test, then the result would be that the delivery in a no-license district of liquor for a purchaser outside such district, in performance of a contract made outside such district, so as to vest the property therein in the purchaser, must be treated as a sale within the meaning of s. 146. It is unnecessary, however, for the purposes of this case to come to any definite conclusion on the question of the second test, for the reason that in any view of the matter there was in this case a sale within the no-license district.

There remains, then, the question of the effect of s. 80 of the Licensing Act, 1908, on the rights of Thomson & Co. It seems clear that the authority conferred by a license issued under that section must be read subject to the provisions of s. 146, and that the holder of a wholesale license is not entitled to do any of the things prohibited by s. 146. There was some discussion as to the exact effect of the proviso contained in s. 80. That proviso is negative in its terms, but the intention of the Legislature with regard to the rights of the licensee in connection with sale and delivery from a bonded warehouse is reasonably clear from the form of wholesale license contained in the Seventh Schedule to the Act. For the purpose of throwing light on the construction of a statute reference may be made to the forms appended in a schedule to the statute: Halsbury's Laws of England (Vol. xxvii, p. 122, s. 213); *Thomas v. Kelly* (13 A.C. 506, 511). According to the form of wholesale license in the schedule the licensee "is licensed to sell and deliver liquor " from the warehouse or premises situate at _____, or from any bonded warehouse, but not elsewhere, the quantities," &c. There is nothing in the Act to prevent the holder of a wholesale license in respect of premises outside a no-license district from having a bonded warehouse inside such a district. It would be impossible, apparently, for him to sell liquor from such a bonded warehouse without committing an offence under s. 146. He would be able, however, to deliver from such warehouse liquor for a purchaser outside the district, if no property passed by the delivery. But whatever the rights of a holder of a wholesale license may be, it is clear that such a licensee is not entitled to do what was done by Thomson & Co. in the present case.

The result is that the conviction must be affirmed and the appeal dismissed, with costs £5 5s.

Appeal dismissed.

Solicitors for the appellant: Macdonald & Tipping (Invercargill).

Solicitors for the respondent: Macalister Bros., Crown Solicitors (Invercargill).

EXTRACT FROM NEW ZEALAND GAZETTE.

(From *Gazette*, 1916, pages 1026, 1053, 1099, and 1100.)

War Regulations Act, 1914.—*Highway at Featherston Camp closed for Traffic except with Consent of Military Authorities.*

Department of Defence,

Wellington, 12th March, 1916.

WHEREAS by clause 13 of the War Regulations made and gazetted on the 20th day of September, 1915, it is provided that the Minister of Defence may, by notice signed by him and published in the *Gazette*, declare that any highway adjoining or intersecting any camp of military training or exercise is closed for traffic except with the consent of the military authorities, and that so long as any such notice remains unrevoked the highway to which it relates shall for the purpose of the War Regulations be deemed to be no longer a highway, but to be part of the camp which it so adjoins or intersects:

Now, therefore I, James Allen, the Minister of Defence for the Dominion of New Zealand, in pursuance of the above-recited power and authority, do hereby declare that part of the Featherston-Greytown Road commencing at the south-western corner of part Section 505, running thence in a north-easterly direction for a distance of fifty chains, all situated in Block IX, Waiohine Survey District, also that part of the Featherston South Road commencing at the north-east and north-west corners of Sections 60 and 61 respectively, running thence in a south-westerly direction to the north-east and north-west corners of Sections 396 and 465, all situated in Block IV, Wairarapa Survey District, to be closed for traffic, except with the consent of the military authorities, from the date of the publication of this notice in the *New Zealand Gazette*.

Dated the 18th day of January, 1916.

J. ALLEN,
Minister of Defence.

Additional Regulation under the War Regulations Act, 1914.

LIVERPOOL, - Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this tenth day of April, 1916.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

I, ARTHUR WILLIAM DE BRITO SAVILE, Earl of Liverpool, Governor of the Dominion of New Zealand, acting by and with the consent of the Executive Council of the said Dominion, do hereby, in pursuance of the War Regulations Act, 1914, and of all other powers and authorities enabling me in that behalf, make the following additional regulation under that Act.

REGULATION.

1. THE War Regulations made on the 26th day of January, 1915, are hereby amended by omitting the words "or Italy" from clause 11 and clause 14 thereof relating to certificates of the origin of goods.

J. F. ANDREWS,
Clerk of the Executive Council.