

## Missing Friends.

JOHN KELLIE is inquired for by the Dunedin police at the instance of his wife, who is destitute. Description: A native of Glasgow, a carrier or fancy-leather dresser, about forty years of age, looks younger, 5 ft. 8 in. high, clean-shaved except reddish moustache, thin features and build, ruddy complexion; arrived at Auckland from Melbourne about nine years ago, and worked for Sutherland, a tanner, at Onehunga, and may now be employed at some cannery in Auckland. He left Dunedin on the 15th June last supposed for Christchurch to work for Brown Brothers, but no trace of him can be found there. He is addicted to drink and gambling.

JAMES BRENNAN is inquired for by the Porotarao police at the instance of his father. Description: A native of New Zealand, a navy, twenty-three years of age, about 5 ft. 9 in. high, strong build, dark complexion, dark hair and moustache; was employed on the Main Trunk line, and was last heard of on the 4th ultimo at Ongarue, King-country.

SABASTINO CASOLI is inquired for by the Hokitika police at the instance of De Rosetta, Hokitika. Description: A native of Switzerland, a miner and labourer, about fifty-seven years of age, 5 ft. 5 in. high, medium build, dark hair, probably turning grey. He was last heard of about three years ago at Waimangaroa, West Coast, when he had a share in a flax-mill, and previous to that he was baking at Hawarden, North Canterbury.

STEPHEN HAYS is inquired for by the Stratford Police, as he may be required to give evidence in a case of house-breaking at Stratford. Description: Supposed native of Ireland, a labourer, thirty-two years of age, 5 ft. 8 in. high, medium build, erect gait, dark complexion, dark-brown hair, side-whiskers, and moustache, dressed in dirty light-brown tweed suit, brown cloth cap; is fond of drink. He came from Little River, and recently kept a store on the Hunterville Railway line.

VICTORIA, BRITISH COLUMBIA.—Henry Cowley is inquired for through the Chief of Police, Victoria, British Columbia. Description: 5 ft. 10 or 11 in. high, brown wavy hair, brown eyes, walks slightly lame owing to the loss of all the toes of the left foot, is quick and active, well educated, musical, twenty-one years of age. He left Seattle the 24th April, 1900, for San Francisco by steamer, and the last letter received from him was the 12th June, 1900, in which he stated he intended to leave San Francisco for Russia in a few days. Cowley is not wanted for any offence. Any information about him will be gratefully received by his anxious mother, Mrs. J. C. Cowley, Victoria, British Columbia.

ANGLUMS.—Inquiry is requested by Joseph Williams, manager aerated-water factory, Ampitiya, Kandy, Ceylon, for his wife's father and brother, named Anglums, who about twenty-two or twenty-three years ago passed through Galle on their way to Australia and probably to New Zealand. They left two girls behind them at Galle, one ten months and the other about three years old, their mother having died in the hospital there. The youngest girl was adopted by Sergeant Oorloff, and subsequently married Mr. Williams, the elder girl being adopted by a relative of Sergeant Oorloff. The adoptive parents state they have not since heard from the Anglums, and, if found, it is requested that they be induced to communicate with Mr. Williams, and a report forwarded to the Commissioner's Office. (01/1263.)

(See *Police Gazette*, 1898, page 217.)

RAPHAEL SOLER has been found at Balclutha.

(See *Police Gazette*, 1901, page 39.)

THOMAS HENDERSON URQUHART has been found at Auckland.

## Inquest.

CLIVE (NAPIER).—On the 17th ultimo the body of a man, name unknown, was found in the Waitangi Creek, between the railway and road bridges near Clive, and at an inquest held on the following day a verdict was returned of "Accidentally drowned when attempting to cross the Waitangi Creek when in flood." Deceased was about thirty to thirty-five years of age, about 5 ft. 6 in. or 7 in. high, fair complexion, dark-brown hair, thick brown beard clipped to a point at the chin, a small mole on left cheek; no other marks; dressed in dark-tweed coat and vest, blue-serge trousers, black hat, bow tie, tennis-shirt, flannel under-shirt and drawers, and lace-up boots; a knife, pipe, and handkerchief were found on him. He bore a strong resemblance to a labourer named John Prior, who worked at Patoka for W. Milligan, and was at first mistaken for him. Photograph of body filed in the Inspector's Office, Napier. (01/1231.)

## Miscellaneous Information.

### Rewards.

Sergeant S. P. Norwood, No. 416, Constable J. Kerr, No. 861, and Constable H. M. Kirby, No. 972, have been awarded 13s. 4d. each for arresting two absentees from H.M.S. "Archer" at Wellington. (01/54.)

District-constable J. S. Rowe has been awarded £2 for services in obtaining the conviction of Frederick and Annis Woodcock for sly-grog selling at Port Albert. (01/941.)

## Law Reports.

THE following decisions are published for general police information:—

### In re LORIE.

["New Zealand Law Reports," Vol. xix., pages 400-6.]  
By-law—Penalty—"The Municipal Corporations Act, 1886"  
—"The Justices of the Peace Act, 1882."

It is competent for any person to lay an information for the breach of a by-law made by a Corporation under "The Municipal Corporations Act, 1886," even although the penalty is, under "The Financial Arrangements Act, 1876," to be paid over to the City Council.

*Semble*, in the case of penalties for the protection of public rights, any person may prosecute; but in the case of penalties imposed for the protection of private rights, only the person aggrieved can prosecute.

*Waters v. Fitzgerald* (18 N.Z. L.R. 511) not followed.

Argument of rule nisi for a writ of prohibition.

On the 17th day of August, 1900, Adolph Lorie was charged at the Magistrate's Court at Dunedin, on the information of Richard Russell Donaldson, for that on the 9th day of August, 1900, at Dunedin aforesaid, he did place an advertisement or announcement on paper upon his verandah in Princes Street; and pleaded "Not guilty" to the said charge. The information was heard before Charles Christie Graham, Esq., a Justice of the Peace and a Stipendiary Magistrate.

The following facts were proved or admitted on the hearing of the said information: The by-laws of the City of Dunedin contain the following clause under which the said information was laid: "No person shall place or permit to be placed any placard, sign, advertisement, or announcement on calico, paper, canvas, or other material upon or against any verandah or verandah-post, or any part thereof." The defendant had, on or about the 9th day of August, 1900, caused to be placed on the parapet of the verandah of his premises in Princes Street an announcement painted on paper. The informant, Richard Russell Donaldson, was the Inspector of Nuisances for the City of Dunedin. There was no evidence to show that he had any general authority from the Dunedin City Council to take proceedings for breaches of the city by-laws, and it was proved affirmatively that he had no special authority from the City Council to take proceedings in this particular case, as the matter had not been brought before the City Council.

The defendant contended—(a) That Donaldson had no right or authority to take proceedings to recover a penalty for any breach of the city by-laws without the express authority of the City Council; (b) that the said clause of the city by-laws was unreasonable and *ultra vires*, and therefore void.

The said Magistrate convicted the defendant, and fined him 1s. and ordered him to pay £1 8s. for the costs of the proceedings. A rule nisi for a writ of prohibition was granted on the above grounds. Prior to the argument of the rule an affidavit was filed by the informant setting out a letter from the Town Clerk instructing him to enforce the by-laws; but this letter had not been put in evidence, and there was, in fact, no resolution of the Council authorising the proceedings.

Williams, J.: I am satisfied that the prosecution was properly instituted, and that it is competent for any person to lay an information for the breach of a by-law, even although the penalty is to be paid over, under the Financial Arrangements Act, to the City Council. I confess I am unable to understand the Victorian cases, which appear to decide that, apart from the question of the penalty being payable to the local body, no prosecution can be instituted except by the authority of the local body. No English case affords any justification for such a conclusion. It is only on the ground that the penalty for a breach of the by-law is made payable to the City Council that any argument that the information must be laid by the authority of the City Council can be based. By the Municipal Corporations Act of 1886, who is to prosecute for breaches of by-laws is not specified. The general law, as contained in the Justices of the Peace Act, is left to its operation. No special power is given to the City Council to prosecute, as was given to the Board of Conservators in the case of *Anderson v. Hamlin* (25 Q.B.D. 221). In that case the penalties for breaches of the Fisheries Act were made payable to the Board of Conservators, and it was held that a conviction obtained on an