was a member of the detective force, well acquainted with the Chinese in Wellington. The special case put two questions for the opinion of the Court, which are set out in the judgment.

STOUT, C.J.:—

Two questions are asked in this special case—(*a*) Whether in the circumstances stated handcuffing the plaintiff was justifiable; (*b*) whether the absence of notice of action is a bar to the plaintiff proceeding in the action.

(*a.*) The special case refers to the evidence given before the Magistrate; but that evidence does not state clearly the facts of the case so far as handcuffing is concerned, and I do not think the Court is therefore in a position to answer the first question. There is really no law point involved in such a case; it all depends on the special circumstances of each individual case whether it is proper to handcuff an accused person or not. If a man is known—and it would appear this plaintiff was known—to the arresting constable, and could therefore be easily identified, then the constables had no right to handcuff the plaintiff charged with this offence unless they had reasonable grounds for suspecting he would attempt to escape, or that he would act violently. If there was anything in his conduct or temper to induce them to come to that belief, notwithstanding the charge was not a serious one, it may have been reasonably proper to handcuff him. The facts stated do not, as I have said, enable me to say whether the defendants had any ground for handcuffing or not. The use of the handcuff is not explained. If there is no explanation save what appears in the special case and the evidence given before the Magistrate, then I am of opinion the handcuffing of a man known to the arresting constable and easily identified was not justifiable. If a man is arrested for violence, robbery, murder, or the like, then handcuffing is proper; so if there is any ground for suspecting violence or escape it is also proper; and if the arrests of a band of unknown criminals by a few policemen be made, then also handcuffing is allowable.

(*b.*) The second question must be answered in the affirmative. It is plain the defendants were acting as policemen in pursuance of a warrant lawfully issued, and they are therefore entitled to the protection of "The Police Force Act, 1886," section 16. The case of *Downing* v. *Capel* (L.R. 2 C.P. 461) does not apply, as in that case there was no power to arrest. *Selmes* v. *Judge* (L.R. 6 Q.B. 724) is in the defendants' favour. In *Parkinson's case*, the act done was not an act as a Justice: *Royal Aquarium, &c., Society* v. *Parkinson* ([1892] 1 Q.B. 431). The case *Stewart* v. *Mills* (Mac. (N.Z.) 155) is a direct authority for defendants, while *Bryson* v. *Russell* (14 Q.B.D. 720) only decides that the protection of notice in England to police does not extend to duties cast on the police subsequent to the statute providing for notice and as to certain special duties cast on them.

Question No. 2 answered in favour of defendants.

Extracts from New Zealand Gazette.

(From *Gazette*, 1903, pages 1110 and 1121.)

Prison closed.

(L.S.) RANFURLY, Governor.

A PROCLAMATION.

WHEREAS by an Act of the General Assembly of New Zealand intituled "The Prisons Act, 1882," it is enacted that the Governor may, by Proclamation in the *New Zealand Gazette*, declare that any prison or police gaol shall no longer be a prison or police gaol; and upon the gazetting of such Proclamation, or from and after any later date fixed in such Proclamation for the purpose, such prison or police gaol shall cease to be a prison or police gaol:

Now, therefore, I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, in pursuance of the above-recited power and authority, do hereby declare that from and after the gazetting of this Proclamation the prison at Mount Cook, in the Provincial District of Wellington, shall cease to be a prison, and that the Terrace Prison at Wellington will in future be known as the Wellington Prison.

Given under the hand of His Excellency the Right Honourable Uchter John Mark, Earl of Ranfurly; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over His Majesty's Colony of New Zealand and its Dependencies; and issued under the Seal of the said Colony, at the Government House, at Wellington, this first day of May, in the year of our Lord one thousand nine hundred and three.

JAS. McGOWAN.

GOD SAVE THE KING!

Declaring Ahipara, Herekino, and Whangape Oyster-fisheries, within which Oysters may be taken.

RANFURLY, Governor.

IN pursuance of the power and authority vested in me by section fifteen of "The Sea-fisheries Act, 1894," I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, do hereby declare the bays, estuaries, and tidal waters of Ahipara Bay, of Herekino Harbour inside the Heads, and of Whangape Harbour inside the Heads, to be oyster-fisheries under the names of "The Ahipara Oyster-fishery," "The Herekino Oyster-fishery," and "The Whangape Oyster-fishery," respectively.

And I do further declare and prescribe that it shall be lawful to take oysters within the period prescribed in that behalf in such oyster-fisheries.

As witness the hand of His Excellency the Governor, this twenty-eighth day of April, one thousand nine hundred and three.

WM. HALL-JONES.

Extract from Queensland Police Gazette.

(From *Gazette* of 2nd May, 1903.)

No. 241.—**Albert Frederick Hass,** wanted on warrant issued by Oakey Bench, charged with child-desertion, at Toowoomba, on 4th January, 1903. Offender is twenty-seven years of age, 5 ft. 8 in. high, medium to stout build, fair complexion, light-coloured hair, and fair moustache only, a shearer or general labourer, and addicted to drink. May go to New Zealand. If offender consents to an order being made for the payment of 7s. 6d. per week as from the 4th January last, and enters into bonds for the due fulfilment of the same, he need not be remanded to Toowoomba. —O. 1140. 30th April, 1903.