



NEW ZEALAND POLICE GAZETTE.

PUBLISHED BY AUTHORITY.

WELLINGTON, WEDNESDAY, AUGUST 9, 1905.

NOTICE.—For instructions as to the manner in which reports are required to be furnished for the compilation of the *Police Gazette* see *Gazette* No. 1 of this year.

The arrest of offenders described in the *Police Gazette*, or respecting whom crime reports have been forwarded for insertion in the *Gazette*, should be promptly notified by the member of the Force effecting the arrest.

When notifying the arrest of persons charged with theft, or suspected of theft, it should be stated whether the property stolen, or any portion of it, has been recovered.

A description of property supposed to be stolen, found in the possession of offenders, for which owners cannot be found, should be furnished for insertion in the *Gazette*.

All communications concerning this *Gazette* should be addressed to the Commissioner of Police, Wellington, and the envelope marked "For *Gazette*." Members of the Force in charge of out-stations will forward them *direct*.

PERSONS WANTED.

AUCKLAND.—6th ultimo, on **warrant** for theft of a watch, value £10 (recovered), the property of Robert Ellis, wood-turner, Beach Road, **L. Morrison** (name supposed fictitious), age about twenty-five, height about 5 ft. 7 in., labourer, native of New Zealand, dark complexion, clean-shaved, sharp features; dressed in dark suit and cap and soft shirt. May be identical with *Charles Bennett*, nephew of complainant, who answers the description of a man who sold the watch on the 7th ultimo to John Mendoza, Victoria Street. Bennett is fond of liquor, and has friends at Helensville.

AUCKLAND.—15th ultimo, on **warrant** for theft of a ring, value £1 5s. (recovered), the property of Harold Martin, Victoria Street, **John Marshall**, age seventeen, height 5 ft. 2 in., native of New Zealand, slim build, fair complexion and hair, blue eyes; dressed in grey suit, hard black hat, and black button-up boots. He pledged the ring for 4s. under the name of — Thompson. Offender's father, John Marshall, resides at Worser Bay, Wellington.

AUCKLAND.—17th ultimo, on **warrant** for false pretences on Assid Michael Sheweiry, fancy-goods dealer, Queen Street, **H. Morgan**, age about forty, height about 5 ft. 9 in., has the appearance of a labourer or seafaring man, dark complexion, sharp features, dark clipped moustache, athletic build; dressed in dark suit and cap and dark oilskin overcoat; hands stained, fond of drink. He purchased from complainant a silver hunting-watch, two 9 ct. gold band rings, a rolled-gold double chain, and two silk neck wraps, value

£4 10s., and gave in payment a valueless cheque on the Bank of New Zealand, Auckland, for £5 8s., and received 18s. change. Offender stated that he came from the King-country.

PAEROA.—19th ultimo, on **warrant** for failing to provide for the maintenance of his illegitimate child, **William Oliver**, age about twenty-eight, height about 5 ft. 6 in., miner, native of Tasmania, stout build, fair complexion, blue eyes, brown hair and brown moustache only; dressed in dark suit and hard black hat.

HASTINGS.—19th ultimo, on **warrant** for obtaining £6 from Thomas N. Moynihan by means of a valueless order, **Edgar W. Dell**, age twenty-six, height 5 ft. 11 in., insurance agent, native of England, medium build, light brown hair, fair complexion. (See *Police Gazette*, 1897, pages 126 and 129).

CARTERTON.—10th November, 1904, on **warrant** for theft of a cow and a calf, the property of William Ashton Herrick, value £4, **William Mein Smith**, age thirty-five, height 5 ft. 10 in., butcher and cattle-dealer, native of New Zealand, slim active build, fair complexion, freckled face and hands, light-brown hair, small red moustache only, blue or light-grey eyes, sharp features, upright carriage; dressed in cord breeches, short leather leggings, dark coat and vest, and skull-cap. Supposed going under the name of Linton. Other charges pending. Extradition expenses guaranteed. Offender wrote to his wife from North America about May last. (See *Police Gazette*, 1904, page 358.)

WELLINGTON.—About 24th June last, on **warrant** for theft from Letitia Jane Jacobs, Cuba street, **Mrs. Purvis**, aged thirty, height 5 ft. 1 in. or 2 in., good build, fair hair, fresh complexion; dressed in brown velvet hat and three-quarter brown coat. She received from complainant about £4 worth of ladies' gloves, suspenders, babies' bonnets, and puff-boxes to sell on commission and report progress in a week, but has failed to account for the goods.

WELLINGTON.—On or about the 22nd ultimo, on **warrant** for forging and uttering a cheque for £5 5s. to Morris Harris, jeweller, Wellington, **James Desmond Cody**, age about twenty-four, height about 5 ft. 5 in., supposed sailor, supposed native of Auckland, medium build, clean-shaved, rather full face, fair complexion, brown hair, female figure tattooed on right wrist; dressed in black suit and cap. Stated he was employed by the Naval authorities to search for deserters. Offender is no doubt identical with **James Desmond Lowe**. (See *Police Gazette*, 1905, pages 205, 245, 261, and 269.)

WELLINGTON.—31st ultimo, on **warrant** for theft of a silver open-faced keyless watch, four open-faced silver lever watches, a 9 ct. chain, much worn, shark's tooth attached; a silver chain, Bernstein pattern; a double silver

chain with long links; a gold ring set with a pink stone; three leather purses; a tweed sac-suit of a greenish shade, "Smith" on tab; a pair of light lace-up boots, size 7; seven coloured shirts, size 14½ in.; six double collars; a black silk handkerchief; and about £1 10s. in money (total value about £15) the property of Walter Marslen, labourer, Windsor Place, **William Marslen**, age twenty, height 5 ft. 2 in., labourer, native of New Zealand, fair complexion, fair hair, curly in front; stiff build, usually wears dark clothes and cap, formerly an inmate of Burnham, and supposed to be identical with *William George Marslen*. (See *New Zealand Police Gazette*, 1905, page 174.) He is complainant's son, and during his father's absence took the above articles; also a black hard hat, size 6½, with "Lowe, Sydney," on inside; a brown iron trunk about 2 ft. long, a dark-tweed overcoat, and a pair of tan gloves, the property of James Becker.

WELLINGTON.—2nd instant, on **warrant** for failing to provide for the maintenance of his illegitimate child, **Joseph M. Coughlan**, age twenty-five, height 5 ft. 5 in. or 6 in., native of Dunedin, steward, thick-set build, fresh complexion, dark-brown hair, blue eyes, clean-shaved, generally dressed in dark-striped clothes, and hard black hat. Photograph filed in the Inspector's office, Wellington. He was steward on board H.M.S. "Phoebe" and was discharged in February last, at Port Chalmers.

KAIAPOI.—31st ultimo, on **warrant** of commitment to Lyttelton Gaol for two months in default of paying £21 18s. arrears due for the maintenance of his child, **Charles John Burney**, aged twenty-eight, height 6 ft. 0½ in., shepherd, native of New Zealand, medium build, fresh complexion, clean-shaved, dark-brown hair, brown eyes, large nose; generally dressed in light-tweed suit and soft-felt brown hat. (See *Police Gazette*, 1905, page 216.)

GERALDINE.—14th ultimo, on **warrant** for theft of a dark-bay mare, value, £25, the property of William Andrews, bricklayer, **Thomas Watson**, age twenty-two, height 5 ft. 6 in., general labourer, supposed colonial, clean-shaved, except small fair moustache, fair complexion, light-brown hair, rather stoutish build; dressed in dark-tweed coat and vest, grey trousers and drab-coloured soft felt hat. He sold the stolen mare on the 15th ultimo to William Burnham, of Belfield, near Geraldine, for £10. Is probably identical with *T. Watson*. (See *Police Gazette*, 1905, page 126.)

ASHBURTON.—14th ultimo, on **warrant** for false pretences on George Herbert Carson, bicycle agent, **John Walker** (name supposed fictitious), age twenty-three, height 5 ft. 8 in., medium build, quiet expression, pale, square pimply face, boyish appearance, brown hair, clean-shaved; dressed in dark-grey worsted suit, black hard hat, had a double-breasted vest with fountain pen visible in watch pocket, shirt collar turned down all round; writes a good business hand. He represented that he came from Gore, and was storeman for David Miller. He exchanged his bicycle, from which the maker's name was erased, for a new Swift Royal, and was to pay complainant a balance of £8.

TIMARU.—28th ultimo, on **warrant**, for disobeying an order of Court to pay 10s. a week for the maintenance of his wife and children, **Cornelius Allen**, aged thirty-one, height 5 ft. 6 in., printer's machinist, native of Ireland, fresh complexion, dark-brown hair, hazel eyes, small nose, scar on head, two small moles on back. (See *Police Gazette*, 1905, page 217.)

DUNEDIN.—28th ultimo, on **warrant** of commitment to Dunedin Gaol for fourteen days in default of paying £1 3s. fine and costs for disobeying an order of maintenance, **John Dix**, age thirty-three, height 6 ft., quarryman, native of New Zealand, medium build, fair complexion, dark hair, mole underneath left eye.

INVERCARGILL.—About 11th ultimo, on **warrant** for failing to provide for the maintenance of his unborn illegitimate child, **Henry Cook McKenney**, age about twenty-three, height about 5 ft. 5 in., painter, native of Warrnambool, Victoria, long thin features, very fair complexion, yellowish-coloured hair and moustache, often shaves moustache off, very long beak-shaped red nose, blue eyes, usually smiling; dressed in dark clothes with white-stripe, hard black hat with black and white feather in ribbon, may wear a light-tweed check suit; wears a gold chain with shark's-tooth pendent.

APPREHENSIONS AND PERSONS FOUND.

AUCKLAND.—**William Ross**, alias **John Bertram**, forging and uttering, has been arrested by Detectives P. McMahon and J. Fahey, Auckland police, and committed for trial. (See *Police Gazette*, 1905, page 203.)

PAHIATUA.—**Anthony John Barnard** has been found dead on the hills at Whiteman's Valley, Upper Hutt. (See *Police Gazette*, 1905, page 135.)

LOWER HUTT.—**Leonard Lepper**, theft from John Ryan, has been arrested by Constable E. Larkin, Manners Street police, and the portmanteau recovered. (See *Police Gazette*, 1905, page 261.)

CROMWELL.—**James McGeorge**, wife-desertion, has been arrested by Acting-Detective D. Connolly, Dunedin police. (See *Police Gazette*, 1905, page 254.)

MILTON.—**Stephen Golding**, theft from George Wilson, has been arrested by Constable D. MacRae, Milton police. (See *Police Gazette*, 1905, page 243.)

INVERCARGILL.—**Joseph Griffiths**, theft of watch from John Timpany, has been arrested by the Christchurch police. Watch recovered. (See *Police Gazette*, 1903, page 227, and 1905, pages 211 and 270.)

INVERCARGILL.—**J. Nelson** has been found by Constable D. Bogue, Wyndham police. (See *Police Gazette*, 1905, page 261.)

PROPERTY STOLEN.

AUCKLAND.—18th ultimo, from JAMES KENNEDY, boot-maker, Fourth Avenue, a silver Rotherham watch, "James Kennedy," a small bird, and "Love" engraved on inside of case, No. of watch scratched out, a brass curb-chain with a silver medal attached, with "James Kennedy, light-weight champion boxer, 1904," engraved on it, value £7 7s. Identifiable. The watch was snatched from complainant in Moore Street by two men who are not identifiable.

AUCKLAND.—14th ultimo, from the shop-door of MICHAEL HELPER, draper, Victoria Street, six blue-striped Galatea shirts, value £1 1s. Identifiable.

ORMONDVILLE.—14th ultimo, from the dwelling of ARTHUR GROGAN, labourer, two nearly new dark-red, yellow-and-black check blankets, checks about 1 in. square; a dark-blue single blanket; a small heavy white quilt; a sheet for single bed; a pair of pepper-and-salt tweed trousers, size about 5; and a pair of brown woolen Sox; value, £2 4s. Identifiable.

WESTPORT.—1st instant, from the bedroom of **Timothy Manners**, ganger, Derby Street, two £5 notes, a sovereign, and a cheque for £5 drawn by George Ferguson in favour of Laurence Manners.

BELFAST.—Between 18th and 21st ultimo, from the bedroom of ARTHUR NEALE, groom, a gentlemen's nearly new silver open-faced stop-watch, gold hands; a silver watch-chain, long and short links, with a heart-shaped locket attached, a green stone on one side; a silver-mounted black wood pipe, amber mouthpiece, branded D.O.T. on stem; value, £3 12s. 6d.

DUNEDIN.—11th or 12th ultimo, from the clothes-line of KATE SHERRIFF, Russell Street, six collars and four fancy embroidered aprons, marked "Kate Sherriff"; two children's cream-coloured coats, one full and one half-sac; two pairs of men's Sox; a table-cloth marked "S," a flannel shirt; eight pillow slips marked "S," and some ladies' underclothing; value, £5 10s. 6d.

DUNEDIN.—3rd ultimo, from the Otago Club Rooms, the property of DANIEL STEWART, solicitor, a long grey rain-proof coat, about 2 in. turned up at the bottom and sewn, pocket holes in coat but no pockets, maker's name "Dunlop" on collar, chain on neck, value £4 4s.; also, a long, thick, grey-woolley double-breasted overcoat with large collar, square pockets, the property of R. HAY, value £5 5s.

DUNEDIN.—14th or 15th ultimo, from the bedroom of JOSEPH LOWE, Wood's Private Hotel, Rattray Street, a gentlemen's silver hunting-watch, No. 134589, a blue sac coat and vest, and a light-tweed pair of trousers, "T. Jenkins" on buttons; value, £3. Suspicion attached to a man named — Stewart, age thirty-five; height 5 ft. 10 in., fair complexion, fair moustache only, thin build; wearing Chesterfield coat and grey cap.

SOUTH DUNEDIN.—24th ultimo, from a hut on the Ocean Beach Domain, the property of LEWIS EDWARDS, labourer, a well-worn blue mackintosh coat, chain fastening at neck, hooks on to lion's head; value, 15s. Identifiable.

WINTON.—Between 21st and 23rd ultimo, from the bedroom of ROBERT WILSON, farmer, a dark-brown suit of clothes with white and yellow spots, nearly new; value, £3 10s. Identifiable.

ABSCONDING FROM INDUSTRIAL SCHOOL.

LINCOLN.—15th ultimo, from the licensed service of Thomas Flack, farmer, Belfast, **Frank Weaver**, age eighteen, height 5 ft. 2 in., slight build, fair complexion and hair, inclined to be delicate. Was committed to Burnham Industrial School from Gisborne in October, 1895.

LINCOLN.—16th ultimo, from Burnham Industrial School, **Benjamin Armstrong**, age fifteen, height 5 ft., dark complexion, thick lips, large mouth, quarter-caste Maori; dressed in dark-tweed knicker-suit, cap, and heavy lace-up boots, clothes numbered 80. He was committed from Otaki in March, 1904, for indecent assault.

CHRISTCHURCH.—3rd instant, from the Te Oranga Home, Burwood, **Myrtle Harrington**, age nineteen, height 5 ft. 5 in., native of New Zealand, slight build, fair hair, pale complexion, no teeth in front; was wearing a light-coloured dress.

DUNEDIN.—Between 11th and 26th June last, from Caversham Industrial School, **John Thomas Hutchinson**, age eighteen, tall for age, thin face, sharp features, black hair, wears fringe over his forehead, slightly knock-kneed; dressed in dark suit and hard black hat. **Lewis T. Oughton**, age seventeen, short, stout build, fair hair, wears fringe over forehead, round face, high colour; dressed in tweed suit and cap; was transferred from Auckland in 1900. Both absconded on 11th June. **Isaac Vincent**, age seventeen, looks older, pleasant, open face, grey eyes, fair hair, thick-set, strong appearance, walks with toes well turned out; dressed in dark suit, and dark cap with hole burnt in it, boots numbered 22 S. **Edmund Darney**, age sixteen, medium build, fair hair, blue eyes, freckled face, fringe over forehead; dressed in brown Dr. Jim hat, dungaree coat, boots numbered 10 S. Both absconded on 19th June. **Arthur N. Peters**, age seventeen, round shoulders, thin face, dark hair, blue eyes; dressed in dark suit and cap. Absconded on 26th June.

MISSING.

WELLINGTON.—Since 7th June last, from Palmerston North, MAUD HARTNETT, *nee* MANEY, age twenty-eight, height 5 ft. 4 in. or 5 in., native of Napier, fair hair, fresh complexion, well built, good figure and carriage; had with her a brown-cloth costume trimmed with orange velvet, a grey-tweed costume trimmed with green velvet, a black chiffon hat with black feathers, and a brown straw hat. She left her home at Palmerston North on the above date without any apparent reason, and it is thought she may obtain a situation as barmaid in some of the principal towns in the South Island. Inquiry by her husband, F. G. Hartnett, care Messrs. Mackay, Steen, and Caldwell, Wellington.

INQUIRIES, ETC., FROM OUTSIDE NEW ZEALAND.

MORUYA (New South Wales).—A warrant has been issued by the Moruya Bench for the arrest of **Edward John Foran**, charged with failing to make provision for expenses attending the birth of his child. He is about nineteen years of age, medium build, about 11 stone weight,

5 ft. 8 in. high, rather fat face, dark eyes, brown hair; dressed in brown suit and brown soft felt hat with broad rim. Left Bateman's Bay by the boat "Peterborough" for Sydney, on the 8th June last, *en route* to New Zealand. He is said to be accompanied by his uncle, Frank Foran, age thirty, height 5 ft. 9 in., stout, strong build, 12 stone weight, dark complexion, dark hair, dark moustache only, wild appearance, a miner. Offender's arrest is not desired, but if found, to be induced to make some provision for the complainant, Ada Mary Honan, and thereby save further action. Photograph filed in Commissioner's Office. (See *New South Wales Police Gazette*, 1905, page 230.—05/1600).

SYDNEY.—Stolen, on the 15th May last, from 142, Palmer Street, the property of **Frank Constantine**, a ladies' 18 ct. gold marquise ring, set with sapphires and diamonds; a gold medallion pendant, photos of two boys in front, look of fair hair at back; a Japanese brown morocco leather purse, two Japanese coins stamped outside, containing £5; and a black silk dress, trimmed with black silk and black buttons: value, £10. Also stolen, the property of **Mary Gallagher**, a ladies' gold lever hunting-watch, gold dial, chased cases, "H.W." or "W.H." on front case; a ladies' rolled-gold American hunting keyless watch, yellow dial, chased cases; a long gold muff-chain; an 18 ct. gold dressing, set with sapphires and diamonds; a heavy gold wedding-ring; a ladies' gold marquise ring, set with sapphires and diamonds; and a ladies' long dark leather purse, silver-mounted: value, £20. Also, the property of **Isabella Banks**, a ladies' silver hunting keyless watch, white dial, chased cases; value, £1: total value, £31. (See *New South Wales Police Gazette*, 1905, page 259.)

ENGLAND.—Inquiry requested for **Mark Jackson Hargrave**, who left Grimsby, England, in 1900, and was living in the Sailors' Home, George Street, Sydney, for eighteen months prior to December, 1902; and is said to have left there for New Zealand by the s.s. "Waikare" on 10th December, 1902, paying his passage on board. He may be employed on a trawling-boat or in the coastal service, as he holds a captain's certificate. He is described as tall, fair hair and moustache, blue eyes; is usually called Joe, and may go under the name of Jackson. Inquiry by his wife, Lottie M. Hargrave, Great Grimsby, England. (05/1299.)

ENGLAND.—Inquiry requested for **George Joseph Waltham**, age fifty-three, height 5 ft. 6 in., solicitor, broad shouldered, strong build, generally works on farms or on the wharf as labourer. He was last heard of at the London Boarding-house, Christchurch, New Zealand, in 1902. Is a native of London, and was single when last heard of. Inquiry by Lucy Waltham, 203, Chesterton Road, Cambridge. (05/1050).

MISCELLANEOUS INFORMATION.

Appointment as Constable.

No. 1186.—Mullooly, John, 4th August, 1905.

Resignation.

No. 1064.—Constable Forbes, William, 2nd August, 1905.

EXTRADITION TREATY WITH CUBA.

For particulars of the above treaty see *New Zealand Gazette* of 3rd August, 1905, pages 1898–1900.

LAW REPORT.

("New Zealand Law Reports," Vol. xxiv., page 87.)

[In the Court of Appeal.]

REX v. HILLS.

Criminal Law—*"The Indictable Offences Summary Jurisdiction Amendment Act, 1900," Sections 6, 13*—*Claim to be tried by Jury—Subsequent Plea of "Guilty"—Committal for Sentence by Supreme Court—Abandonment of Claim to be tried by Jury—Entry upon Depositions of Claim to be tried by Jury.*

Where a person is charged before a Magistrate with an offence which is not *per se* indictable, but in respect of which he is entitled, under section 6

of "The Indictable Offences Summary Jurisdiction Amendment Act, 1900," to claim to be tried by a jury, and he duly claims to be so tried, the proceeding must thenceforward be taken in all respects as if it were a proceeding for an indictable offence; and if, on the Magistrate intimating at the close of the preliminary hearing that he proposes to commit, the accused chooses to plead guilty, he must be committed to the Supreme Court for sentence, under section 13 of the above Act, as if the offence had been indictable *per se*.

Semble, however (per Edwards, J.; Williams and Denniston, J.J., concurring), That a person who has elected to have his case dealt with under section 6 may afterwards abandon such right, and may, upon such abandonment, be dealt with by the Magistrate summarily.

Per Stout, C.J., and Cooper and Chapman, J.J.—If a prisoner claims the privilege given by section 6, the Magistrate ought to enter some statement to that effect upon the depositions.

Per Edwards, J. (Williams and Denniston, J.J., concurring).—Although it is not necessary that the special jurisdiction given by section 6 should appear upon the face of the proceedings—*Reg. v. Chambers* and *Reg. v. Brown*—it is highly desirable that the committing Magistrate should in all cases show upon the face of the proceedings that the requirements of subsection (2) of section 6 have been complied with, and that the prisoner has claimed to be tried by a jury.

Crown case reserved by Edwards, J., for the opinion of the Court of Appeal.

The prisoner, George Hills, was charged before the Stipendiary Magistrate at Te Awamutu, on an information as for an offence punishable summarily, for that he did "sell certain liquor—to wit, whisky—to one F. Edwards without being duly licensed," he "having been previously twice convicted of selling liquor without being duly licensed." Under "The Licensing Act, 1881," section 159, subsection (3), a person guilty of this offence is liable to a penalty not exceeding £100, or to imprisonment with or without hard labour for any term not exceeding six months. The case stated that it might be conjectured (but nowhere appeared upon the face of the proceedings, that the prisoner, when charged before the Magistrate, claimed to be tried by a jury under section 6 of "The Indictable Offences Summary Jurisdiction Amendment Act, 1900." The depositions were headed "Depositions of Witnesses upon Charge of an Indictable Offence." Following the depositions there was the usual certificate of the Magistrate, as in the case of an indictable offence, that the depositions were taken upon oath before him in the presence of the prisoner, whose counsel was afforded full opportunity to cross-examine the witnesses, and that the depositions had been read over to and signed by the witnesses. Following upon the depositions there also appeared a document headed "Indictable Offences Summary Jurisdiction Act, 1900."—Statement as to a Plea by a Person accused of an Indictable Offence." This document set out that the accused stood charged before the Magistrate with the offence above mentioned (setting it out as above), and that, the preliminary hearing of the information having been closed, the accused was addressed by the Court in the terms prescribed by section 13 of the Act of 1900 (setting them out), and that thereupon he had answered that he pleaded guilty to the offence with which he was charged, and wished to be committed to the Supreme Court for sentence. The depositions, certificate, and statement as to the plea were signed by the Magistrate, as also was a statement by the Magistrate that he committed the accused to the Supreme Court at Auckland for sentence. The case stated, further, that the prisoner's plea of "Guilty" was indorsed upon the information, as required by section 16 of the Act of 1900, and purported to be signed by the prisoner, but that his signature was in no way verified. The case continued as follows:—

8. I entertained some doubt as to whether I have jurisdiction to sentence the prisoner under the provisions of "The Indictable Offences Summary Jurisdiction Amendment Act, 1900," upon the following grounds:—

"(a.) That the jurisdiction under the 6th section of this Act only arises after the prisoner has claimed the benefit of the Act; and that it does not appear upon the face of the proceedings that the prisoner had made any such claim.

"(b.) That the statute enables the prisoner to claim to be tried by a jury, and provides that in such case the Magistrate shall deal with the case in all respects as if the prisoner were charged with an indictable offence and not with an offence punishable on summary conviction, and that the offence shall, as respects the person charged, be deemed to be an indictable offence, and, if the person so charged is committed for trial or bailed, shall be prosecuted accordingly.

"(c.) That the intent of the 6th section of the statute appears to be to enable a person entitled to claim the benefit thereof to elect to have the question of his guilt or innocence determined by a jury, instead of by a Magistrate; and not to enable a prisoner who admits his guilt to elect to be sentenced by a Judge, instead of by a Magistrate.

"(d.) That it appears to be questionable, therefore, whether the offence is an "indictable offence not punishable by death" within the meaning of the 13th section of "The Indictable Offences Summary Jurisdiction Amendment Act, 1900," and whether the provisions of sections 13 to 17 of that statute have any application to the circumstances of the case, as herein stated."

9. I therefore reserved for the opinion of the Court of Appeal all questions of law arising from this state of facts, and postponed sentence until such questions shall have been decided, and I admitted the prisoner to bail.

The case also put certain other questions to be answered if the Court of Appeal should be of opinion that the prisoner could not be dealt with by the Supreme Court. As these did not require to be answered they are not set out.

M. Myers for the Crown.

The prisoner was not represented.

M. Myers:—

Where a person claims the benefit of section 6 of "The Indictable Offences Summary Jurisdiction Amendment Act, 1900," the offence becomes an indictable one: *Rex v. Eager*. Section 13 of the Act of 1900 is merely a procedure section. If a case becomes one of an indictable offence for one purpose it does so for all purposes, and therefore the Magistrate was bound to charge the accused under section 13. The accused had turned the offence into an indictable one by his election to be tried by a jury.

[WILLIAMS, J.—The difficulty of Mr. Justice Edwards was that it did not appear upon the face of the proceedings that the prisoner had claimed the benefit of the Act.]

In *Reg. v. Chambers* that did not appear, and it was held unnecessary. In *Reg. v. Brown* it did not appear until the indictment was before the jury. The case could only have got into the Supreme Court in that way.

[DENNISTON, J.—The Magistrate might have made a mistake, and have thought that this was in itself an indictable offence.]

The maxim *Omnia præsumentur* applies. The plea of "Guilty" is binding upon the Court. The prisoner cannot take the point, and the Court cannot: Section 17 of the Act of 1900. The Supreme Court has power to sentence the prisoner, and there is no point of which the prisoner can take advantage.

Cur. adv. vult.

STOUT, C.J.:—

This is a case reserved by His Honour Mr. Justice Edwards for the opinion of the Court of Appeal.

The prisoner was charged before the Stipendiary Magistrate at Te Awamutu on an information for an offence punishable summarily. It does not appear on the face of the depositions that the prisoner claimed the right to be tried before a jury, but he had the right to do so, and the Magistrate proceeded to take depositions as for an indictable offence. At the end of the depositions there is a statement headed "Indictable Offences Summary Jurisdiction Act," and setting forth that the accused was addressed by the Bench—as persons charged with indictable offences are charged—saying that the Court proposed to commit him for trial, and he then said "I plead guilty to the offence with which I am charged, and wish to be committed to the Supreme Court for sentence.—GEORGE HILLS." The main point reserved was whether it should not have appeared on the face of the proceedings that the prisoner had claimed the benefit of the provisions of section 6 of "The Indictable Offences Summary Jurisdiction Amendment Act, 1900."

In my opinion there ought to have appeared on the face of the depositions a statement to that effect, and in future it should be the duty of Magistrates to enter on the depositions some statement to the effect, if a prisoner does claim the privilege mentioned, that he has claimed it. There is, however, in my opinion, sufficient on the face of the depositions to show that the prisoner did claim this right. There is the fact that the Magistrate proceeded under the statute mentioned, and at the close of the depositions the prisoner stated his wish to be committed to the Supreme Court for sentence. There was no suggestion made by the prisoner that the Magistrate had proceeded without jurisdiction or otherwise than according to his claim to be tried before a jury. It is clear that, once a prisoner claims the right to be tried by a jury, then the proceeding must be taken as if it was a proceeding for an indictable offence: See the cases of *Reg. v. Brown and Reg. v. Chambers*. The matter was considered in the Supreme Court by His Honour Mr. Justice Cooper and by myself in the cases of *Rex v. Eager and Rex v. Sturgeon*, and it was held that, once a claim was made, the proceedings must be deemed proceedings for an indictable offence, and that it was unnecessary to aver on the face of the indictment that the claim had been made.

I am of opinion that the prisoner, having made this claim, if he pleaded guilty after the depositions had been taken, must be sent to the Supreme Court to be sentenced. The Supreme Court has therefore, in my opinion, full jurisdiction to deal with him as if he were a prisoner who had pleaded guilty to an indictable offence.

The other questions raised do not require consideration, as the prisoner is properly before the Supreme Court for sentence.

I am of opinion a certificate should be issued accordingly.

EDWARDS, J.:—

The cases of *Reg. v. Chambers* and *Reg. v. Brown* establish that it is not necessary that the special jurisdiction given by the 6th section of "The Indictable Offences Summary Jurisdiction Amendment Act, 1900," should appear upon the face of the proceedings. In my opinion it is highly desirable, however, that the committing Magistrate should in all such cases show upon the face of the proceedings that the requirements of subsection (2) of section 6 have been complied with, and that the prisoner has claimed to be tried by a jury.

The second point, and the point upon which the case was really reserved, arising under sections 13-17 of the statute, is not affected by the decisions to which I have referred. The 6th section of the statute provides that in the cases therein specified the prisoner may claim to be tried by a jury; "and thereafter the Magistrate shall deal with the case in all respects as if the accused were charged with an indictable offence and not with an offence punishable on summary conviction, and the offence shall, as respects the person so charged, be deemed to be an indictable offence, and, if the person so charged is committed for trial or bailed to appear for trial, shall be prosecuted accordingly." The second subsection provides that "A Magistrate, before the charge is gone into in respect of an offence to which this section applies, for the purpose of informing the defendant of his right to be tried by a jury in pursuance of this section, shall address him to the following effect: 'You are charged with an offence in respect of the commission of which you are entitled, if you desire it, instead of being dealt with summarily, to be tried by a jury: do you desire to be tried by a jury?' with a statement, if the Court think such statement desirable, for the information of the person to whom the question is addressed, of the meaning of 'being dealt with summarily,' and of the sittings of the Supreme Court at which such person will be tried, if tried by a jury." These provisions are copied from the Imperial statute of 1879, 42 & 43 Vict., c. 49, s. 17. The Imperial statute does not contain any provisions similar to sections 13-17 of our Act of 1900. A defendant electing under the Imperial statute to be tried by a jury is committed for trial by a jury. This is what must happen under the 6th section of our statute if it stood alone, but the 13th section of the statute provides that "when any Court at the close of a preliminary hearing of any information shall propose to commit any accused person for trial for any indictable offence not punishable by death, an intimation shall be made in open Court by or on behalf of the Court to the accused" in the prescribed form; and the 14th section provides that "if on such intimation the accused shall plead guilty to the offence charged the following consequences shall ensue: (1) The Court shall thereupon commit the accused to the Supreme Court for sentence."

Now, the offence with which the prisoner stands charged is not *per se* an indictable offence. The person accused may under the 6th section claim to have such offence dealt with as an indictable offence for the purpose of having the question of his guilt or innocence determined by a jury, and in that case "the offence shall as respects the person so charged be deemed to be an indictable offence, and, if the person so charged is committed for trial or bailed to appear for trial, shall be prosecuted accordingly." It appeared to me, therefore, questionable whether the words "any indictable offence not punishable by death" in the 13th section include an offence which is not *per se* an indictable offence, and which under the 6th section is only to be deemed an indictable offence as far as respects the person charged, and by reason of the demand made by the accused to be tried by a jury. If not, then sections 13-17 of the statute would have no application to such a state of facts.

What has been done in the present case is that the person accused, under colour of an election to be tried by a jury, has in fact elected to be sentenced by a Judge, instead of by a Magistrate. The 6th section of the statute does not give any such right—it gives a right to the accused to be tried by a jury, and no more. If he abandons this right and pleads guilty before the Magistrate, as he might do if the case were treated, as it primarily is, as punishable after summary conviction, the logical result would seem to be that the Magistrate, and not the Judge, would sentence the offender. I apprehend that, notwithstanding the provisions of section 6, a person who had elected under that section to be tried by a jury might afterwards abandon that right, and might upon such abandonment be dealt with by the Magistrate summarily.

The case is not provided for; but I can hardly think that, if, after the investigation before the Magistrate, the person accused abandoned his claim to be tried by a jury, and pleaded guilty, the Magistrate would under the Imperial statute nevertheless be compelled to commit him for trial by a jury. If not, there can be no doubt that the Magistrate ought under the Imperial statute then to sentence the offender.

The concluding words of section 6 seem to show the extent and the purpose for which the offence is to be deemed an indictable offence. If this is so, the question is whether a plea of "Guilty" before a Magistrate is not of itself an abandonment of the only right given to the accused person by the 6th section—the right to be tried by a jury.

To bring the case within sections 13-17 the words "be deemed to be an indictable offence" in section 6 must be separated from the words which follow them; and the words "any indictable offence not punishable by death" in section 13 must be read as if they were "any indictable offence not punishable by death, or any offence which, as respects any person claiming to be tried by a jury under the 6th section, shall be deemed to be an indictable offence."

I am by no means confident that this is the correct way in which to read the statute. My doubt, however, is not sufficiently strong to induce me to dissent from the construction adopted by the other members of the Court.

If it appeared that any evil could result from an adoption of that construction, I should hesitate long before accepting it. As, however, there can be no doubt that the person accused, although he had elected to be tried by a jury, and had been committed for trial by a jury, could plead "Guilty" in the Supreme Court, it does not appear to me that any evil can result from holding that under the statute an accused person, under colour of an election to be tried by a jury, may elect to be sentenced by a Judge—that is to say, that, instead of exercising the right given to him to have the question of his guilt or innocence determined by a jury, he may exercise a right, not in terms given to him, to have the question of his punishment determined by a Judge, instead of by the Magistrate.

WILLIAMS, J.:—

I concur in the judgment just delivered.

DENNISTON, J.:—

I also concur in the effect of the judgment just delivered.

STOUT, C.J.:—

I may state that their Honours Mr. Justice Cooper and Mr. Justice Chapman agree with the judgment which I read.

Solicitor for the Crown:—*Crown Solicitor* (Auckland).

Return of Persons summarily convicted at Magistrates' Courts, but not sent to Gaol.

Name of Offender.	Where tried.	When.	Offence.	Sentence.	Native of	Trade.	Born.	Height.	Complexion.	Hair.	Eyes.	Nose.	Distinguishing Marks, &c.
Honi Haenga ..	Port Awanui ..	28/6/05	theft ..	.. fine and costs £3 Is., refund cheque £3	N. Zealand	labourer ..	1853 5 9	ft. in.	copper..	black	.. brown ..	flat	Scar on right cheek; stoppage in speech.
Kiri Piripi ..	.. Rotorua ..	24/7/05	theft ..	.. fined £1, or 14 days	N. Zealand	labourer ..	1890 5 6	6	florid ..	black	.. brown ..	medium	
Finley, Edward ..	.. Palmerston N. ..	28/7/05	theft ..	.. convicted and discharged	N. Zealand	labourer ..	1877 5 5½	5½	fair ..	black	.. brown ..	medium	
Moore, Ernest ..	.. Palmerston N. ..	28/7/05	theft ..	.. convicted and discharged	N. Zealand	labourer ..	1882 5 8	8	fair ..	fair	.. blue ..	long	
Wells, Percival Clarence ..	.. Palmerston N. ..	17/7/05	theft (3 charges)	.. sent to Burnham	N. Zealand	schoolboy ..	1895 4 0	0	fresh ..	fair	.. blue ..	medium	
Whango Ropota ..	.. Masterton ..	28/7/05	theft ..	.. 6 mo's probat'n	N. Zealand	..	1886 5 8	8	copper..	black	.. brown ..	flat	
Crowley, James ..	.. Petone ..	27/7/05	vagrancy ..	.. to leave the district	N. Zealand	labourer ..	1867 5 4½	4½	fresh ..	brown	.. brown ..	medium	Numerous p.c. (See Police Gazette, 1904, page 236.)
Lepper, Leonard Howard ..	.. Wellington ..	28/7/05	theft ..	.. to come up when called on	N. Zealand	baker ..	1885 5 4½	4½	fresh ..	red	.. grey ..	medium	Shows gums and teeth.
Murdoch, George ..	.. Wellington ..	25/7/05	theft ..	.. to come up when called on	N. Zealand	grocer ..	1875 5 5	5	fair ..	brown	.. blue ..	medium	Thin features.
Willson, James ..	.. Wellington ..	25/7/05	theft ..	.. to come up when called on	N. Zealand	schoolboy ..	1893 4 10	10	fresh ..	sandy	.. blue ..	medium	
Kells, William Roger ..	.. Wellington ..	28/7/05	theft ..	.. when called on	N. Zealand	schoolboy ..	1891 4 10½	10½	fresh ..	brown	.. grey ..	medium	Mole on right side of neck.
Turner, Albert Francis ..	.. Wellington ..	31/7/05	theft ..	.. to come up when called on	N. Zealand	tailor ..	1887 5 9	9	fresh ..	brown	.. grey ..	medium	
Levy, Sidney Henry ..	.. Wellington ..	31/7/05	theft ..	.. 6 strokes with birch	N. Zealand	schoolboy ..	1891 4 10½	10½	fair ..	fair	.. brown ..	large	
Singh, Sinda ..	.. Greymouth ..	26/7/05	theft ..	.. fine, or 14 days	India	.. labourer ..	1878 5 7½	7½	dark ..	black	.. d r k br.	medium	A Hindu.
Nilsen, John Peter, alias Nelson, John ..	.. Kaikoura ..	26/7/05	theft ..	.. convicted and discharged	Sweden	.. fisherman ..	1846 5 5½	5½	fresh ..	dark brown	.. grey ..	medium	Anchor on back of right hand. (See Police Gazette, 1890, page 49.)
Stokes, Henry ..	.. Kaikoura ..	26/7/05	theft ..	.. fined £1	N. Zealand	labourer ..	1883 5 6	6	fair ..	brown	.. hazel ..	medium	
Stokes, Arthur Easterby ..	.. Kaikoura ..	26/7/05	theft ..	.. fined £1	N. Zealand	labourer ..	1885 5 5½	5½	dark ..	dark brown	.. brown ..	medium	Small scar on forehead over left eye. (See Police Gazette, 1905, page 23.)
Fitzgerald, Thomas Aloystius ..	.. Timaru ..	28/7/05	theft ..	.. convicted and discharged	N. Zealand	schoolboy ..	1891 5 7	7	fair ..	fair	.. blue ..	medium	Big, powerful boy for age.
Faigan, John ..	.. Dunedin ..	25/7/05	consorting with thieves	.. when called on	N. Zealand	bookmaker	1877 5 9	9	fresh ..	dark	.. blue ..	medium	

RETURN OF PRISONERS REPORTED AS DISCHARGED FROM GAOLS DURING THE WEEK ENDED 29TH JULY, 1905.

Gaol and Name of Prisoner.	Where tried.	When.	Offence.	Sentence.	Native of	Trade.	Born.	Height.	Complexion.	Hair.	Eyes.	Nose.	When discharged.	Remarks, and Previous Convictions. (F.P. indicates that finger-impresions have been taken.)
Auckland—														
Tatara ..	Tauranga ..	15/7/05	keeping unregistered dog	fine, or 7 days	N. Zealand	labourer	1849 5	5 7½	copper..	black	dark br.	broad	24/7/05	Right ring and little fingers contracted; mole above left eye; ears pierced. F.P.
Te Pere Pomare ..	Tauranga ..	15/7/05	keeping unregistered dog	fine, or 7 days	N. Zealand	labourer	1862 5	3½	copper..	black, turning grey	dark br.	broad	24/7/05	Ears pierced. F.P.
Hines, John Sidney ..	Auckland ..	26/4/05	theft	3 months	England	fireman	1866 5	10	dark	dark brown	dark br.	medium	25/7/05	2 p.c. F.P. Photographed at Auckland, 28/3/05. (See Police Gazette, 1905, page 69.)
Purcell, Robert William ..	Auckland ..	26/4/05	vagrancy	3 months	N. Zealand	carter	1877 5	8½	fair	fair	grey	long	25/7/05	6 p.c. F.P. Photographed at Auckland, 10/7/05. (See Police Gazette, 1903, page 101.)
Roach, James ..	Auckland ..	26/4/05	vagrancy	3 months	N. Zealand	labourer	1879 5	3½	fresh	dark brown	blue	large	25/7/05	11 p.c. F.P. Photographed at Auckland, 10/7/05. (See Police Gazette, 1904, page 239.)
Long, Jimmy ..	Auckland ..	26/6/05	having opium in his possession	fine, or 1 month	China	cook	1843 5	6½	sallow..	black	dark br.	broad	25/7/05	F.P.
Farrell, John ..	Whangarei ..	26/6/05	vagrancy	1 month	Ireland	labourer	1868 5	5	fresh	dark brown	grey	short	25/7/05	Right arm slightly contracted.
Willy, Annie, alias Willey, alias Hautain, Rose, alias "Scotch Annie" ..	Auckland ..	26/4/05	theft	3 months	Scotland	prostitute	1863 5	3	fresh	dark brown	blue	pug	26/7/05	12 p.c. F.P. (See Police Gazette, 1904, page 56.)
Campbell, Mary ..	Auckland ..	26/4/05	vagrancy	3 months	N. Zealand	domestic	1877 5	5	sallow	dark brown, turning grey	blue-gr'y	medium	25/7/05	11 p.c. (See Police Gazette, 1899, page 246.)
Cassidy, Kate ..	Auckland ..	26/4/05	vagrancy	3 months	N. Zealand	prostitute	1880 5	0	fresh	light brown	blue	aquiline	25/7/05	2 p.c. (See Police Gazette, 1903, page 41.)
Dunn, John Henry ..	Auckland ..	27/4/05	false pretences	3 months	N. Zealand	labourer	1872 5	8½	fresh	black	grey	thin	26/7/05	Two moles on forehead and one on left cheek; large scar on right leg. F.P. Photographed at Auckland, 26/7/05.
Stevenson, John, alias Stevens, alias Smith ..	Onehunga ..	24/7/05	illegally on premises	fine, or 48 hours	Norway	seaman	1853 5	8½	swarthy	dark brown	brown	medium	26/7/05	2 p.c. F.P. Photographed at Auckland, 27/3/05. (See Police Gazette, 1905, page 129.)
Peden, William, alias Paton, alias Batten ..	Auckland ..	24/7/05	indecenty	48 hours	Ireland	labourer	1860 5	6	fresh	black	brown	medium	26/7/05	F.P.
Grant, George ..	Huntly ..	28/6/05	vagrancy	1 month	N. Zealand	labourer	1870 5	6	fresh	dark brown	grey	medium	28/7/05	12 p.c. F.P. Photographed at Auckland, 27/3/05. (See Police Gazette, 1905, page 129.)
Hyams, John, alias Adams, alias O'Dowd ..	Auckland ..	29/6/05	theft	1 month	England	hawker	1863 5	5½	fresh	dark brown	brown	medium	28/7/05	Ship on chest; lifebuoy, Japanese girl, &c., on right arm; couch, female, eagle, flag, &c., on left arm; star between left finger and thumb. F.P. (See Police Gazette, 1903, page 261.)
Stewart, James, alias Howard ..	Auckland ..	22/7/05	theft	7 days	Scotland	seaman	1873 5	7½	fresh	fair	blue-gr'y	large	29/7/05	13 p.c. F.P. (See Police Gazette, 1905, page 158.)
Given, Hugh ..	Auckland ..	30/6/05	drunk and disorderly	fine, or 14 days	Ireland	gun-digger	1851 5	7	fresh	light brown	grey	large	29/7/05	F.P.
Ah Gin ..	Auckland ..	17/7/05	obscene language	fine, or 1 month	China	cook	1875 5	4	sallow..	black	dark br.	medium	29/7/05	F.P.
White, William ..	Whangarei ..	17/7/05	having opium in his possession	14 days	N. Zealand	jockey	1871 5	4½	fresh	fair	blue	large, broken	28/7/05	3 p.c. Burn-mark on right hand. F.P. Photographed at Auckland, 27/7/05. (See Police Gazette, 1903, page 284.) Two of the above convictions in Victoria.
Jay, Leonard Montifore, alias Jacobs ..	Auckland ..	8/8/04	theft	12 months	England	sign-writer	1880 6	1½	fresh	dark brown	hazel	large	27/7/05	C. on right arm; R.T. on left arm; scar near right temple.
Brown, Samuel ..	Auckland ..	22/7/05	assault on police	fine or 1 month	N. Zealand	horse-driver	1879 5	4½	fresh	fair	blue	medium	27/7/05	Scar on right side of neck; tattoo-dot on left wrist; scar on each knee.
Pearson, Herbert ..	Auckland ..	24/7/05	rape	acquitted	N. Zealand	horse-driver	1878 5	11½	fair	auburn	blue	medium	27/7/05	

RETURN OF PRISONERS REPORTED AS DISCHARGED FROM GAOLS DURING THE WEEK ENDED 29TH JULY, 1905—continued.

Gaol, and Name of Prisoner.	Where tried.	When.	Offences.	Sentence.	Native of	Trade.	Birth.	Complexion.	Hair.	Eyes.	Nose.	When discharged.	Remarks, and Previous Convictions. (F.P. indicates that finger-impresions have been taken.)
Thames— Ross, Alice	Paeroa	23/6/05	habitual drunkenness	30 days	N. Zealand	domestic	1873 5 3	fresh	brown	brown	medium	22/7/05	Scar on bridge of nose.
Waiootapu— Couper, Andrew	Napier	1/2/04	arson	2 years	N. Zealand	blacksmith	1876 5 9½	dark	brown	brown	medium	29/7/05	1 p.c. Large scar below right knee; upper front teeth out; false teeth; dimpled chin; female's head and bust in wase on left forearm. F.P. Photographed at Waiootapu, 1/5/05. (See Police Gazette, 1894, page 114.)
Mangan, James Joseph Edward	Wellington	27/1/04	theft	2 years	N. Zealand	clerk	1880 5 6½	dark	black, curly	brown	medium	28/7/05	2 p.c. Slightly freckled; clasped hands and crossed flags in circle, slouch hat, and sword on right forearm. F.P. Photographed at Wellington, 21/5/04.
Gawn, Robert	Wellington	27/1/04	theft	2 years	N. Zealand	driver	1875 5 4½	dark	black	brown	medium	28/7/05	3 p.c. Boil-mark on right side of neck. F.P. Photographed at Waiootapu, 1/5/05.
Napier— Clifford, Daniel Henry <i>alias</i> Downey, Daniel	Gisborne	26/5/05	theft (3 charges)	2 mo's on each	England	cook and steward	1868 5 6½	dark	dark brown	blue	large	25/7/05	F.P. Photographed at Wellington, 23/1/04. (See Police Gazette, 1904, page 85.)
Rae, David, <i>alias</i> Muriel, Joseph	Napier	15/7/05	refusing to quit licensed premises	fine, or 14 days	Scotland	labourer	1868 5 8	fresh	light brown	grey	long	28/7/05	Scar on nose and throat. (See Police Gazette, 1905, page 258.)
New Plymouth— McLean, James	Hawera	4/4/05	false pretences	4 months	Scotland	seaman	1849 5 6	fair	grey	blue	thick	27/7/05	7 p.c. American coat-of-arms, tombstone, &c., on right arm; crucifix, &c., on left arm. F.P. Photographed at New Plymouth, 25/7/05. (See Police Gazette, 1904, page 236.)
Wanganui— Shore, James	Wanganui	27/6/05	drunkenness obscene language breach of Licensing Act	14 days 1 month fine, or 3 mo's	N. Zealand	labourer	1869 5 8	dark	brown	grey	medium	26/7/05	Repeatedly convicted. F.P. (See Police Gazette, 1905, page 208.) Fine paid.
Wallace, David, <i>alias</i> Wilson, James	Tairāpapa	18/7/05	wilful damage	7 days	Scotland	fireman	1864 5 4	fresh	sandy	blue	large	25/7/05	2 p.c. F.P. (See Police Gazette, 1905, page 275.)
Wellington— Williams, James, <i>alias</i> Vernon Jackson, George	Wellington	26/6/05	theft	1 month	N. Zealand	labourer	1865 5 8½	fair	light brown	brown	large	25/7/05	4 p.c. F.P. (See Police Gazette, 1905, page 78.)
McKenna, Leonard	Lower Hutt	27/4/05	drunkenness	3 months	England	labourer	1848 5 7	fair	brown	blue	medium	26/7/05	Numerous p.c. (See Police Gazette, 1905, page 150.)
Quinn, John Henry	Wellington	1/6/05	drunkenness theft	24 hours 14 days	N. Zealand	labourer	1874 5 7½	fresh	brown	brown	medium	26/7/05	Several p.c. Arrested 13th July, 1905. F.P. (See Police Gazette, 1904, page 10.)
Parker, Thomas	Palmerston N.	24/7/05	theft	remanded	Australia	labourer	1886 5 11½	dark	dark brown	brown	medium	26/7/05	Large mole right side of neck.
Townsend, William	Wellington	6/10/04	theft from the person	12 months	N. Zealand	labourer	1879 5 8	fair	light brown	grey	medium	29/7/05	Several p.c. F.P. (See Police Gazette, 1903, page 185.)
Thompson, Joseph, <i>alias</i> Handley, <i>alias</i> Cooper	Wellington	17/7/05	drunkenness assault	7 days 14 days	N. Zealand	cook	1878 5 6	fair	light brown	hazel	large	29/7/05	Large wound on groin. F.P.
Midgley, Thomas	Wellington	28/4/05	drunkenness	3 months	England	brickmaker	1872 5 8	fair	light brown	hazel	medium	27/7/05	Several p.c. F.P. (See Police Gazette, 1905, page 159.)
Lepper, Leonard Howard	Blenheim	21/6/05	default of maintenance	4 weeks	N. Zealand	labourer	1839 5 6½	fair	grey	blue	large	27/7/05	Scar under left eye. F.P.
	Wellington	24/7/05	theft	remanded	N. Zealand	baker	1885 5 2½	fair	red	grey	medium	28/7/05	Face and hands much freckled.

RETURN OF PRISONERS REPORTED AS DISCHARGED FROM GAOLS DURING THE WEEK ENDED 29TH JULY, 1905—continued.

Usual, and Name of Prisoner.	Where tried.	When.	Offences.	Sentence.	Native of	Trade.	Birth.	Height.	Complexion.	Hair.	Eyes.	Nose.	When discharged.	Remarks and Previous Convictions. (F.P. indicates that finger-impressions have been taken.)
Lytelton— Lesbke, Elizabeth	Christchurch	26/6/05	indecentcy	1 month	England	matron	1859	5 1	fresh	fair	blue	medium	25/7/05	F.P.
Mumby, Brumpton	Christchurch	20/7/05	obscene language	7 days	N. Zealand	labourer	1870	5 7	dark	black	hazel	medium	26/7/05	Maltese cross and flags on back; heart on left hip; scar on first left knuckle and on left side of head. F.P.
Heffernan, John James Branly	Christchurch	30/6/05	consorting with thieves	1 month	Victoria	bookmaker	1877	5 10½	sandy	brown	grey	medium	29/7/05	Scar on back of left wrist; second finger has been broken. F.P.
Timaru— Parry, Henry John	Timaru	27/6/05	vagrancy	1 month	England	labourer	1855	5 2½	fresh	brown	grey	medium	26/7/05	5 p.c. Anchor on left hand. (See <i>Police Gazette</i> , 1904, page 314.)
Oamaru— Ninkey, William Charles, <i>alias</i> Johnston, &c.	Oamaru	24/7/05	failing to maintain his child	remanded	England	insurance agent	1874	5 9½	pale	brown	blue	long	25/7/05	Bailed. (See <i>Police Gazette</i> , 1905, page 211.)
Dunedin— Crooks, James Edward	Invercargill Dunedin	9/12/03 22/12/03	theft breaking and entering	1 month 2 years	England	sailor	1872	5 4½	fresh	dark brown	lt. grey	squat	27/7/05	F.P. Photographed at Dunedin, 25/7/05.
Graham, John	Dunedin	24/7/05	trespass	fine, or 1 month	Otago	painter	1872	5 8½	fresh	black	brown	large	25/7/05	F.P.
Basan, Conrad	Dunedin	25/7/05	idle and disorderly	remanded	N. Zealand	labourer	1874	5 5	fresh	brown	blue	medium	26/7/05	Scar on bridge of nose; scar on right leg. F.P. (See <i>Police Gazette</i> , 1904, page 87.) Bailed.
Stewart, Richard	Dunedin	25/7/05	idle and disorderly	remanded	N. Zealand	labourer	1879	5 8½	sallow	dark brown	hazel	large	25/7/05	Large ears; scar on forefinger of right hand F.P. Bailed.
Andersen, Walter	Dunedin	25/7/05	idle and disorderly	remanded	N. Zealand	labourer	1879	5 8½	fair	auburn	blue	medium	26/7/05	Mole on calf of right leg; two upper front teeth out. F.P. Photographed at Dunedin, 16/12/98. (See <i>Police Gazette</i> , 1903, page 246.)
Luby, William, <i>alias</i> Richard	Dunedin	25/7/05	idle and disorderly	remanded	England	seaman	1879	5 6½	fresh	dark brown	grey	short	26/7/05	Scar and nine blue dots on left hand; basket of flowers on right hand. F.P. (See <i>Police Gazette</i> , 1905, page 259.) Bailed.
Mackie, Arthur	Dunedin	26/7/05	attempt to commit rape	remanded	N. Zealand	labourer	1888	5 9½	pale	dark brown	brown	medium	28/7/05	Scar on forehead and over left eye.
Invercargill— Branty, George, <i>alias</i> William Nicholls, Thomas, <i>alias</i> Nicholas	Campbelltown Winton	28/4/05 25/7/05	vagrancy wife desertion	3 months remanded	Scotland N. Zealand	labourer labourer	1868 1879	5 8½ 5 5½	fresh fair	brown fair	grey blue-grey	medium medium	27/7/05 26/7/05	Several p.c. F.P. Photographed at Dunedin, 7/3/05. (See <i>Police Gazette</i> , 1905, page 113.) Piece off top of left index finger; mole on right arm. Photographed at Invercargill, 24/12/98. (See <i>Police Gazette</i> , 1899, pages 40 and 44.) Scar on index and third finger of left hand; scar on bridge of nose.
Georgeson, Joseph Wil- liam	Invercargill	26/7/05	drunkenness	remanded	Scotland	baker	1879	5 6½	fair	light brown	light br.	medium	29/7/05	

