

copies of the whole of the original photograph and imprint on the box, and not a portion of each, and they were not complete. This was a case in which no authority could be cited, as the point was a novel one, and must, therefore, be determined on first principles as to the admissibility of evidence and the value of expert evidence. Mr. Justice Pring pointed out that science was only in its infancy, and might be on the wrong track in this matter.

Mr. Justice Cohen: I do not think it is altogether on the wrong track.

Mr. Whitfeld replied on behalf of the Crown, and submitted that the evidence was recognised by law, and was put in in order to enable the experts to illustrate their evidence and their reasons for arriving at a certain conclusion.

The Chief Justice (Mr. Justice Cohen and Mr. Justice Gordon concurring) said he would first point out that the evidence of the expert who was called, and who deposed to the identity or similarity of the two, was very carefully given and very thoroughly tested. The witness stated the whole steps he took before arriving at a conclusion, and the grounds upon which he arrived at it. Again, the jury were very carefully directed by the presiding Judge as to the risk of error to which such evidence was open; and, as far as the conduct of the trial was concerned, every precaution was taken to guard against any wrong conclusion by the jury. In considering the objection to the reception of the evidence, the Court must look very closely at the contention which was based upon the law as to secondary evidence. In one sense any evidence about finger-prints was in itself secondary evidence, but the evidence was given to enable the jury to form an opinion as to the presence or absence of the prisoner from the scene of the outrage at the time it was committed. The principle upon which this class of evidence became material at all was simply this, that a person who had been present at the scene of an outrage had left a picture of part of his body at the place, and that if that picture was compared with another picture of the same part of the body of the prisoner, and they closely corresponded with each other, the evidence would throw some light upon the question of the prisoner's guilt. Here the evidence went strongly to show that the photograph presented points of similarity with the imprint on the box in several important respects, and more especially in regard to the bulbous part of the thumb, and therefore the evidence was material, as identifying one with the other; and the opinion of those who studied this branch of investigation was that it was a very reliable one for the purpose of proving identity. As to this, the expert evidence was sufficiently strong to justify his Honour in receiving the evidence. He thought, therefore, that the first ground of objection failed. Another ground taken was that Exhibit "H," which represented the thumb-print on the box, was not sufficiently complete to justify its admission in evidence. Well, the evidence, which was very strongly tested by cross-examination, was that that part of the prisoner's thumb corresponded closely with the impression on the box. So

far as the marks surrounding the impression shown in the exhibit before the Court were concerned, they were not marks which in the opinion of the expert were characteristic parts, and that the whole of the impression of the finger-mark which was material for purposes of comparison, and upon which he arrived at a conclusion, was shown in the photographic enlargement. The Court thought, therefore, that, in the circumstances, it was impossible for his Honour to reject the evidence, and the appeal consequently failed.

Appeal dismissed, and conviction sustained.

EXTRACTS FROM NEW ZEALAND GAZETTE.

(From Gazette, 1910, pages 1589 and 1590.)

Outram Lagoons to be Sanctuaries for Imported and Native Game.

PLUNKET, Governor.

PURSUANT to the powers vested in me by the Animals Protection Act, 1908, I, William Lee, Baron Plunket, the Governor of the Dominion of New Zealand, do hereby notify and declare that the area described in the Schedule hereto 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.

ALL that area in the Otago Land District known as the Outram Lagoons, situated partly in the Town District of Outram and partly in Block V, Taieri Survey District.

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

D. BUDDO,
Minister of Internal Affairs.

Clerks of Courts, &c., appointed.

Department of Justice,
Wellington, 24th May, 1910.

HIS Excellency the Governor has been pleased to appoint

Constable PATRICK STACKPOOLE

to be Clerk of the Magistrate's Court at Te Puke from the 1st day of June, 1910, *vice* T. R. W. Philpotts; and

Constable JOHN FITZGIBBON

to be Clerk of the Magistrate's Court at Kimbolton from the 4th day of May, 1910, *vice* Constable F. J. Healey, transferred.

JOHN G. FINDLAY