

# NEW ZEALAND POLICE GAZETTE.

PUBLISHED BY AUTHORITY.

## WELLINGTON, WEDNESDAY, DECEMBER 14, 1910.

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.

Whangarei.—5th instant, that a summons may be served on him for street-betting, laying tote-odds, and betting with an infant, **Charles Frederick Smith**, age thirty-two, height 5 ft. 9 in., driver, native of New Zealand, well built, fair complexion, grey eyes, long nose; usually wears dark suit and hard hat; speaks rather loud, and is somewhat deaf. (See *Police Gazette*, 1909, page 219.)

COROMANDEL.—6th instant, that a copy of minute of order may be served on him to pay 7s. a week towards the support of his illegitimate child, **Frank Kirk**, age twenty-eight, height 5 ft. 4 in., farmer and bushman, native of New Zealand, slight build, fresh complexion, clean-shaved, blue eyes, Roman nose, dark hair (supposed to wear a wig); generally dressed in dark-striped sac suit. About 1st September last he was working at Te Kuiti.

NAPIER.—30th ultimo, on warrant for deserting from the s.s. "Ruapehu," Andreas Maylund, age twenty-one, height 5 ft. 11 in, seaman, native of Denmark, fair hair and complexion, blue eyes, "A. M." tattooed on right hand. William Coe, age forty-six, height 5 ft. 7 in., seaman, native of England, dark complexion, brown hair, blue eyes, sailor and bracelet on left arm, cout of arms and bracelet on right armanda A. M. France description.

STRATFORD.—23rd ultimo, on warrant for theft of £5 10s., the money of Richard Bright, jeweller, Lewis Watt, age twenty-seven height 5 th 7 in. or 8 in. chayaser, native of New Zealand, slight build, dark complexion, round face, straight nose, dark hair, stoops slightly when walking, high insteps. He was last seen in Napier Offender was em-

ployed by complainant as canvasser and salesman, and failed to account for £5 10s. received for a gold ring which he sold.

ELTHAM.—5th instant, on warrant for theft of £4, the money of Robert Noble McMillen, tailor, Thomas Stanley, alias E. Watson, age twenty-four, height 5ft. 9 in., sailor and labourer, native of New Zealand, brown hair (very much off the forehead), blue eyes, sharp nose, clean-shaved, fresh complexion, medium build, keeps one eye half-closed, five-pointed star tattooed on left biceps; dressed in grey cont, no vest, striped trousers, soft white shirt, green tie, black band on sleeve of coat. His mother, Emily Stanley (see Police Gazette, 1908, page 69), is well known in Auckland. Offender received £4 from complainant to obtain postal notes for that amount, but failed to return. He is supposed to have gone to Auckland.

TAIHAPE.—22nd ultimo, that he may be compelled to pay arrears due for the maintenance of his children, inmates of the industrial school, **Charles East**, age about forty-eight, height about 5ft, 5in. labourer, native of England, fresh complexion, blown hair, grey eyes, large Roman nose, bald on top of head. (See *Police Gazette*, 1910 page 507.) Offender was seen in Christchurch on the 7th ultimo by Detective J. J. Cassells, Wellington police, and may still be in the Christchurch district.

Petone.—3rd instant, on warrant for theft of a pair of boots (recovered), value 10s. 6d., the property of James William Martin, bootmaker. James Porafret, alias Eagle, age forty-four, height 5 ft. 0½ in., labourer, native of England, fresh complexion, grey hair brown yes; dressed in blue-dungaree trousers (tar mark or them), dark coat, and soft-felt hat or cap. (See Police Gazette, 1910, page 377, and Photographs of Prisoners discharged, 1909, page 31.)

Wellington.—2nd instant, on warrant for intending to desert his wife, Evelyn Thackwell, Henry John Thackwell, age twenty-four, height 5ft. 8in., carter, native of New Zealand, thin build, florid complexion, lightbrown hair, brown eyes, clean-shaved, may have a few days' growth of hair on face; dressed in navy-blue suit, double-breasted vest, grey-tweed cap, and lace-up boots (trousers have been patched on one knee and seat). He is supposed to have gone up country, to work on a farm. Photograph filed in the Inspector's Office, Wellington.

Referron.—25th instant, on warrant for failing to provide for the future maintenance of his unborn illegitimate

REFETON.—25th instant, on warrant for failing to provide for the future maintenance of his unborn illegitimate child, John Martin (known as Jonah Martin), age about twenty-seven, height 6 ft., miner, native of Australia, very dark complexion, dark-brown eyes, black or very dark-brown hair, large mouth, clean-shaved, slight build, peculiar laugh. He was working at the Waiute Mine, and in September last was treated at the Reefton Hospital through accidentally cutting his leg with an axe. He left Reefton shortly after, supposed for Waihi.

Christchurch.—26th September last, on warrant of commitment to Lyttelton Prison for fourteen days in default of paying £3 8s, fine and costs for obseene language, James Stanton alies Nobby, age forty-three beight 5 ft. 2½ in., baker, native of England, medium build, swarthy complexion, sandy hair, blue eyes, very large lump over left eye. (See Police Gazette, 1910, page 490.)

LYTTELTON.—28th ultimo, on warrant for deserting from the s.s. "Ruapeht," George Dotton and Murdock McCorquodale. First Age forty-four, height 5 ft. 8 in., seaman, native of Demerara, almost black, slight build, grey hair. Second: Age thirty-two, height 5 ft. 8 in., quartermaster, native of Scotland, thick-set build, grey eyes, dark hair, fair complexion. A reward of £2 is offered for the apprehension of each.

LYTTELTON.—7th instant, on warrant for deserting from the s.s. "Ruapehu," Albert Comfort and W. Newling. First: Age twenty-eight height 5ft. 3in., able seaman, native of England, brown hair and eyes, fair complexion, dark moustache, clasped hands over heart tattooed on right hand. Second: Age sixteen, height 5ft. 6in., deck boy, native of England, pale complexion, blue eyes, fair hair. A reward not exceeding £2 sach will be paid for their apprehension.

Dunedin.—5th instant, on warrant for deserting his

Dunedin.—5th instant, on warrant for deserting his wife, Agnes Zwicker, at Dunedin, Albert Alfred Zwicker, age twenty-six, height about 5 tb. 9 in., blacksmith and labourer, native of Germany, strong build, fair hair and complexion, blue eyes, clean-shaved, square features, speaks broken English, man tattooed on one arm; dressed in darkstriped suit and cap. Photograph filed in the Inspector's Office, Dunedin. He recently wrote from Wellington, stating that he intended leaving for Australia, and will probably be accompanied by another strong man named Charles Whipper. They may be found performing as the Apollo Brothers, as they gave performances as such in Dunedin.

Dunedin.—12th September last, on warrant for false pretences, A. R. McCallum, age twenty-two, height 5ft. 8 in., supposed traveller; dressed in blue-serge suit, green-coloured soft-felt hat, and was yearing a double gold chair with gold pendant about the size of a shilling. He obtained from Robert Herr and Co. a fawn-coloured rain-proof overcoat, value \$2.5s., by falsely representing that he was traveller for A. D. Kennedy and Co., Wellington. Offender was carva sins for the Colonial Mutual Life Insurance Company in Otago Central district, and the company have discovered a shortage in his cash. He was last seen at Dunedin on the 1st instant. Other charges pending. (See Police Gazette, 1910, page 450.)

PORT CHALMERS. — 28th ultimo, on warrant for being absent without leave from the s.s. "Otaki," James Connell, and thirty-five, height of the 10 in, fireman, native of England, stout build, this completion, fair hair and moustache, dressed in dirty dark suit. A reward of £2 is offered for his apprehension.

PORT CHALMERS.—1st instant, on warrant for being absent without leave from the s.s. "Otaki," H. Steele, age twenty-ning, height 5 ft/ 9 in, firenan, native of England, medium build. Tair complexion and hair, fair moustache, blue eyes, first finger of right and missing; dressed in blue suit. A reward of £2 is offered for his apprehension.

PORT CHALMERS.—3rd instant, on warrant for deserting from the s.s. "Pakeha," Charles Lundgren, age forty-eight, height 5 ft. 11 in., seaman, native of Sweden, brown hair, brownish moustache, whiskers cut short, fair complexion, blue eyes; dressed in dark-tweed suit. A reward of £2 will be paid for his apprehension.

Invercangill,—6th instant, on warrant for failing to provide for the maintenance of his illegitimate child, James Buckles, age twenty-two, height about 5 ts. 5 in., horse-trainer, native of New Zealand, medium build, dark-brown hair, clean-shaved, fresh complexion, slightly stooped shoulders; dressed in greenish suit and hard black hat. Photograph filed in the Inspector's Office, Invercargill. Complainant, Bessie Mabel Goode, Riverton.

Invescence.—1st instant, on warrant for failing to provide fur the instant, on warrant for failing to provide fur the instant, on warrant for failing to provide fur the instantance of his degitimate child, Einest Shepherd, age twenty-five, height about 5 ft. 10 m., carpenter, native of invescargill. New Zealand, slight build, dark complexion and lair, blue eyes, heavy eyebrows, clean-shaved. He plays the suphorium, and was recently a member of the Dominion Band Invercargill. Complainant, Catherine Crawford, domestic.

## APPREHENSIONS, PERSONS FOUND, ETC.

Augkland. — William Scott, breach of prohibition order, a summons has been served on him by Constable William Henry Rogers, Queen Street Wharf police. (See Police Gazette, 1910, page 471.)

AUCKLAND.—Charles Simpkiss, deserter from H.M.S. "Cambrian," has been arrested by Detective Boddam and Constable L. D. McIvor, New Plymouth police. He was going under the name of John Charles Seymour, and has since been sentenced to twelve months for theft. (See Police Gazette, 1909, pages 56 and 66.)

Auckland.—John Halliday, deserting H.M.S. "Cambrian," has been arrested at Sydney, and handed over to the Naval authorities. (See *Police Gazette*, 1909, page 56.)

Hamilton,—**William O'Brien**, theft, has been arrested by Constable Neil, Rotorua police, and remanded to Hamilton. (See *Police Gasette*, 1910, page 507.)

ELTHAM.—Robert Creamer, inquired for, has been found in the New Plymouth Hospital. (See *Police Gazette*, 1910, page 451.)

PATEA.—William Johnson, alias Charles William Johnston, default of maintenance, has been found at Wellington by Detectives W. Lewis and A. Andrews, Wellington police, and has promised to pay something off the arrears due. (See Police Gazette, 1910, page 484.)

Taihape.—John Dasler, default of fine and costs for sly-grog selling, has been arrested by Constables McQuarrie and Carrol, Winton and Invercargill police, and fine and costs paid. Offender was going under the name of John Russell. (See Police Gazette, 1907, page 55.)

Wellington.— Alfred E. Scott, assault, has been arrested by Constables A. Skinner and N. Quirke, Tauranga police. (See *Police Gasette*, 1904, page 36.)

Wellington.—Edward Joseph Reid, disobeying the terms of his release under the First Offenders' Probation Act, has been arrested for false pretences and forgery by Detectives Ward and Gibson, Christohurch police. (See Police Gazette, 1906, pages 300 and 416.)

Wellington.—Albert H. White, deserting H.M.S. "Powerful," has been arrested by Detective J. J. Cassells, Wellington police, and remanded. (See Police Gazette, 1910, page 509.)

CHRISTCHURCH.—Joseph Collins, default of maintenance, has been arrested by Constable William Henry Rogers, Auckland police, and remanded. (See *Police Gazette*, 1910, page 300.)

CHRISTCHURCH.—Joseph Henry Poole, theft and wifedesertion, has been arrested by Constable W. Mahoney, Woodville police, and remanded. He was going under the name of Joseph Williams. (See *Police Gazette*, 1910, pages 285 and 300.)

Lincoln.—Charles Sydney Ross, absconding from industrial school, has been arrested by Constable Penhalluriack, Brunnerton police, and has been returned to the school. (See *Police Gazette*, 1910, page 169.)

Dunedin.—**Hugh Reid**, default of fine, has been arrested by Constable J. Fox, Mosgiel police, and lodged in Dunedin Prison. (See *Police Gazette*, 1910, page 382.)

WAITATI.—John B. Frost, escaping from the Seacliff Mental Hospital, has been discharged, and is not now wanted. (See *Police Gazette*, 1910, page 500.)

FORT CHALMERS.—Charles Bannister, deserter from H.M.S. "Pegasus," has been arrested by the Dunedin police on a charge of theft. He will not be claimed by the Naval authorities. (See *Police Gazette*, 1908, page 43.)

INVERCARGILL—Thomas Leonard, disobeying maintenance order, has been arrested for drunkenness and theft by Constable Steere, Blenheim police. (See *Police Gazette*, 1909, page 64.)

SYDNEY.—Thomas Gustave Gard, deserting H.M.S. "Challenger," has been arrested and put on board: Warrant cancelled. (See *Police Gezette*, 1910, page 451.)

## PROPERTY STOLEN.

AUCKLAND.—25th ultimo, from the bedroom of ELIZA-BETH LANG, waitress, a ladies' gun-metal open-faced watch, No. 355923, black-cord chain, greenstone pendant, a Kruger and a Chinese sixpence, and other coins thereon; a heart-shaped glass locket, gold-mounted front with "Dearest" thereon, "B. Lang" engraved on inside: value £7. Identifiable.

Onehunga.—26th October last, from the dwelling of ALBERT FREDERICK JACKSON, Princess Street, a ladies' gold ring, diamond and two sapphires in claw setting, value £3 10s.; a gentlemen's black-leather dressing-case, containing a small square looking-glass, two small glass bottles, and three oval hair-brushes, value £1 5s.; a small electro-plated sugar-basin, gold-washed on inside, value 10s. Identifiable.

EKETAHUNA.—Between 26th and 28th ultimo, from the stable of the MAURICEVILLE COUNTY COUNCIL, a nearly new pair of leading-chains and spider, value £1 10s.; a galvanized-iron bucket, "No. 14," on it, two hoops round the bottom, value 2s. 3d., a half-worn leading whip with steel centre, a penny on end of handle, thong broken about 18 in. from the end and tied together, value 15s.

Wellington.—1st or 2nd instant, from the cabin of ELIZA JOLLY, on the s.s. "Maori" between Lyttelton and Wellington, a ladies' hand-bag, containing a ladies' gold half-hunting keyless watch, No. 10099 "E. J. S." on inside, and a very long granny chain, value £12; and a cheque No. B43843 for £33 5s. 4d. drawn by A. M. Jolly, on the National Bank of New Zealand, Dunedin, payable to Eliza J. Jolly; and about £10 in gold and silver.

CHRISTCHURCH.—7th ultimo, from the Riccarton Racecourse, the property of H. W. PENROSE, builder, a gentlemen's Kent B.S.A. bicycle, No. 2742, steel rims and mudguards, 22 in. frame, ffree wheel, Dunlop tires, rubber pedals front-rim brake; value, £20. Identifiable.

CHRISTCHURCH.—21st October last, from Hereford Street, the property of STANLEY JAMESON, a gentlemen's Swift bicycle, No. 10710 over 277704, steel rims and mud-guards, Eadie Coaster hub, black-enamelled 24 in. frame; value, £20. Identifiable.

CHRISTCHURCH.—20th September last, from the Ocean Accident Insurance Office, the property of GERTRUDE OSBORNE, a ladies' Royal Khaki bicycle, No. 6070, Dunlop tires, rubber pedals, free wheel, 24 in. frame, front brake; value, £10. Identifiable.

Christchurch. — 10th October last, from Fitzgerald Avenue, the property of A. E. CHIVERS, commercial traveller, a gentlemen's free-wheel Mead bicycle, No. 15003, steel rims and mud-guards, Dunlop tires, rubber pedals, 24 inframe, front and back-pedalling brakes, three-speed gear; value, £8. Identifiable.

TEMUKA. — 3rd or 4th instant, from the dwelling of ARTHUR OPIE, baker, a gentlemen's B.S.A. black-enamelled bicycle, nickel rims with black centres, new Oceanic cover on front wheel, Dunlop tire on back wheel, wide reversible handles, black and white grips, rat-trap pedals, Brooks saddle, Reynolds chain, no mud-guards; value, £8. Identifiable.

DUNEDIN.—29th ultimo, from the premises of the Southern Hotel, the property of WALTER JOHN KERR, a gentlemen's free-wheel black-enamelled bicycle, Brooks saddle (blue-cloth cover), straight handles, rubber pedals (much worn), patent brake from right handle, brown-leather grips, a new thorn-proof tire on one wheel; value, £5. Identifiable.

DUNEDIN.—29th ultimo, from the premises of the Southern Hotel, the property of VIOLET ANDREWS, a ladies' black-enamelled free-wheel bicycle, rubber pedals, rubber on left pedal missing, straight handles, the cord of skirt-guard much broken, front-rim brake only, an old heavy machine, number unknown; value, £4. Identifiable.

PALMERSTON SOUTH.—2nd instant, from the dwelling of GEORGE CURRIE, £2 in notes and a pair of gold sleevelinks, one link being an oblong piece of gold, set with seven diamonds, a pear-shaped catch at the end of a rigid gold arm at the other end, value £2.

## PROPERTY RECOVERED.

PUKEKOHE. — CHARLES FERGUSON'S coat has been recovered: not stolen. (See Police Gazette, 1910, page 516.)

PALMERSTON NORTH.—FREDERICK SHORT'S bicycle has been found: not stolen. (See Police Gazette, 1910, page 509.)

Christohurch.—C. OLDHAM'S bicycle has been found, and James Johnston arrested for the offence by Acting-Detective Osborne and Constable J. O'Grady, Christchurch and Ashburton police. (See *Police Gazette*, 1910, page 509.)

CHRISTOHURCH. — WILLIAM SEWELL'S house broken into: William Burridge and Gibben Thompson have been arrested for this offence by Detectives Gibson and McLeod, Christohurch police, and all the property recovered. (See Police Gazette, 1910, page 509.)

Christchurch.—PATRICK LYNSKEY'S house broken into: William Burridge has been arrested for this offence by Detectives Gibson and McLeod, Christchurch police. The five-diamond ring and plain gold ring only recovered. (See Police Gazette, 1910, page 442.)

Christchurch.—SARAH SCOWNE'S dwelling broken into: William Burridge has been arrested for this offence by Detectives McLeod and Gibson, Christchurch police, and all the property recovered except the purse and money. (See *Police Gazette*, 1910, page 517.)

# DESERTERS FROM HIS MAJESTY'S SERVICE.

From H.M.S. " Pyramus."

Sydney. William Bradbury age proteen, height 5 ft. 6 in stands, native of England, dark-brown hair, brown eyes, dark complexion, face tattooed in heart on right forearm.

Percy Eric Miller, age nineteen, height 5 ft. 4½ in., native of New South Wiles, signaturan, oark hair, brown eyes, fair complexion, scar on second right finger.

Edwin John Verren, age twenty, height, 50: 8in., cook's mate, native of Tasmenda, dark brown that, grey eyes, freekled complexion, scar on little finger of left hand.

All deserted on 18th ultimo. 10/535

A reward not exceeding £3 each will be paid for their apprehension.

## MISSING.

Wellington. — Since 1903, **Timothy Lenihan**, age thirty-four, height 5 ft. 7 in. Isbourer, native of Ireland, medium build, fresh complexion, dark hair, blue cyes. He was last heard of in 1903, when he is said to have left Melbourne for New Zealand. Inquiry by his uncle, Timothy Moynihan, care of General Post Office, Wellington.

Fairers.—Since 28th ultimo, Harry Fabes, age about sixty, height about 5ft. 5in., cook and rabbiter, native of England, slight wild far han, very bald on top, whiskers and moustache cut short and turning grey; dressed in light-tweed suit and light Dr. Jim hat. He has been drinking heavily, and fears are entertained for his safety.

Annar.—Since about 20th October, 1899, Robert Hodgers, age thirty-four, height 5ft. 10 in. or 11 in., labourer, native of New Zealand, medium build, brown hair, blue eyes, large nose, mouth partly open, showing teeth. He was last heard of at Gisborne on above date. Inquiry by his father, Edward Hodgers, farmer, Springfield.

## MISCELLANEOUS INFORMATION.

Rewards.

AUCKLAND.—Constable G. Douglas, No. 1003, has been awarded £1 for services in connection with the conviction of James Williams for supplying a Maori woman with liquor. (10/2213.)

Wellington.—Constable F. Longbottom, No. 1262, has been awarded £1 for the arrest of Archibald Scott, an absconder from the Weraroa Training Farm. (10/846.)

Wellington.—Constable W. J. Sleeth, No. 1610, Wellington police, has been awarded £3 for meritorious conduct in rescuing a child from being run over by a tram-car and probably killed. (10/2363.)

Wellington.—Constables J. Cummings, No. 1282, and G. Munro, No. 1590, Mount Cook police, have been awarded £1 5s. each by the Customs Department for services in connection with the conviction of Now Bee of Wellington for permitting the smoking of opium. (10/2.)

Wellington.-Constable W. J. Taylor, No. 1312, has been awarded 10s. for services in connection with the conviction of G. Tinney for taking liquor into a no-license district without being labelled. (10/2477.)

CHRISTCHURCH.—Sergeant J. Burrows, No. 472A, has been awarded £1 for services in connection with the conviction of Adolphus Schultz for sly-grog selling. (10/2478.)

CHRISTCHURCH. — Acting-Detectives C. Osborn, No. 985' and C. A. E. Snow, No 1151, have been awarded 15s. each for the arrest of three absentees from H.M.S. "Encounter." (10/2.)

Christchurch.—Sergeant W. Miller, No. 719, and Constable J. Fox, No. 1526, have been awarded 10s, each for the apprehension of Harry James Gundry, an absentee from H.M.S. "Powerful." (10/2.)

CHRISTCHURCH.-Detectives T. Gibson, No. 1030, and R. R. J. Ward, No. 1066, have been awarded £1 10s. each, and Acting Detective C. Osborn, No. 985, £1, for the arrest of absentees from H.M.S. "Powerful." (10/2.)

DUNEDIN.-Sergeant A. T. Emerson, No. 623, has been awarded £1 by the Customs Department for services in connection with the conviction of Margaret Parker for a breach of the Beer Duty Act. (10/2.)

#### LAW REPORT.

[IN THE COURT OF APPEAL.] REX v. GRBICH.

(" N.Z. Law Reports," Vol. xxix, page 1045.)

Criminal Law—Evidence—Indecent Assault and Carnal Knowledge—Subsequent Marriage of Parties—Wife not compellable to give Evidence against her Husband.

A wife will not be compelled to give evidence against her husband where he is charged with indecently assaulting and carnally knowing her before marriage.

So held by the Court of Appeal (Williams, Edwards, Cooper, and Chapman, JJ.; Stout, C.J., dubitante).

Case stated by Chapman, J., for the opinion of the Court of Appeal under sections 442 and 443 of the Crimes Act, 1908. The following is the case stated: "The prisoner was indicted at the May sittings at Auckland on a charge of indecently assaulting and carnally knowing Eunice Rosalie Baker, a girl over the age of twelve years and under the age of sixteen years, and, being arraigned, pleaded 'Not

guilty.'

"The Crown Prosecutor opened the case for the Crown, and proposed to call the girl, who was between the age of fifteen and sixteen. Prisoner's counsel objected to her being examined, on the ground that she was now the wife of the prisoner. A certificate of marriage was produced, and it was proposed to examine E. R. Baker as to her identity with the person named in the certificate. She said that she objected to being sworm and giving avidence against her hardered. to being sworn and giving evidence against her husband. explained to her that she might be sworn on the voir dire to prove the marriage without losing her right to object to be sworn or examined in the cause. She was accordingly sworn or examined in the cause. She was accordingly sworn in this way, and proved the marriage, which had taken place before the Registrar in the presence of her parents after the accused was committed for trial. Mr. Tole, K.C., proposed to ask the girl whether she had since cohabited with the prisoner. I did not think that this question arose under the Evidence Act, 1908, and held that I could not compel the witness to submit to be sworn or examined in the cause. examined in the cause.

"The Crown Prosecutor then intimated that his case depended on the girl's evidence, and I directed the jury to acquit the prisoner. In view of the importance of the question, I have stated this case for the opinion of the Court of

Appeal.

"The question is whether I could have compelled the witness to submit to be sworn or to give evidence against her husband. The more general question as to the admissibility of her evidence is also open, and may be considered.'

STOUT, C.J.: The Court does not desire to hear counsel for the prisoner. I may say that I agree with what has been stated in Best's book on evidence, and that the question as to whether compulsion can be used on a wife in a similar case to the present is doubtful. I do not think it is clear one way or the other, because of the wording of the proviso to section 5 of the Evidence Act, 1908. Section 5 enacts that "Every person charged with any offence shall be a competent but not compellable witness for himself upon the trial for such an offence; and the wife, or husband, as the case may be, of every such accused person shall be a competent witness for him or her upon such trial": and then says in the proviso that a wife or husband cannot be called as a witness without the consent of the accused, except in two cases—firstly, where the wife or husband is compellable to give evidence by some statutory provision, and secondly, where either husband or wife is charged with being a party to an offence. That implies that a wife or husband may be called to give evidence. If a wife or husband is called as a witness, are they compelled to answer questions? Seeing that it is a matter of doubt, I think I should leave it there. I cannot say that the judg-ment in the Court below was wrong. If the Legislature desires that the wife should be compelled to give evidence in such cases it should make a clear and undoubted provision to that effect.

Even if there be some doubt whether, where an I agree. offence has been committed by a husband against the person or liberty of the wife, the wife is compellable to give evidence, I feel satisfied that in a case of this kind the wife would not be compellable to give evidence. It would be disgraceful, immoral, opposed to the whole relations of husband and wife if the wife were compelled to give evidence as to sexual passages between herself and her husband before marriage. Therefore I am inclined to agree with the learned Solicitor-General that in all cases a wife, though a competent, would not be a compellable witness where the offence had been committed by the husband against her person or liberty.

## EXTRACT FROM NEW ZEALAND GAZETTE.

(From Gazette, 1910, page 4172.)

Restricting Fishing in the Oruru River, Mangonui and Whangaroa Acclimatization District.

ISLINGTON, Governor. ORDER IN COUNCIL.

At the Government House, at Wellington, this fifth day of December, 1910.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

HEREAS it is provided by section 83 of the Fisheries V Act, 1908, that the Governor may from time to time, by Order in Council gazetted, make regulations prohibiting or restricting from time to time, for any period the Governor thinks necessary, fishing in any waters in which young fish or spawn have been placed or deposited, or at the mouth or entrance of any such waters, or of any river, or stream, or lake :

And whereas it is desirable to make regulations restrict-ing fishing in the Oruru River, in the Mangonui and Wha-

Ing inshing in the Oruru River, in the Mangonii and Whangaroa Acclimatization District:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the hereinbefore-recited power and authority, and of all other powers and authorities enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations: the following regulations :-

#### REGULATIONS.

1. No person shall take or kill, or attempt to take or kill, any fish whatsoever, with the exception of eels, with any device whatsoever, in the Oruru River or at the mouth or entrance thereof :

Provided that any fish, with the exception of trout, may be taken or fished for within that portion of the said river extending from the bridge known as "Wilkinson's Bridge to and including the mouth or entrance of the said river.

2. For the purposes of these regulations the mouth or entrance of the said river shall be deemed to include every outlet of the same and the sea-shore between such outlets. and shall extend for a radius of five hundred yards from the point or line where the waters of such river meet those of the sea at low-water spring tides.

3. Any person committing a breach of the above regulations shall be liable to a fine not exceeding £5.

J. F. ANDREWS Clerk of the Executive Council.

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.	Com-	n. Hair.	Ryes.	Nose.	Distinguishing Marks, &c.
Adams, James	Kaitaia	23/11/10 rece	23/11/10 receiving stolen property to come up if aboriginal	to come up if		labourer .	tf. in. 1882 5 7 copper black	in. 7 copper	black	dark br. medium	medium	
Wikitera Rapata	Kaitaia	23/11/10 rect	23/11/10 receiving stolen property to come up	to come up if	if aboriginal	labourer .	1883 5	8 copper., black	black	dark br. medium	medium	
Woodward, John George	Rotorua	18/11/10 theft		fined £5	N. Zealand o	cook .	1877 5 94 fresh fair	94 fresh	fair	grey medium	medium	Strong build.
Woodward, Sophia Bertha Rotorua		18/11/10 theft	:	fined £5	N. Zealand o	domestic .	1873 5	6 sallow black	black	dark	medium	Stout build.
O'Leary, Arthur	Dannevirke	1/12/10 theft	:	fined £2	N. Zealand 1	labourer .	1891 5	9 fair	light brown blue		medium	
Mulvay, Annie Elizabeth	Pahiatua	30/11/10 rog	30/11/10 rogue and vagabond convicted, and N. Zealand to leave the	convicted, and		domestic .	1867 5	4 sallow black	black	brown medium	medium	Brown marks on both legs from ankle to knee. (See Police Gasette, 1910, pages 357 and 421.)
Dunn, Henry, alias Patriok Palmerston N. 28/11/10 no lawful means of sup-convicted and Australia labourer port	Palmerston N	. 28/11/10 no	lawful means of support	convicted and discharged	Australia l	abourer	1876 6	03 fresh	1876 6 0g fresh dark brown light br. large	n light br.		Scar on left side of chin; three moles on right cheek; fern and double triangle on left forearn; clasped hands across heart and wreath
Simpson, William Davis, Frederick	Palmerston N	. 28/11/10 no la por . 30/11/10 theft	wful means of su	p- convicted and discharged fined 10s	ad Scotland		1840 5 7 fresh, tannec	7 fresh, dark,t tanned grey 6 dark brown		dark, turning brown medium grey brown blue medium	medium	on right upper arm. (See Fouce Gazette, 1908, page 448.) Left eye weak; bad feet.

RETURN OF PRISONERS REPORTED AS DISCHARGED FROM GAOLS DURING THE WEEK ENDED 33D DECEMBER, 1910.

Gaol, and Name of Prisoner.	ner. Where tried.	-	When.	Offence.	Sentence.	Native of	Trade.	Bor	BieH	plexion.	Hair.	Eyes.	Nose.	charged.	(F.P. indicates that finger-impressions have been taken.)	ressions have been taken.)	53(
Auckland Fletcher, Thomas	Auckland		5/11/10	drunkenness	fine or 48 hours N. Zealand	N. Zealand	labourer	1865	ft. in. 5 24	sallow da	dark brown	hazel	large	28/11/10	8 p.c. F.P. (See Police	(See Police Gazette, 1910, page 52.)	,
Henry,	alias Auckland	-	30/8/10	30/8/10 drunk and disorderly 3 months	cays:	England	labourer	1843	5 44	fresh ds		blue	hooked	29/11/10	F.P.	(See Police Gazette, 1910, page 398.)	
Williams Bell, Cameron	M.C.		19/3/09	19/3/09 breach of Licensing Act	d	N. Zealand	labourer	1872	5 54	fresh da	turninggrey dark brown	hazei	large,	29/11/10	F.P.	30th August, 1910.	
Russell, Clarence	M.C. Auckland	p u	7/2/10	7/2/10 theft	fine, or 2 mo's 12 months	N. Zealand	labourer	1887	5 8	fresh br	brown b	blue-gr'y	oblique medium	29/11/10	Sentences cumulative.  1 p.c. Scar on right thumb.		
King, George Ard	Archur, Aucklan	a n d	7/2/10 theft	theft	12 months	England	labourer	1887	5 43	fair fa	fair h	hazel	medium	29/11/10	graphed at Auckland, 20/1/10.  1 p.c. Flower and W.H. on right indover on left forearm; posk-pitted temple. F.P. Photographed at A	d at Auckland, 20/1/10.  Flower and W.H. on right forearm: on left forearm; pock-pitted on right or F.P. Photographed at Anchland	
Dobson, William Henry	nry Auckland		8/11/10	23/11/10 rogue and vagabond	remanded	France	gardener	1853	5 63	sallow lig	light brown 1	light br.	medium	30/11/10	20/1/10. 1 p.c. Right forefinger missing:	; tat	NE.
Patterson, Alfred	Dargaville		31/8/10	31/8/10 taking part in a raffle	fine or 14 days	N. Zealand	gum-digger	: 1872	5 83	dark bl	black b	brown	slightly	30/11/10 1		or teeth. nt of left ring-finger.	V√
Dalzell, Robert	Hamilton M.C.		4/11/10	24/11/10 wilful damage	7 days	Ireland	labourer	1857	5 104	sallow gr	grey b	onld	large	30/11/10	Arrested 17th November, 1910. Scar between left thumb and finger and forefinger; boil-marks on back of neck	and finger and on left on back of neck; bald.	ZEA
Cadigan, John	Auckland	pus	2/9/10 theft	theft	3 months	N. Zealand	storeman	1878	5 53	sallow da	dark brown b	brown large	large	1/12/10	1/12/10 1 p.c. F.P. Photographed at Auckland, 14/10/10.	d at Auckland, 14/10/10.	LA
Aylward, Vincent Phillip John	A		1/12/10 breach Act	Jo	Bankruptcy 2 years' probatn	N. Zealand	bushman	1882	5 103	fresh bl	black g	grey	medium	1/13/10	(See Fouce Gazette, 1907, page 455.) Scar and two boil-marks on right wrist; scar on right forefinger; left middle finger has been	(See Foure Gazette, 1907, page 455.) sar and two boil-marks on right wrist; scar on right forefinger; left middle finger has been	TAT
Jack, John Lewis	Auckland M.C.	_	30/11/10 theft	theft	remanded	Scotland	labourer	1888	5 13	fresh lig	light brown, gourly	grey	medium	9/12/10	injured; scar on right cheek. F.P. Scar on right thumb and middle finger, on fore-finger and back of left hand, under lower lip.	injured; scar on right cheek. F.P. car on right thumb and middle finger, on fore-finger and back of left hand, under lower lip,	10
Rameka	Auckland		24/5/09 theft	theft	2 years	aboriginal	labourer	1869	5 73	copper bl	black b	brown	broad	3/12/10	and near right eye; full s Bald patch on back of head.	ad. F.P.	TIT.
ews, William	Her- Aucklan	q	27/6/10	27/6/10 rogue and vagabond, and 6 mo's on		each England	chemist	1879	5 44	fresh da		brown	medium	3/12/10		F.P. Photographed at	CE
Cragie, Barbara	Auckland	pu	7/2/10	7/2/10 obscene language	12 months	N. Zealand	prostitute	1867	5 5	fresh lig	light brown	grey	medium	01/11/62	29/11/10 21 p.c. F.P. (See Police Gazette, 1910, page 52.)	Gazette, 1910, page 52.)	U.
or, Mary Winters	Ann, Auokland M.C.		1/11/10	1/11/10 drunk and disorderly	1 month	N. Zealand	prostitute	1864	5 13	dark da	dark brown b	brown	medium, broken	30/11/10 27 p.c.		F.P. (See Police Gazette, 1910, page 488.)	AZE
Ross, Richard	Kawakawa		01/01/6	29/10/10 assault on police	1 month	Ireland	labourer and	1857	2 9	florid re	Ė	onld	broken	28/11/10 8	Short neck; stiff build; ex Royal	ex Royal Artilleryman.	11
nzie, art, alic Burg	A		14/5/09	14/5/09 personating, and forgery and uttering (4 chgs)	2 years on each N. Zealand	N. Zealand	GB	1884	5 84	fresh fa	fair stey	hazel	medium	17/11/10 3 p.c. grap Gaz	3 p.c. Scar above right thumb. graphed at Auckland, 2/9/07 Gazette, 1907, page 373.)	thumb. F.P. Photo-	11.
Drautey Miles, William, a German	alias Auckland S.C.		6/11/9	15/11/09 breaking and entering, receiving, and false	18 mo's on each England	England	labourer	1873	5 10	fresh da	dark brown b	hazel	medium	28/11/10	Scar on left forearm and on right F.P. Photographed at Waipa,	on right side of chin.	
Campbell, George	Aucklan	ъ	25/2/10	theft from a dwelling and forgery and utter-	1 year	Scotland	labourer	1866	5 7	fresh da	dark brown g	grey	medium	2/12/10	charged on special remission.  3 p.c. Scar on right finger and back of neck. F.P. Photograp!	mission. finger and wrist and on Photographed at Waipa.	
Waiotapu – Ross, James	Palmerston N.		22/2/10	22/2/10 breaking, entering, and 12 months	:	England	4	and 1861	5 43	fair lig	light brown b	onld	medium	28/11/10	2/9/10. (See <i>Police Gazette</i> , 1909, page 38/11/10 F.P. Photographed at Waiotapu, 1/9/10.	(See Police Gazette, 1909, page 290.)	
Walker, Joseph	Wellington S.C.		30/4/10	30/4/10 theft on the high seas	9 months	Australia	freman	1886	5 63	swarthy br	brown h	hazel	medium	30/11/10	Fouce Gazette, 1909, page 512.)  Numerous moles on back and on back of neck small scar over right eve. F.P. Photographe	Folice Gazette, 1909, page 512.) umerous moles on back and on back of neck; small scar over right eve. F.P. Photographed	EC.
Gisborne— Irving, Walter	Gisborne M.C.		6/11/10	26/11/10 grossly indecent act	7 days	N. Zealand	lahomrer	1875	5 44	fresh	brown	hlue	medium	9/19/10	at Waiotapu, 1/9/10.		]4

RETURN OF PRISONERS REPORTED AS DISCHARGED FROM GAOLS DURING THE WEEK ENDED 3RD DECEMBER, 1910—continued.

910.]	NEW	ZEALAND POLICE	GAZETTE.	531
Remarks, and Previous Convictions.  (R.P. indicates that finger-impressions have been taken.)	9/11/10 4 p.c. (See Police Gazette, 1910, page 112.) 3/12/10 3 p.c. (See Police Gazette, 1905, page 158.) 3/12/10 Scar on forehead and on left side of chin. 1/12/10 Numerous p.c. F.P. Photographed at Wellington, 21/11/91. (See Police Gazette, 1906, page 265.) 3/12/10 See Police Gazette, 1910, page 283.	3/12/10 Clasped hands, girl's head, girl, and bracelet on right arm; star on left arm. F.P. (See Police Gazette, 1910, page 489.)  26/10/10 Dot on left hand. F.P. Photographed at Palmerston North, 24/10/10. (See Police Gazette, 1910, page 418.)  28/11/10 22 p.c. Bracelet on each wrist; scar on left check and on back of head. F.P. (See Police Gazette, 1910, page 449.)  28/11/10 32 p.c. Right knee-oap injured; right leg has been broken at thigh; varioose veins in left leg; slight cast in right eye. F.P. (See Police Gazette, 1910, page 251.)	28/11/10   p.c. Scar on back of head; flat nose; bullethead. (See Police Gazette, 1910, page 266.) 29/11/10 Several p.c. Blue dot on left wrist; right little finger broken. F.P. Photographed at Wallington, 1/1/02. (See Police Gazette, 1910, page 221.) 29/11/10 6p.c. Scar under right knee-cap and on lower lip. F.P. (See Police Gazette, 1910, page 389.)	30/11/10 Boil-scar on side of right knee and on right thigh; high-pitched voice. F.P.  1/12/10 p.c. Flags, two women, anchor, and clasped hands on left arm; tombstone and leaf on left hand; two birds, &c., on right arm; scar under chin. F.P. Photographed at Inversargil, 18/12/10. (See Police Gazette, 1907, page 108.)  3/12/10 Scar on left eyebrow; various brown marks on chest. F.P.  3/12/10 2 p.c. (See Police Gazette, 1910, page 481.)
When dis-	29/11/10 4 p.c. 3/12/10 3 p.c. 3/12/10 Scar c 1/12/10 Nume ton, 266. 3/12/10 See P.	3/12/10 Clasped right right Policical Policica	28/11/10   1 p.c. head 29/11/10   Severa fing ling   29/11/10   Page 29/11/10   P.C.   F.P.   30/11/10   Left e.	30/11/10 1/12/10 1/12/10 3/12/10
Se. W	1 : :		1 1 1	1
Nose.	small small thick medium medium	brown medium brown medium brown medium brown medium	sharp large medium	blue medium blue medium blue medium blue medium
Eyes.	blue hazel hazel grey grey	blue . brown . brown . brown .	brown blue blue hazel	blue blue blue
Hair.	sallow light brown dark black dark grey fair grey	fair brown dark brown dark brown	brown brown	dark brown auburn brown
Com-	8	: : : :	2d M	8
Height, P.	.in. 1 1 44 45 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	42 fair 5 fair 72 dark 92 dark	8‡8 10± 10± 6±	長 4
Born.	1859 1858 1840 1886	1876 5 1872 5 1867 5 1866 5	1874 5 1870 5 1851 5 1879 5	1874 5 1879 5 1886 5 1859 5
Trade.	domestic labourer labourer labourer and cab-driver	d labourer fireman labourer	d labourer blacksmith	hotel porter labourer steward
Native of	Ireland  N. Zealand Scotland  Germany  N. Zealand	England N. Zealan Scotland England England	N. Zealand N. Zealand Ireland	Australia  N. Zealand  Australia  England
Sentence.	8 months 6 months 1 n.onth d3 years, and declared habitual criminal on 3 days	3 days 3 days 30 days 1 month 6 weeks	guage fine, or 21 days N. Zeal prohibition fine, or 7 days Ireland ge fine, or 14 days Ireland lice fine, or 21 days	fine, or 1 mays to 2 years 1 month
When, Offence. Sentence. Native of Trade. By plexion. Hair. Eyes. Nose. C. P. indice	disorderly g, entering, and of prohibition	k and disorderly	language of prohibiti amage police	ne tanguage I damage ult with intent
When,	30/8/10 idle and d 21/6/10 theft 5/11/10 assault 13/5/07 breaking, theft 30/11/10 breach o	30/11/10 accon pre- 27/9/10 theft 29/10/10 obsce 29/10/10 drun	24/11/10 begging 9/11/10 obscene 23/11/10 breach order 10/11/10 wilful di	1/11/10 wilfu 10/5/09 assav rob 4/11/10 theft 7/11/10 habit
Where tried.	alias Gisborne M.C.  Napier S.C.  Dannevirke M.C. alias Wellington S.C Palmerston N. &	ston N.  1g ton  1.C	M.C. Wellington M.C. Wellington M.C. Wellington M.C. Wellington M.C. Wellington	Wellington M.G. Wellington S.C. Wellington M.G. Wellington M.C.
Gaol, and Name of Prisoner.	Napier, Adelia, alias Gepence, Annie Jones, Charles P. Ross, James I. Walters, Henry, alias V. Duch Harry Duch Harry Ealmerston N Eoley, Alfred I.	Ward, John, alias Mo- I Combe Burns, William Charles  Wellington— MoAlear, Terence, alias Cameron, alias Witten, Lewis, alias Witton, Henry Lewis Hunt, Frederick	Michael, Maurice  Miners, Alfred  Donoghue, John Redmond, alias O'Donoghue Monkhouse, James, alias Saul, John	Wheeler, Arthur Charles Thomas, William, alias Thompson, Robert William Iliam Reid, Victor Hugo Patterson, William

RETURN OF PRISONERS REPORTED AS DISCHARGED FROM GAOLS DURING THE WEEK ENDED 3RD DECEMBER, 1910-continued.

Where tried. W	When. Offence.	Sentence.	Native of	Trade.	Воги	Heigh Com-	. Hair.	Eyes.	Nose.	When dis- charged.	Remarks, and Previous Convictions. (F.P. indicates that finger-impressions have been taken.)	
00 -	3/9/10 litle and disorderly 6/10/10 gaming	3 months fine, or 1 month	Tasmania labourer	labourer	ft. i	in.	brown	blue-gr'y medium	medium	2/12/10	2 p.c. Two scars on left cheek. F.P. Sentences cumulative. Fine paid. (See Police Gazette,	
2	18/10/10 drunkenness	6 weeks	N. Zealand	prostitute	1866 5	8 sallow	brown .	. hazel	large	28/11/10	1903, page 245.) 44 p.c. F.P. (See Police Gazette, 1910, page 436.)	
4	4/10/10 drunkenness	fine, or 7 days	s Ireland	prostitute	1859 4	11 tanned	brown, turn- hazel	· hazel	flat	8/12/10	3/12/10 Scar on chin.	
25/	25/11/10 theft	remanded to Wellington	S. Africa.	porter	1880 5 1	113 fresh	brown .	blue	hooked	2/12/10	2/12/10 Little left finger bent at joint; long scar on left index finger; two small deep round scars on	N
25/	25/11/10 grossly indecent act		Ireland	cook	1862 5	44 fresh	grey .	blue	medium	2/12/10	forehead. Stout build.	EW
Greymouth 2/	2/12/10 attempted robbery	remanded	Victoria	barman	1878 5	64 fair	brown .	· grey ·	medium	3/12/10		Z
19	19/8/07 arson	5 years	N. Zealand	grocer	1879 5	34 fresh	brown .	blue	medium	2/12/10	2/12/10 Scar on third joint of first left finger. F.P.	EA
29/	29/11/10 breaking, entering, and remanded	and remanded	England	jeweller	1884 5	83 dark	dark	blue	medium	2/12/10 Bailed.	Photographed at Dunedin. Bailed.	LA
4/	4/11/10 assault	1 month	N. Zealand	labourer	1881 5	63 fresh	fair	blue	medium	3/12/10 1 p.c.	p.c. Scar on lower lip. (See Police Gazette,	NI
9	6/8/10 theft	4 months	America	bootmaker	1853 5	7 sallow	grey	blue	medium	28/11/10	28/11/10 3 p.o. Photographed at Lyttelton, 23/11/10. (See	) I
33	31/8/10 rogue and vagabond	3 months	India	labourer	1878 6	8 sallow	dark .	. dark	medium	29/11/10	29/11/10 Scar on back of head. F.P.	901
Ohristchurch 30 M.C.	30/9/10 drunkenness resisting police	fine or 48 hours N. Zealand 1 month	ırs N. Zealand	photograph'r	1876 5	94 dark	dark brown	brown	regular	29/11/10 14	14 p.c. Photographed at Wellington, 26/10/01. (See Police Gazette, 1908, page 508.)	LICE
alias Wellington 12 alias S.C.	12/5/09 assault with intent to rob	t to 2 years	Australia labourer	. labourer	1869 5	54 dark	. dark brown		brown medium	30/11/10 11	faint bracelet on right wrist; dove and wreath over tombstone on left arm; scar on right side of head, on left nostil, and on left side of head, on left nostil, and on left side of head.	GAZI
2	2/11/10 idle and disorderly	1 month	N. Zealand	N. Zealand bootmaker	1887 5	64 fresh .	. dark brown	grey	medium	1/12/10	Tp.c. F.P. (See Police Gazette, 1910, page 468.)	71.
Christohurch 29	29/8/10 default of maintenance 3 months	ance 3 months	N. Zealand	printer	1876 5 1	113 fresh .	fair.	· plue ·	large	2/12/10 2	2 p.c. (See Police Gazette, 1907, page 215.).	LE.
Dunedin M.C. 19/	19/11/10 breach of prohib order	prohibition 14 days, & sent England to Pakatoa for	ent England	. jockey	1870 5	1 fresh .	brown	·· grey ··	large	2/12/10	Numerous p.c. Soar on bridge of nose; right arm broken at elbow. (See Police Gazette,	
Port Chalmers 17/ M.C.	17/11/10 ship-desertion	2 years	England .	fireman	1882 6	0 pale .	brown	·· grey ··	large	30/11/10	1910, page 482.) Scar on right eyebrow; ships, flags on top, and HANDS ACROSS THE SEA in circle, heart, clasped hands, and TRUE LOVE on right forearm; Japanese woman and American and	
Dunedin M.C. 17	17/11/10 obscene language	14 days	Ireland	riveter	1883 5	5½ fresh	. brown	brown large	large	2/12/10	English flags and woman's head in centre of anohor on right upper arm. 2/12/10 Large soar on right arm, from elbow upwards.	[D
25	25/11/10 helpless drunkenness	ss remanded	Ireland	labourer	1847 5	8 sallow grey		blue-gr'y medium	medium	2/12/10	2/12/10 Large scar on left ankle and on right hip. (See Police Gazette, 1908, page 345.)	EC.