

From H.M.S. "Psyche."

MELBOURNE.—**Edward Clement Seaman**, age nineteen, height 5 ft. 5½ in., stoker, native of Queensland, black hair, blue eyes, fresh complexion, sailor on left arm, flags, hands, and life-buoy on right arm. Deserted 3rd instant.

**Stephen Toogood**, age nineteen, height 5 ft. 5 in., stoker, native of Melbourne, Victoria, black hair, brown eyes, fresh complexion. Deserted 6th instant.

A reward of £3 is offered for the apprehension of each.

### MISSING.

AUCKLAND.—Since 17th instant, **Olive Wilson Sanderson**, age eighteen, height 5 ft. 5 in., sallow complexion, thin features, black hair frizzed round the face; sometimes wears gold-rimmed glasses; was wearing white dress with pale-blue belt, mushroom hat with brown-velvet band, tan shoes and stockings. She may be found with a man named James Spence, who had been lodging with the girl's parents, age about thirty-seven, a plumber, short thick-set build, brown hair, fresh complexion, clean-shaved; he carries his head noticeably on one side, cast in one eye; dresses well, in grey suit.

EKETAHUNA.—Since 13th instant, **William May**, age sixty, height 5 ft. 6 in. or 7 in., baker, native of Scotland, full face, fresh complexion, blue eyes, grey hair, beard, and moustache, stout build; slovenly appearance; subject to fits; dressed in dark-tweed coat, patched saddle-tweed trousers; sometimes wears glasses. He has relatives at Wanganui. Inquiry by his wife.

CHRISTCHURCH.—Since about March, 1910, **Thomas Alfred Carleton**, age fifty-one, height 5 ft. 11 in., labourer, native of Ireland, medium build, fresh complexion, brown hair, blue eyes, pug-nose. He has been in New Zealand about fourteen years, and about twelve months ago was working for Lady Whitmore, at Napier. Inquiry by John Henry Carleton.

### INQUIRIES, ETC., FROM OUTSIDE NEW ZEALAND.

ENGLAND.—Inquiry requested for **John Donald Hawke** (known as **Jack Hawke**), age twenty-four, height about 5 ft. 7½ in., ship's steward and waiter, fair complexion, light-brown hair, grey eyes, is musical and plays the violin and mandoline, Japanese woman with sun-hat, and lion, on one arm, dagger with snake round it, and a parrot on a perch tattooed on the other arm. He joined the s.s. "Ionic" as third-class steward, and sailed from Albert Docks on the 17th September, 1909, and was last heard of in November, 1909, at Christchurch. Inquiry by his mother, Mary Ann Hawke, Peckham, London. Photograph filed in the Commissioner's Office, Wellington. (11/562.)

### MISCELLANEOUS INFORMATION.

#### Rewards.

THAMES.—Constable M. Blaxland, No. 1019, has been awarded £1 for services in connection with the conviction of Niho for supplying liquor to a Native for consumption off the premises. (11/607.)

WANGANUI.—Constable T. Fitzgibbon, No. 1016, has been awarded £1 10s. for services in connection with the conviction of Charles Barclay Dewar for supplying Maoris with liquor. (11/605.)

INVERCARGILL.—Sergeant J. Burrows, No. 472A, and Constable E. Phillips, No. 1249, have been awarded £2 each and Constable G. Schrufer, No. 1303, £1, for services in obtaining the conviction of James Hamilton for keeping liquor for sale, and failing to notify the vendor that the liquor was for a no-license district. (11/596.)

### LAW REPORT.

("Times Law Reports," vol. xxvii, page 156.)

[K.B. DIV. (LORD ALVERSTONE, C.J., PICKFORD AND AVORY, JJ.).—16TH DECEMBER, 1910.]

REX v. JUSTICES OF HERTFORDSHIRE.

*Justices — Committal of Accused for Trial after electing to be dealt with summarily — Jurisdiction of Quarter Sessions to try Indictment — Summary Jurisdiction Act, 1879 (42 and 43 Vict., c. 49, s. 12).*

Justices at petty sessions, before whom a person was charged with larceny, considering, after hearing the evidence for the prosecution, that the case was not serious, asked the accused under section 12 of the Summary Jurisdiction Act, 1879, whether he desired to be tried by a jury or whether he consented to be dealt with summarily. The accused elected to be dealt with summarily. After hearing the evidence for the defence the Justices, considering the case to be more serious, refused either to convict or acquit, and committed the accused for trial. An indictment was duly found, but it was objected on behalf of the accused that quarter sessions had no jurisdiction to try the case after the accused had elected to be dealt with summarily at petty sessions. The quarter sessions thereupon declined to try the case.

*Held*, That the Justices in petty sessions were entitled, notwithstanding the accused's election to be tried summarily, to commit him for trial, and therefore that the jurisdiction of quarter sessions to try the case was not ousted.

In this case a rule had been obtained directing the Justices of the County of Hertford to show cause why a mandamus should not issue commanding them to proceed to try all indictments found on a true bill by the Grand Jury against one Edward Amos Hale at the quarter sessions of the said county on the grounds that (a) the Court of Quarter Sessions had full jurisdiction to proceed with the trial, and (b) that as the said Hale was indicted on a charge of felony the charge ought to be heard and determined by the said Court irrespective of any proceedings before Justices.

Hale was charged with stealing three turkey hens. The Justices before whom he was brought heard the evidence of the prosecution, and then, thinking that the matter was not serious, and seeing that the property alleged to be stolen was of less value than £2, they asked the prisoner, under section 12 of the Summary Jurisdiction Act, 1879, whether he would prefer to be tried by a jury or to be dealt with summarily, and he elected to be dealt with summarily. The case for the defence was then proceeded with, and finding that after all it raised issues which seemed to them serious, the Justices refused either to convict or acquit, but committed the prisoner for trial at the Hertfordshire Quarter Sessions, allowing him bail meanwhile. When the case was called on at the sessions objection was taken on behalf of the prisoner that the Court had no jurisdiction to try him, because after he had once elected to be dealt with summarily the Justices had no power to restore his case to the position of an indictable offence. The chairman directed that the indictment should remain on the file, but that it should not be proceeded with without leave of the Court of King's Bench, and the rule for a mandamus was obtained accordingly.

Mr. Danckwerts, K.C., and Mr. Tindal Atkinson appeared to show cause for the Justices of quarter sessions; Mr. Bodkin and Mr. J. H. Murphy appeared for the Crown in support of the rule; and Mr. Clarke Hall showed cause for the prisoner Hale.

Mr. DANCKWERTS in his argument cited the cases of *Reg. v. Cockshott* (14 *The Times* L.R. 264); [1898] 1 Q.B. 592, *Rex v. Beesby* (25 *The Times* L.R. 337); [1909] 1 K.B. 849, in addition to the sections of the statutes referred to in the judgment.

Mr. CLARKE HALL followed on the same side.

Mr. BODKIN, for the Crown, cited the cases of *Reg. v. Sansome* (19 L.J., M.C. 143), *Reg. v. Bird* (15 *The Times* L.R. 26; 62 J.P. 760), and *St. Andrew's, Holborn v. St. Clement Dances* (2 Salk. 606).

Mr. MURPHY followed on the same side.

THE LORD CHIEF JUSTICE, in giving judgment, said: An indictment had been found for larceny, an offence which could also be tried summarily. At the Petty Sessions the Justices, at the close of the evidence for the prosecution, asked the proper questions of the accused, and proceeded to hear the case on the theory that they were going to deal with it summarily. They changed their view, and committed the accused for trial. An indictment was found at Quarter Sessions, but on hearing the above facts the Court of Quarter Sessions came to the conclusion that they ought not to hear the case without the judgment of this Court as to their jurisdiction. In their opinion the rule should be made absolute. The indictment was properly found, and consequently the Quarter Sessions had jurisdiction to hear the case. He doubted very much whether anything which was done before the Justices deprived them of this jurisdiction, unless Mr. Danckwerts was right in saying that the case was one which had ceased to be a case of an indictable character and could only be dealt with summarily. It required the clearest possible language to oust the jurisdiction of Quarter Sessions. He could not see any point which could be raised either by plea or by motion to quash the indictment which went to the jurisdiction of Quarter Sessions. He now came to the other branch of the argument, which was Mr. Danckwerts's