

to carry that into effect. In His Lordship's opinion, if Stallmann obtained a cheque or anything else entitling him to the 80,000 marks, he could be indicted for obtaining money by false pretences, and he could not get off by suggesting that he merely won a piece of paper by cheating. Common sense and the law required that when a man could be convicted in England at the time the Extradition Treaty with Germany was made for the offence of obtaining a valuable thing by a false pretence, that he should not be allowed to get off from being extradited for that offence.

His Lordship added that if it had been necessary for the prosecution to rely upon section 90 of the Larceny Act, 1861, he should have agreed with the contention of Mr. Danckwerts that the offence under that section was not an extraditable offence under the treaty of 1872, but it was not necessary to rely upon that section owing to section 17 of the Gaming Act, 1845, being in existence when the Extradition Act of 1870 was passed. The rule, therefore, must be discharged.

Mr. Justice Darling and Mr. Justice Phillimore delivered judgments to the same effect.

[Solicitors—Director of Public Prosecutions; C. F. Appleton.]

(“Times Law Reports, Vol. xxviii, page 575)

[COURT OF APPEAL—(VAUGHAN WILLIAMS, FLETCHER, MOULTON, AND BUCKLEY, L.JJ.)—26TH JULY, 1912.]

GREEN V. GARbutt AND OTHERS.

Practice—Discovery—Particulars—False Imprisonment—Particulars of Reasonable and Probable Cause for Suspicion.

The plaintiff sued the defendants, who were two constables in the employment of a railway company, and also the railway company, for damages for false imprisonment. The plaintiff alleged that he had been wrongfully arrested on a charge of theft, and had subsequently been discharged. The defendants denied the arrest, and pleaded that if the acts complained of had been done, they were done by constables in the execution of their duty, they having reasonable and probable cause for suspicion that a felony had been committed, and that the plaintiff had committed it. On an application by the plaintiff for particulars,

Held, that he was entitled to an order for particulars of the alleged felony, and also of the reasonable and probable cause for suspicion, but not to the names of those who had given the defendants information against him.

This was an appeal by the plaintiff from the refusal of Mr. Justice Bucknill at Chambers to make an order that the defendants should give the plaintiff certain particulars.

The action was brought by a guard in the service of the Great Northern Railway Company against two railway constables and the railway company to recover damages for false imprisonment. The plaintiff's case was that he had been wrongfully arrested on a charge of theft, and had subsequently been discharged. The defendants denied the arrest, and further pleaded that, if the acts complained of by the plaintiff had been done, they were done by two constables in the execution of their duty as constables, they having reasonable and probable cause for suspicion that a felony had been committed, and that the plaintiff had committed it.

The plaintiff applied for an order for particulars of the alleged felony and of the reasonable and probable cause for suspicion. The Master made an order for particulars of the alleged felony, but refused to make an order for particulars of the reasonable and probable cause for suspicion. Mr. Justice Bucknill affirmed the order of the Master.

The plaintiff appealed.

Mr. Hugo Young, K.C. (Mr. Tinsley Lindley with him), for the plaintiff, contended that the plaintiff was entitled to be told of the case which he would have to meet at the trial. He did not ask for the names of the persons who had given the defendants information against him, but he asked for particulars of the facts which caused the defendants to suspect him.

Mr. McCardie, for the defendants, said that it would be practically impossible to give the plaintiff the particulars he asked for without in effect disclosing the names of the informants. He contended that on grounds of public policy the defendants should not be ordered to give these particulars. If a great railway company, which had constantly to be on its guard against theft, was obliged, whenever it prosecuted one of its servants, to disclose the names of other servants, who had given information, it would be impossible ever to secure a conviction. He referred to the case of *Maass v. Gas Light and Coke Company* (27 *The Times* L.R., 473; [1911] 2 K.B., 543).

The Court allowed the appeal, and directed that the defendants should one month before the commencement of the Nottingham Assizes give the plaintiff particulars of the reasonable and probable cause for suspicion, but without giving any names.

[Solicitors—Pattinson and Brewer, agents for Fox and Manning, Nottingham, for the plaintiff; R. Hill Dawe, for the defendants.]

EXTRACTS FROM NEW ZEALAND GAZETTE.

(From *Gazette*, 1912, pages 2939, 2940, 2944, 2945, 2949, 2950, and 2960.)

Amending Trout-fishing Regulations for Rotorua Acclimatization District.

ISLINGTON, Governor

ORDER IN COUNCIL.

At the Government House, at Wellington, this seventh day of October, 1912.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

IN pursuance and exercise of the power conferred upon him by Part II of the Fisheries Act, 1908, His Excellency the Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations amending regulations made on the twenty-second day of November, one thousand nine hundred and nine, the fourteenth day of December, one thousand nine hundred and nine, and the seventh day of November, one thousand nine hundred and ten.

REGULATIONS.

1. CLAUSE 1 of the regulations regarding trout-fishing in the Rotorua Acclimatization District, made by Order in Council dated the 22nd day of November, 1909, and published in the *New Zealand Gazette* of the 25th day of the same month, is hereby amended by deleting the words “Director of the Commerce and Tourists Division of the Department of Agriculture, Commerce, and Tourists,” and by inserting in lieu thereof the words “General Manager of the Department of Tourist and Health Resorts”; and the word “Director” wherever it occurs in the said regulations is deleted, and the words “General Manager” are inserted in lieu thereof.

2. In the regulations amending general regulations under Part II of the Fisheries Act, 1908, which were made by Order in Council dated the 14th day of December, 1909, and published in the *New Zealand Gazette* of the 22nd day of the same month, the words “Director of Commerce and Tourists, Department of Agriculture, Commerce, and Tourists” are hereby deleted, and the words “General Manager of the Department of Tourist and Health Resorts” are inserted in lieu thereof.

3. The regulations amending trout regulations for Rotorua Acclimatization District, which were made by Order in Council dated the 7th day of November, 1910, and published in the *New Zealand Gazette* of the 17th day of the same month, are hereby amended by deleting the word “Director” wherever it occurs, and substituting therefor the words “General Manager.”

J. F. ANDREWS,

Clerk of the Executive Council.

Amending Regulations for Trout-fishing in the Auckland Acclimatization District.

ISLINGTON, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this seventh day of October, 1912.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by Order in Council dated the twenty-second day of July, one thousand nine hundred and seven, and published in the *New Zealand Gazette* No. 64, of the twenty-fifth day of the same month, regulations were made for trout-fishing in the Auckland Acclimatization District :

And whereas it is desirable to amend such regulations in the manner hereinafter described :