

HAMILTON.—M. GRIFFITHS'S bicycle has been found: not stolen. (See *Police Gazette*, 1914, page 338.)

GISBORNE.—HERBERT JAMES GRIEVE'S jewellery stolen: **John Robert March** and **William Johnston** have been arrested for this offence by the Gisborne police, and the following articles recovered: The gentleman's gold Elgin hunting-watch; five ladies' gold chains, Bernstein pattern; a 9 ct. gold necklet, bead pattern; a 15 ct. diamond-and-opal bangle; a 9 ct. gold single-stone brooch, and four pairs of gold dumb-bell pattern sleeve-links. (See *Police Gazette*, 1914, page 398 and 412.)

ASHBURTON.—LIONEL McILWRAITH'S bicycle has been recovered, and **Cleveland Hyndman** arrested for the offence by the Invercargill police. (See *Police Gazette*, 1914, page 429.)

### MISSING.

WELLINGTON.—Since 9th instant, **Bertha Billing**, dressmaker, native of Australia, age thirty, height about 5 ft. 2 in., stout build, pale complexion, dark hair and eyes. When last seen she was dressed in a fawn-coloured costume and black beaver hat trimmed with white, and was carrying a black leather handbag, with "B.R.B." in gold letters on the outside. Fears are entertained for her safety. Inquiry by Alfred Green, Upper Hutt.

### ABSENTEES FROM HIS MAJESTY'S SERVICE.

From H.M.S. "Philomel."

WELLINGTON.—8th instant, **Edward J. Morris**, private in R.M.L.I., age thirty, height 5 ft. 9½ in., fresh complexion, auburn hair, light-blue eyes, woman on right forearm, star on back of hand.

9th instant, **John Francis Mason**, A.B., age twenty, height 5 ft. 5½ in., fresh complexion, brown hair, grey eyes, scar on right groin, birth-mark on right forearm.

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

NORTH FREEMANTLE (WESTERN AUSTRALIA).—Inquiry is requested for **Edward Alfred Raston**, age about seventy, height about 5 ft. 7 in., slim build, fair complexion, sharp features; usually well dressed; fond of drink. Inquiry by his daughter, Mrs. Alfred Dawson, Thompson Road. (P. 14/1003.)

### MISCELLANEOUS INFORMATION.

Memorandum.]

Police Department,  
Wellington, 13th July, 1914.

#### List of Registering Authorities under the Motor Regulation Act, 1908, and the Distinguishing Letters and Numerals assigned to each.

The following memoranda from the Under-Secretary, Department of Internal Affairs, Wellington, are published for general information, and the list published in *Police Gazette*, 1914, page 374, is to be amended accordingly.

(P. 14/868.)

J. CULLEN,  
Commissioner of Police.

Department of Internal Affairs,  
Wellington, 2nd July, 1914.

Memorandum for the Commissioner of Police.

#### Distinguishing Marks under the Motor Regulation Act, 1908, assigned to the Rangitikei County Council.

With reference to my memorandum of the 22nd ultimo *re* the above, as the result of further representations made by the Rangitikei County Council regarding the possibility of

the letter "I" being mistaken for the numeral "1," the Minister of Internal Affairs has assigned the distinguishing letter "R" and the numerals "1 to 500" to the Rangitikei County Council, in lieu of the letters "R.I." and the numerals "1 to 500."

J. HISLOP,  
Under-Secretary.

Department of Internal Affairs,  
Wellington, 10th July, 1914.

Memorandum for the Commissioner of Police.

#### Motor Regulation Act, 1908.

I have to advise you that the distinguishing letters and numerals assigned to the Waimea County Council under the Motor Regulation Act, 1908, have been extended from "W.M., 1 to 500" to "W.M., 1 to 1000."

J. HISLOP,  
Under-Secretary.

### LAW REPORTS.

("New Zealand Law Reports," Vol. xxxiii, page 499.)

[S.C. IN BANCO, GISBORNE.—(COOPER, J.)—3RD, 15TH SEPTEMBER, 1913.]

QUINN v. FLORANCE.

*Licensing Acts—Application to Magistrate for Certificate of Fitness—Refusal to hear and determine Application—Ground Person's Refusal by another Magistrate—Mandamus—Discretion of Court to issue—Rule 461 of Code of Civil Procedure.*

The Licensing Act, 1908, section 85, subsection 2, imposes upon a Magistrate in proper cases a duty to consider an application for a certificate of fitness to hold a publican's license; and if a Magistrate, out of mere caprice and without any reasonable cause, refuses to consider such an application the Supreme Court has jurisdiction under Rule 461 to grant a writ of *mandamus* to the Magistrate directing him to consider the application.

The granting of a writ of *mandamus* under Rule 461 is discretionary, and the Court will examine the reasons upon which the statutory officer has refused to determine an application made to him which he is authorized by statute to consider. If those reasons show a reasonable ground for such a refusal it will refuse the writ; if they do not it will, if the applicant has no other remedy, grant it.

A Stipendiary Magistrate, who in the absence of the senior resident Stipendiary Magistrate on circuit exercised the duties of a Stipendiary Magistrate at Gisborne, was applied to by an applicant for a publican's license under the Licensing Act, 1908, for a certificate of fitness as provided for by section 85 of the said Act. Two prior applications to the resident Stipendiary Magistrate by the same applicant in respect of other licensed houses had been refused, and the acting Stipendiary Magistrate refused to deal with the application and referred it to the resident Stipendiary Magistrate.

*Held*, That the acting Stipendiary Magistrate took a reasonable view of the matter, and that the Court should in its discretion refuse the application for a writ of *mandamus* to compel him to hear and determine the application for a certificate of fitness.

MOTION for the issue of a writ of *mandamus* under Rule 461 of the Code of Civil Procedure. The facts are sufficiently set out in the judgment of Cooper, J.

Burnard for the plaintiff.

Skerrett, K.C. (instructed by the Crown), for the defendant.

*Cur. adv. vult.*

Cooper, J. :—

This is a motion under Rule 467 of the Code of Civil Procedure for the issue of a writ of *mandamus* under Rules 461 and 466 directing the defendant to hear and determine an application by the plaintiff for a certificate of fitness required by section 85 of the Licensing Act, 1908; or, in the alternative, directing the defendant to hear the plaintiff and such evidence as he may tender in support of such application, upon the alleged grounds (a) that the plaintiff has applied to the defendant to hear and determine the application; (b) that the defendant has refused to hear and determine the application; and (c) upon the further grounds set out in the statement of claim and the