

fine gold muff-chain, with gold balls at intervals; a fine twisted gold neck-chain, with a gold star pendant set with a turquoise and pearls attached; a round gold brooch, set with four turquoises and a spray of pearls in the centre; a pair of gold-mounted screw earrings, set with turquoises; a small oval silver brooch, set with about fifteen turquoises; an unmounted cameo suitable for a ring; a small gold nugget; a small gold-mounted greenstone star; a broken gold Southern Cross brooch, set with rubies (one missing); a lady's gold ring, set with a cluster of rubies and diamonds; a lady's 18 ct. gold ring, claw-set with four sapphires (one missing): total value, £21 19s. Identifiable.

WINTON.—3rd instant, from the Public Hall at Ryal Bush, the property of GEORGE WALKER, a dark-tweed double-breasted overcoat, strap across back and on sleeves, large dark buttons, bottom one nearly torn off, lining in one sleeve torn at shoulder; a soft black-felt hat, size 6½, with broad black band; a pair of dark-brown kid gloves: total value, £3 9s. 6d. Identifiable.

PROPERTY RECOVERED.

DUNEDIN.—EDMUND GEORGE PRICE'S jewellery has been found: not stolen. (See *Police Gazette*, 1914, page 514.)

ABSENTEE FROM HIS MAJESTY'S SERVICE.

From H.M.S. "Philomel."

AUCKLAND.—23rd instant, **Richard Paton**, seaman, native of Scotland, age twenty nine, height 5 ft. 4½ in., strong build, dark complexion, dark-brown hair, blue eyes.

MISSING.

ONEHUNGA.—15th instant, **Sydney Arthur Franklin**, age fourteen, height 5 ft., native of England, stout build, fair hair and complexion, blue eyes; small features; has a sore on left heel; dressed in blue jersey, gray-tweed trousers, and white soft hat (no boots or stockings). Fears are entertained for his safety. Inquiry by his father, Frederick William Franklin, Te Papapa.

MISCELLANEOUS INFORMATION.

Appointment as Constable.

No. 1926. Henry, Robert. 21st September, 1914.

25th September, 1914.

The following copy of a letter received from Major-General Sir Alexander Godley, General Officer Commanding the New Zealand Military Forces, is published for the information of the members of the New Zealand Police Force.

J. CULLEN,
Commissioner of Police.

[Copy.]

"Department of Defence, Headquarters' Office,
Wellington, 23rd September, 1914.

"Dear Mr. Cullen,—

"On the eve of the departure of the Expeditionary Force I write a line to thank you and your excellent staff for all the help that they have given to me and to the military authorities, not only since the outbreak of the war, but also since I have been in command of the New Zealand Forces.

"I have always found them ready to assist us in every way, and it is in great measure owing to the excellent arrangements which you have on various occasions made for us, and the co-operation of the police with the military authorities, that many military functions have been successfully held, and that the arrangements for the Expeditionary Force have gone off so well.

"Believe me,

"Yours sincerely,

"ALEX. J. GODLEY,

"J. Cullen, Esq., Commissioner of Police, Wellington."

LAW REPORTS.

("The Times Law Reports," Vol. xxx, page 627.)

REX v. WHITAKER.

Criminal Law—Bribery of public officer—Colonel—Bribe to show favour in matter of canteen, contracts—Charge of conspiracy—Nature of acts necessary to support.

[COURT OF CRIMINAL APPEAL.—(A. T. LAWRENCE, LUSH, AND ATKIN, JJ.)—1ST JULY, 1914.]

It is a common law misdemeanour for an officer who has a duty to do something in which the public are interested to receive a bribe either to act in a manner contrary to his duty or to show favour in the discharge of his functions. It is therefore a misdemeanour at common law for the colonel of a regiment to receive a bribe to show favour in the matter of a canteen contract for the regiment. To establish a charge of conspiracy, it is sufficient to prove that the act to be done by the conspirators was in some way fraudulent or corrupt.

COLONEL CHARLES HILDYARD THORNTON WHITAKER appealed against his conviction of conspiracy at the Central Criminal Court, and applied for leave to appeal against a sentence of six months' imprisonment in the second division.

Mr. T. M. Healy, K.C., and Mr. Comyns Carr appeared for the appellant; and the Attorney-General (Sir John Simon, K.C.), Mr. Muir, Mr. Travers Humphreys, and Mr. Branson for the Crown; Mr. Cecil Whiteley held a watching brief for interested parties.

Mr. Healy said that the appellant had been indicted with Archibald Minto, for that they on 1st February, 1904, and divers dates between that and 19th July, 1906, did unlawfully conspire with John Ross Ness and others that divers sums of money should be corruptly given by Minto, Ness, and Lipton (Limited) to the appellant in his official capacity, he then being a "public and ministerial officer, to wit, a commissioned officer in the public service" of the King, as inducements to the appellant to do or omit to do divers acts, to wit, to show favour and abstain from showing disfavour to Minto and Ness in relation to certain contracts. He (counsel) submitted that that disclosed no offence. The offence charged was committed before the passing of the Prevention of Corruption Act, 1906; it was therefore indictable at common law only. At common law bribery of a public officer was confined to the bribery of judicial officers and to the sale of offices. He referred to Stephen's Digest of the Criminal Law (3rd ed.), pp. 82-3; 3 Coke, pp. 145-7; 4 Blackstone's Commentaries (21 ed.), p. 139; 1 Hawkins P.O. (8th ed.), p. 414; and Hale's P.O., 262. The offence alleged here was triable by court-martial. He also contended that, assuming the indictment to be good, there was no legal evidence to prove it. The principal evidence was a letter from Ness to Minto asking for money to give to the appellant, and proof of the fact that two cheques of £150 and two of £120 had been paid to the appellant. Before that letter could be admitted the existence of a conspiracy must first have been established; and that had not been done.

Mr. Healy then referred to the dates of the contracts made with Lipton's. Two contracts had been made long before any payment to the appellant, and it could not be suggested that the contracts had been induced by the payments.

The Court pointed out that so far as the dates were concerned they were consistent with the renewal, if not the original execution, of the contracts in consideration of payments.

Mr. Healy then referred to "Russell on Crimes" (7th ed., Vol. i, 620) with regard to the sale of offices and to a note in "Vernon's Reports," Vol. i, p. 99). He then referred to matters in the summing up, and submitted that, without any suggestion of intentional unfairness in the Court below, the summing up was not satisfactory.

On the question of sentence, all the other accused got off with a fine; and he submitted that imprisonment was not needed in the case of the appellant, who had been a brave and gallant officer for thirty-five years without a single black mark against him.

The Attorney-General, for the Crown, said that it was contended that at common law there was no such criminal offence as bribing an officer in the Army or receiving a bribe while an officer. But it was a well-known principle of the common law that it was adjustable and was continually expanding to meet new circumstances. *Rex v. Brailsford* (21 *The Times* L.R., 727; [1905] 2 K.B., 730). A public officer was any one who had to discharge a duty to the public, and payment to him to induce him not to perform the duty was an offence at common law. *Henley v. Mayor of Lyme* (5 Bing., 106-7). The books divided public officers into judicial and ministerial, but the latter word must be read as only meaning non-judicial. He referred to Vaughan's case