

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

ENGLAND.—Since 29th January last. Inquiry is requested for **Harold** or **Harry Williams**, who came to this Dominion about three years ago. Description: Age thirty, height about 5 ft. 2 in., cook and steward, native of Wales; smart active appearance. He was last heard of at Nelson in August, 1912, where he was employed at the Customhouse Hotel. Inquiry by the Under-Secretary for Internal Affairs on behalf of Edith Williams, Penmyarth, Breconshire, Wales. (P. 15/160.)

LONDON.—13th October, 1914. Inquiry is requested for **Walter Percy Bartley**, who was last heard of at Wellington in July, 1912. He is described as a steward, twenty-six years of age, short sturdy build, dark complexion. He is an excellent pianist and mandoline-player, and enters endurance contests for piano-playing, and is said to have created a world's record at Christchurch in 1912. He afterwards travelled the country towns with a picture-show. Inquiry by the Under-Secretary for Internal Affairs on behalf of George Bartley, 52 Belgrave Road, Plaistow. (P. 14/1902.)

KARARA (QUEENSLAND).—Information is requested at the instance of James Allan, Strathgic, Karara, as to the whereabouts of **John Allan**, who was last heard of in New Zealand about eleven years ago. Description: Sixty-three years of age, 5 ft. 7 in. or 8 in. high, fair complexion, grey hair, regular nose, minus first joint of one little finger; a pig and poultry dealer; a native of Eden, New South Wales. If located, information is to be sent to the Commissioner of Police, Wellington. (See *Queensland Police Gazette*, 1915, page 188.)

## MISCELLANEOUS INFORMATION.

### Promotions.

To be Senior Sergeants, from 1st April, 1915.

- No. 472A. Sergeant Burrows, John.  
No. 644. Sergeant Eales, Edwin.

### Transfer from Civil Service to Police Force.

Edmund Walter Dinnie, Finger-print Expert and Photographer, is transferred from the Civil Service to the Police Force, with the rank and pay of Senior Sergeant, as from 1st April, 1915.

He is permanently detailed for duty as Finger-print Expert and Photographer, and will not come into competition with other members of the Force of the same rank for promotion, &c.

J. CULLEN,  
Police Department, Commissioner of Police.  
Wellington, 1st April, 1915.

### Retirements under Section 35, Public Service Classification and Superannuation Act, 1908 (on Pension).

- Superintendent Mitchell, Alfred James. 31st March, 1915.  
No. 147. Constable Field, Henry. 2nd April, 1915.

### Appointments as Constables.

March 29th, 1915.

- No. 1969. Barnes, Alec Howard.  
No. 1970. Black, Robert George.  
No. 1971. Cosgrave, Vivian John.  
No. 1972. Doel, Alfred.  
No. 1973. Fitzgerald, Edward.  
No. 1974. Fotheringham, John Francis.  
No. 1975. Gordon, Nathaniel.  
No. 1976. Goulding, Vincent Stewart.  
No. 1977. Kearney, Thomas James.  
No. 1978. Kennedy, John.  
No. 1979. Milne, Thomas.  
No. 1980. Mitchell, Clifton Charles.  
No. 1981. Mullan, Patrick Joseph.  
No. 1982. O'Dea, Richard.  
No. 1983. Roycroft, William.  
No. 1984. Ryan, John Richard.  
No. 1985. Smith, Robert Cunningham.  
No. 1986. Sterritt, David.  
No. 1987. Woodley, Arthur Gladstone.

## LAW REPORT.

("Times Law Reports," Vol. xxxi, page 159.)

[COURT OF CRIMINAL APPEAL.—(LORD READING, C.J., RIDLEY AND BANKES, JJ.)—18TH JANUARY, 1915.]

REX v. BERGER.

*Criminal Law—Receiving Stolen Goods—Possession—Test.*

To make a person liable for receiving stolen goods, well knowing them to have been stolen, it must be shown that the goods were under his control.

THIS was an appeal by Edward Berger against a conviction at the Central Criminal Court, where he was sentenced to three years' penal servitude on a charge of receiving stolen property. The appellant was also recommended for expulsion.

Mr. Raglan Somerset appeared for the appellant; and Mr. A. S. Comyns Carr for the Crown.

The facts and arguments are sufficiently stated in the judgment.

The Lord Chief Justice, in delivering the judgment of the Court, said that the appellant was convicted with two other men, named Hegdis and Natterson, and each of them was sentenced to three years' penal servitude, and recommended for expulsion. Hegdis had applied for leave to appeal against his sentence, and the application had been refused. No question now arose with regard to Natterson, and the only question the Court had to deal with was whether there was sufficient evidence and a sufficient direction to the jury for the conviction against Berger to stand. The case against the appellant was undoubtedly extremely thin. It was a finely balanced point to say whether there was sufficient evidence against him of having received the goods. The charge against him was not of warehouse-breaking, but of receiving the goods well knowing them to have been stolen, and before he could be convicted there would have to be proof that the goods were in his possession. The two questions were: (1) Whether the goods ever were in his possession; and (2) whether the direction of the learned Judge to the jury was sufficient to apply the real test to the facts.

With regard to the first question, two men, Hegdis and Natterson, were seen on a van which contained furs and other goods worth £750, which had been stolen from a warehouse the night before. They were followed, and the goods were brought to the appellant's shop. The sacks were unloaded from the van, and when several had been unloaded the police entered the shop. It might be, as the learned Judge pointed out, that if the police had waited a little longer they might have had conclusive evidence against Berger, but they did not wait, and, having entered, they put questions to the appellant. His answer was that he was the occupier of the place, and that he had let a room to Natterson on the day before. His explanation, therefore, was that Hegdis and Natterson were bringing the goods to put in the room. It was a difficult point to say whether that amounted to possession or not, more especially when the true test was considered. The great difficulty which the Court had had to surmount was what was the true test. There was a division of opinion in the case of *Reg. v. Wiley* (20 L.J., M.C. 4), a case which was argued at first before several Judges, and then adjourned for further argument before more Judges, the result being that the opinion of the majority was that the conviction was wrong. The principle was best laid down in the words of Mr. Justice Patteson, where he said on page 9—

"I do not think it necessary that in order to constitute a man a receiver it is necessary that he should touch the goods, or that under certain circumstances a party having a joint possession with the thieves may not be convicted as a receiver; but, I think, to make a person liable as a receiver the goods must be under his control."

The Court thought that was a correct statement of the law. The Court were of opinion that in this case there was not a sufficient direction to the jury as to the test in law with regard to possession. The conviction must be quashed.

[Solicitors—The Registrar of the Court of Criminal Appeal; the Director of Public Prosecutions.]

("Times Law Reports," Vol. xxxi, page 173.)

[COURT OF CRIMINAL APPEAL.—(DARLING, LUSH, AND ATKIN, JJ.)—22ND DECEMBER, 1914.]

REX v. NORMAN.

*Criminal Law—False Pretences—Several Transactions—Obtaining Chattel—Obtaining Credit—One Indictment—Different Counts—Election by Prosecution.*

Where a prisoner is charged on an indictment which refers to more than one transaction and contains a count for obtaining a chattel by false pretences and another