

MISSING.

WHANGAREI.—Since 13th August, 1914, **Donald McRae**, age thirty-five, height 5 ft. 7 in., labourer and miner, supposed native of Australia, medium build, grey hair; usually dressed in dark clothes and hard hat; fond of drink. Inquiry by the Defence Department, Wellington. (See *Police Gazette*, 1914, page 583.)

STRATFORD.—**Conrad Christensen**, missing friend, was arrested by the Stratford police on the 6th ultimo on a charge of drunkenness, and convicted and discharged. He was then employed on a road contract at Toko, near Stratford, but left soon afterwards. He may still be about the Taranaki district. (See *Police Gazette*, 1915, page 180.)

KILBIRNIE.—Since 3rd instant, **Joseph Kirkus**, age fifty-eight, height 5 ft. 6 in., ranger, native of England, strong build, bad teeth, bald; dressed in a dark-tweed suit and cap; fond of drink. Fears are entertained for his safety. Inquiry by Mrs. Kirkus, Miramar.

ABSCONDER FROM AN INDUSTRIAL SCHOOL.

NELSON.—3rd instant, from the Boys' Training-farm, **Gordon Nicholson**, age sixteen, height 5 ft. 4 in., labourer, native of New Zealand, strong build, dark hair, fresh complexion, cast in one eye, thick lips; dressed in dark-tweed knickers, blue jersey, light cap, black lace-up boots, and black stockings with fancy white tops; all numbered "83."

INQUIRIES, ETC., FROM OUTSIDE NEW ZEALAND.

WELLINGTON.—4th instant. Inquiry is requested for **W. Castelyns**, who left Holland for this Dominion some years ago. He is said to have been in business here as an hotelkeeper. Inquiry by the Under-Secretary for Internal Affairs on behalf of the Consul for the Netherlands. (P. 15/429.)

MELBOURNE (VICTORIA).—4th ultimo, on warrant for deserting his wife, **Ernest Albert Farrell**, age about thirty-two, height about 5 ft. 11 in., butcher, thin build, dark hair and moustache, gold-filled tooth in upper jaw; usually dressed in a blue or a brown suit and a light-felt hat. He is supposed to have come to this Dominion. Complainant, Agnes Lydia Farrell, Brighton. If located, he is to be kept under surveillance and a telegraphic communication sent to the Commissioner of Police, Wellington. (P. 15/262.)

MISCELLANEOUS INFORMATION.

Resignation.

No. 1628.—Constable Jones, John William. 20th March, 1915.

New Station opened.

Nuhaka (Napier district).

Memorandum.]

Police Department,
Wellington, 12th March 1915.

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

The following memorandum from the Under-Secretary, Department of Internal Affairs, Wellington, is 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, 12th March, 1915.

Memorandum for the Commissioner of Police, Wellington.

Motor Regulation Act, 1908.

I have to advise you that the distinguishing letters and numerals assigned to the New Plymouth Borough Council under the Motor Regulation Act, 1908, have been extended from "N.P. 1 to 500" to "N.P. 1 to 1000."

J. HISLOP,
Under-Secretary.

LAW REPORTS.

("Times Law Reports," Vol. xxxi, page 115.)

[COURT OF CRIMINAL APPEAL—(DARLING, LUSH, AND ATKIN, JJ.)—7TH AND 14TH DECEMBER, 1914.]

REX v. KETTERIDGE.

Criminal Law—Procedure—Juror—Separation from Colleagues—Proceedings abortive—Explanation by Juror—Admissibility.

If a juror on a criminal trial, after the Judge has summoned up, separates himself from his colleagues, and, not being under the control of the Court, is in a position to converse with other persons, it is an irregularity which renders the whole of the proceedings abortive, and the Court must discharge the jury and begin the proceedings over again. An explanatory statement by the juror as to the irregularity is not admissible in evidence.

THE appellant, F. A. W. Ketteridge, was convicted before Mr. Justice A. T. Lawrence, at the Chelmsford Assizes, of attempted rape, and was sentenced to six months' imprisonment with hard labour.

Mr. C. E. Jones appeared for the appellant; and Mr. Roland Burrows for the Crown.

After the summing up by the learned Judge, the jury considered their verdict in the jury-box for about seven minutes and then retired. While they were leaving the Court one of the jurymen went out of the precincts of the Court, and was absent for about a quarter of an hour. He then rejoined the jury in their retiring-room, and returned into Court with them with a verdict of "Guilty of attempted rape." The appellant was sentenced to six months' imprisonment with hard labour. These facts were mentioned to the Judge privately, but they did not come to the appellant's knowledge until two days after the end of the trial. It did not come to light how the juror had occupied his time during his absence. An explanatory letter written by him to the Registrar of the Court of Criminal Appeal was not read in Court.

Mr. Jones contended that the letter was not admissible. There had been an irregularity in the trial, and the conviction ought to be quashed. He cited *Reg. v. O'Connell* (1 Cox. C.O., 365, at p. 410), *Rex v. Crippen* (27 *The Times*, L.R., 69; [1911] 1 K.B., 149), *Reg. v. Ward* (10 Cox, C.C., 578), *Reg. v. Willmont* (30 *The Times* L.R., 499), and section 1 of the Juries Detention Act, 1897 (60 Vict., c. 18).

Mr. Burrows contended that the only effect of the unexplained absence of the juror was to render him liable to a fine. It did not invalidate the trial unless it was shown that there had been misconduct or that the appellant was thereby prejudiced—*Reg. v. O'Neill* (3 Cr. and Dix., 146, at p. 149). He also referred to *Rex v. Fowler* (4 B. and Ald., 273).

Mr. Justice Darling said that the conviction must be quashed, but it was important that the exact reasons for their decision should be very accurately expressed. The formal judgment of the Court would be given at the next sitting. Meanwhile the appellant would be discharged.

Mr. Justice Lush read the considered judgment of the Court. He said that Mr. Burrows had contended, on behalf of the Crown, at the hearing of the appeal, that, although the juror did what was irregular and exposed himself to the risk of having a punishment imposed upon him for his contempt of Court, the Court should not, in the absence of evidence that he had communicated with any person or that the appellant had been prejudiced, treat the trial as abortive, because jurors were now allowed to separate during the trial of a prisoner on a charge of felony. He cited *Rex v. Kinneir* (2 B. and Ald., 462) and *Reg. v. O'Neill* (3 Cr. and Dix., 146). In the first of these cases the offence charged was a misdemeanour and the Judge had not summed up. Therefore that decision did not help the Court in the present case.