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# NEW ZEALAND POLICE GAZETTE.

PUBLISHED BY AUTHORITY.

WELLINGTON, WEDNESDAY, DECEMBER 22, 1915.

**NOTICE.**—For instructions as to the manner in which reports are required to be furnished for the compilation of the *Police Gazette* see *Gazette* No. 1 of this year.

The arrest of offenders described in the *Police Gazette*, or respecting whom crime reports have been forwarded for insertion in the *Gazette*, should be promptly notified by the members of the Force effecting the arrest.

When notifying the arrest of persons charged with theft or suspected of theft, it should be stated whether the property stolen, or any portion of it, has been recovered.

A description of property supposed to be stolen, found in the possession of offenders, for which owners cannot be found, shall be furnished for insertion in the *Gazette*.

All communications concerning this *Gazette* should be addressed to the Commissioner of Police, Wellington, and the envelope marked "For *Gazette*." Members of the Force in charge of out-stations will forward them *direct*.

## PERSONS WANTED.

**DARGAVILLE.**—9th instant, on **warrant** for escaping from legal custody, **Toni Tomasovich**, age thirty, height 5 ft. 8 in., labourer and seaman, native of Austria, dark hair, small grey eyes, broad features; dressed in grey-tweed coat, dirty dungaree trousers, black soft-felt hat, and tan boots. Offender was on remand for horse-stealing when he escaped from the lock-up.

**QUEEN STREET WHARF (AUCKLAND).**—5th instant, on **warrant** for deserting from the s.s. "Kia Ora," **Isaac Shack**, age twenty-five, height 5 ft. 7 in., trimmer, native of Russia, strong build, fair complexion, brown hair; dressed in a blue coat and vest and striped trousers.

**AUCKLAND.**—2nd instant, for forgery and uttering, **Man** (name unknown), age about twenty-six, height 5 ft. 5 in., a member of Expeditionary Force, medium build, fresh complexion, dark-brown hair. Accused received £7 from the Post Office Savings-bank by forging the name Michael

Connolly to a withdrawal receipt. Connolly lost his Savings-bank book, and it was evidently picked up by accused, who presented it with the withdrawal receipt. **No warrant.**

**AUCKLAND.**—13th instant, that she may be compelled to pay arrears of maintenance due for the support of her child, an inmate of the Auckland Industrial School, **Minnie Goodwin**, *alias* **Godwin**, *alias* **McGowan**, age thirty-six, height 5 ft. 6 in., domestic, native of New Zealand, medium build, light brown hair, blue eyes. She may be accompanied by a boy of about twelve years. Arrears to 2nd ultimo, £177 9s. Inquiry by the Education Department, Wellington. (See *Police Gazette*, 1910, page 439.)

**HAMILTON.**—14th instant, on **warrant** for obtaining credit to the amount of £49 16s. 6d. from Frederick George Turner without informing him that he was an undischarged bankrupt, **Alexander Campbell**, age about forty, height 5 ft. 8 in., cook and caterer, native of New Zealand, medium build, fair complexion, dark hair, blue eyes, prominent nose, slightly round shoulders, usually dressed in a light tweed suit and hard black hat; smart appearance. He is accompanied by his wife and two children. There are other charges pending.

**MANAIA.**—**Harold Young**, default of fine and costs, has forwarded part of the amount due to the Manaia police. There is still 8s. 3d. owing on the warrant. (See *Police Gazette*, 1913, page 165.)

**ORMONDVILLE.**—15th October last, on **warrant** of commitment to Napier Prison for three months in default of paying £31 3s. arrears due on a maintenance order for the support of his wife, **Carl John Fredericksen**, age about forty-nine, height 5 ft. 10 in., labourer, native of Denmark, strong build, fresh complexion, fair hair, grey eyes, broad face.

**LEVIN.**—4th June last, on **warrant** for theft of £4 17s. 6d., the property of the Levin Terminating Building Society, **Albert Grover**, age about thirty-two, height about 5 ft. 10 in., bootmaker, clerk, and commercial traveller, native of New Zealand, medium build, pale complexion, dark hair; fond of drink. Accused in his capacity as secretary to the society received the amount from G. L. Arcus, Wellington, and failed to account for it. There are other charges pending.

WELLINGTON.—3rd instant, on **warrant** for failing to provide for the future maintenance of his unborn illegitimate child, **William Charles Hill**, age twenty-nine, height 5 ft. 8 in., steward, native of New Zealand, medium build, pale complexion, brown hair going bald, blue eyes, high forehead, one finger-nail injured; usually dressed in a mustard-coloured suit with leather buttons, patent-leather shoes, and straw hat or grey cap. Complainant, Everard May Cummins, Columbia Hotel, Cuba Street.

WELLINGTON.—14th instant, on **warrant** for deserting from the s.s. "Kia Ora," **Charles Moore**, age twenty-two, height 5 ft. 6 in., trimmer, native of Australia, medium build, fair complexion, light-brown hair, blue eyes.

WELLINGTON.—17th instant, that he may be located, **Franz Schindler**, age about thirty, height 5 ft. 7 in., hairdresser, native of Germany, medium build, sallow complexion, thick curly fair hair, large brown eyes, high cheek bones, broad face, long straight nose, artificial teeth in upper jaw, bow legs, small feet; swinging gait; speaks good English; usually well dressed. If any information is obtained regarding this man a communication is to be sent to the Commissioner of Police, Wellington. (P. 14/1257.)

MOUNT COOK.—15th instant, that a summons under the Industrial Schools Act may be served upon her, **Violet Tiller**, age about twenty-seven, height 5 ft. 6 in., domestic, native of New Zealand, slim build, dark hair, sallow complexion; usually dressed in a tight black dress and black hat.

CHRISTCHURCH.—25th October last, on **warrant** of commitment to Lyttelton Prison for forty-eight hours in default of paying 13s. fine and costs for a breach of the peace, **Jack Smith**, age fifty-two, height 5 ft. 6½ in., labourer, native of England, medium build, fair hair and complexion, blue eyes; anchor and dots on left arm. (See *Police Gazette*, 1915, page 766.)

CHRISTCHURCH.—15th October last, on **warrant** of commitment to military custody for twenty-eight days in default of paying £5 10s. fine and costs for a breach of the Defence Act, **James Alexander Moir**, age twenty-one, height 6 ft., carpenter, native of New Zealand, medium build, fair hair and complexion, grey eyes.

CHRISTCHURCH.—8th instant, on **warrant** for assaulting Annie Courtney so as to cause her actual bodily harm, **David Courtney**, age forty, height 5 ft. 6½ in., hairdresser and labourer, native of New Zealand, medium build, fair complexion, auburn hair, blue eyes, large nose, scar over left eye, cross and daggers, &c., on right arm; slovenly appearance. (See *Police Gazette*, 1914, page 789, and Photographs, 1911, page 1.)

TIMARU.—23rd ultimo, for theft of a Waterbury watch and chain, a pair of boots, a pair of dungaree trousers, a soft white shirt, a white-handled razor in case (recovered), and £2 in money, total value £4, the property of William Wills, **Harry Thomas Hunt**, age seventeen, height 5 ft. 8 in., labourer and seaman, native of New Zealand, thin build, pale complexion, brown hair, blue eyes, prominent ears, thin face, mole over left eye. (See *Police Gazette*, 1915, page 830.) **No warrant.**

MILTON.—13th instant, on **warrant** for failing to maintain his illegitimate child, **James Goodlet**, age about thirty-seven, height about 5 ft. 10 in., labourer, native of New Zealand, strong build, dark hair and complexion, one forefinger missing; erect gait; quiet manner. Complainant, Alison McIntosh.

## APPREHENSIONS, PERSONS FOUND, ETC.

AUCKLAND.—**Henry Herbert Watson**, failing to maintain, has been arrested by the Auckland police. (See *Police Gazette*, 1915, page 579.)

AUCKLAND.—**Alexander Murdoch McAulay**, default of maintenance, has been arrested by the Te Kuiti police. (See *Police Gazette*, 1915, page 705.)

AUCKLAND.—**Canute William Julius Larsen**, failing to maintain: Warrant cancelled. (See *Police Gazette*, 1915, page 827.)

AUCKLAND.—**Oscar James Hodder**, default of maintenance, has been arrested by the Gisborne police. (See *Police Gazette*, 1914, page 114.)

AUCKLAND.—**Phillis Snow**, attempting to procure miscarriage, has been arrested by the Stratford and Whangamomona police. She had assumed the name **Phillis Hastings**. (See *Police Gazette*, 1915, page 535.)

AUCKLAND.—**William Wilson**, *alias* **Llewellyn Harris**, breach of terms of release on probationary license, has been arrested by the Auckland police. (See *Police Gazette*, 1914, page 655.)

AUCKLAND.—**William Scholes**, forgery and uttering, has been arrested by the Wellington police. (See *Police Gazette*, 1915, page 25.)

THAMES.—**John Albert Hill**, breach of probation, has been arrested by the Ellerslie police. (See *Police Gazette*, 1911, page 341, and 1913, page 603.)

HAMILTON.—**William Gilligan**, default of fine and costs, has paid the amount due to the Auckland police. (See *Police Gazette*, 1915, page 801.)

HAMILTON.—**James Smith**, default of fine and costs, has paid the amount due to the Te Kuiti police. (See *Police Gazette*, 1914, page 674.)

HASTINGS.—**John Alfred Butler**, failing to maintain: Warrant cancelled. (See *Police Gazette*, 1913, page 744, and 1914, page 383.)

PALMERSTON NORTH.—**Patrick Kelly**, *alias* **Cowan, John**, default of fine and costs, has paid the amount due to the Palmerston North police. (See *Police Gazette*, 1915, page 815.)

FEATHERSTON.—**George Voss**, deserting from Expeditionary Force, has been arrested by the Shannon police. (See *Police Gazette*, 1915, page 776.)

UPPER HUTT.—**S. Bradley**, deserting from Expeditionary Force: No further action is to be taken by police. (See *Police Gazette*, 1915, page 776.)

UPPER HUTT.—**A. Shannon**, deserting from Expeditionary Force, has returned to camp. (See *Police Gazette*, 1915, page 709.)

WELLINGTON.—**Albert Henry Nightingale**, failing to maintain: No further inquiry necessary. (See *Police Gazette*, 1915, page 828.)

WELLINGTON.—**T. Mason**, deserting from Expeditionary Force, has been arrested by the Wellington police. He is identical with **Thomas Brosnahan**, *alias* **Mason**, referred to in *Police Gazette*, 1915, page 121. (See *Police Gazette*, 1915, page 804.)

WELLINGTON.—**Leonard O'Flaherty**, failing to maintain, has been located by the Gisborne police. (See *Police Gazette*, 1915, page 724.)

WELLINGTON.—**Charles Alexander Daniel Thomas**, default of security, has been arrested by the Manners Street (Wellington) police. (See *Police Gazette*, 1915, page 76.)

WELLINGTON.—**Robert James Nesbit**, default of maintenance, has been arrested by the St. Albans police. (See *Police Gazette*, 1915, page 690.)

MOUNT COOK (WELLINGTON).—**James Choat**, theft, has been arrested by the Wellington police. (See *Police Gazette*, 1914, page 440.)

BLACKBALL.—**Timothy Bergen**, breaches of his prohibition order, has been served with summonses by the Waitaha police. (See *Police Gazette*, 1915, page 816.)

DUNEDIN.—**William John Moore**, default of maintenance, has paid the arrears to the Christchurch police. (See *Police Gazette*, 1915, page 828.)

DUNEDIN.—**Violet Wakeldine**, escaping from Army Home, has been arrested by the Oamaru police. (See *Police Gazette*, 1915, page 433.)

DUNEDIN.—**Michael Verdon Gallagher**, inquired for, left Melbourne for the front on the 25th October last. (See *Police Gazette*, 1915, pages 192 and 610.)

KAITANGATA.—**Johnstone Richardson**, default of fine and costs, has paid the amount due to the Kaitangata police. (See *Police Gazette*, 1915, page 724.)

LONDON (ENGLAND).—**William Harold Cosgrove**, alias **William Russell**, inquired for, has been located at Maymorn Camp. (See *Police Gazette*, 1915, page 761.)

### PROPERTY STOLEN.

AUCKLAND.—On or about the 15th instant the NEW ZEALAND BOOT COMPANY'S factory in Chapel Street was broken into, and the following articles stolen therefrom: A pair of gentleman's tan calf boots, size 6; a pair of gentleman's tan calf boots, size 6, with green durox soles and round rubber heels; a pair of black chrome lace-up boots with D. on them, size 4, square toes, toe and heel plates, black-and-red striped tags; and a tin of Lewis and Whitty's black dressing: total value, £2 14s. Identifiable.

AUCKLAND.—1st instant, from the person of GEORGE BROADFOOT, a gentleman's silver Rotherhams watch, No. 132682, "G. Broadfoot" inside back case; a gentleman's gold single-curb watch-chain with silver bar, and a gold-mounted greenstone pendant attached; and about £19 in notes and silver coins: total value, £29 10s. Identifiable, except money. Suspicion is attached to **Lucy Busing**, alias **Linton**, age thirty-eight, height 5 ft. 10 in., prostitute, native of New Zealand, medium build, fair complexion, light-brown hair, blue eyes, prominent teeth, squeaking voice. (See *Police Gazette*, 1914, page 568.)

AUCKLAND.—1st ultimo, from a coat in the Railway Goods-shed, the property of THOMAS HUNT, two Bank of Australia £1 notes, E. B. on one; and one Bank of New Zealand £1 note, E. B. on it: two notes identifiable. Suspicion is attached to **Joseph Roy O'Shea**, age nineteen, height 5 ft. 6½ in., clerk, native of New Zealand, medium build, fair complexion, light-brown hair, blue eyes, scar on right thumb and shin. (See *Police Gazette*, 1914, page 19.)

AUCKLAND.—On the 4th instant the dwelling of SAMUEL LEE in Nelson Street was broken into, and about 9s. stolen from the shilling-in-the-slot gas-meter.

AUCKLAND.—On the 4th instant the dwelling of FRANCIS WILLIAM BURDEN at Onehunga was broken into, and a black enamelled cash-box, about 10 in. long, containing about £5, stolen therefrom: total value, £5 5s. Cash-box only identifiable. Suspicion is attached to a **Man** (name unknown), age about twenty, height about 5 ft. 6 in., stout build, red complexion, fair hair.

AUCKLAND.—Between the 27th and 29th ultimo, from Benell's boardinghouse, the property of JAMES COULSEN, a lady's silver watch-chain, rope pattern; and £5 15s. in notes and silver coins (one £1 note is on the Bank of New Zealand, No. 714979): total value, £6. Chain and one note identifiable.

AUCKLAND.—On or about the 10th instant R. and J. MILLAR'S Store at Parnell was broken into, and the following property stolen therefrom: 84 lb. of ground brown-streaked gum (three or four pieces machine-cleaned), 40 lb. of white superior range gum; and 60 lb. of pale rough-scraped gum: total value, £8 16s. Portion identifiable.

AUCKLAND.—On the 2nd September last the dwelling of JAMES LUNN, 5 Ireland Street, was broken into, and the following articles stolen therefrom: A lady's black-leather purse, containing 5s. 3½d. in silver and copper coins; total value, 7s.

NAPIER.—12th instant, from Hastings Street, the property of R. THORP AND CO., a gentleman's black-enamelled free-wheel bicycle, 24 in. frame, upturned reversible handles with black grips, steel rims, pedals, and mud-guards, "R. Thorp and Co." scratched on saddle; value, £5. Identifiable.

ORMONDVILLE.—Between the 31st of March and the 2nd October last, the property of N. BRAMLEY, Warrington Road, Remuera, a heavy brown overcoat, makers, Reardon and Wright, Napier, G.N.B. inside left sleeve; a light-brown

overcoat; a pair of brown tweed riding-pants; and a hand-saw and claw hammer branded "A": total value, £9 17s. Identifiable.

WELLINGTON.—On the 9th instant the dwelling of Margaret Blythe at Oriental Bay was broken into, and the following articles stolen therefrom: A lady's silver hunting Geneva watch, No. 18401, supposed "N.R." on case; a gold square-link granny-chain; a gold-mounted oval fawn cameo brooch, with impress of angel on it; a gold single-bar brooch with pearls set in the form of a heart in centre; a gold flat two-bar brooch, with a square (set with a ruby) in centre; and a small gold cable bracelet; total value, £13 5s.; identifiable; the property of JANE THOW. A gentleman's 18 ct. gold ring, R.S. outside, and "From Meg to Dick" inside; and £7 2s. 6d. in cash; total value, £8 12s. 6d.; ring only identifiable; the property of RICHARD SAUNDERS. A gold mounted screw-top locket, containing a photograph of an elderly lady and gentleman; and a gold square-link necklet; total value, £1 10s.; identifiable; the property of LENA GRACE SARA. A black suede purse with electro plated top; a silver-mounted brown-leather purse, "M. Blythe" inside; and £8 in cash, amongst which was a Kruger half-sovereign, a bent sixpence, and a Jubilee sixpence (gilded on one side and enamelled on the other); total value, £9 10s.; purses and sixpences identifiable; the property of MARGARET BLYTHE.

WELLINGTON.—On the 22nd October last from a cabin on the s.s. "Maori," the property of MAURICE GOLDSBROUGH, an 18 ct. gold Swan fountain pen, M. Goldsbrough on it; value, £10. Identifiable.

MOUNT COOK (WELLINGTON).—On or about the 10th instant from a shed in Abel Smith Street, the property of GEORGE CAHAM, a gentleman's B.S.A. Kia Ora bicycle, No. 375, upturned handles, Eadie Coaster hub; value, £5. Identifiable.

ISLAND BAY.—On the 17th instant the dwelling of CHARLES FREDERICK GILCHRIST in Mersey Street was broken into, and the following articles stolen therefrom: A lady's gold open face watch; a rolled-gold muff-chain, fine curb pattern; a lady's short gold Albert, fine three-strand curb pattern, with centre piece and two ball pendants; a small gold cross about 1 in. long with P.H. on it; a greenstone heart about 1½ in. long with "Kia Ora" on it; a gold bangle set with three or four stones (supposed sapphires and diamonds); a gold three-bar brooch set with rubies and diamonds; a lady's gold ring set with horse-shoe of pearls with a diamond in centre; a lady's gold dress-ring set with two rubies and a diamond; a lady's 18 ct. gold wedding-ring; and a lady's 9 ct. gold keeper-ring with ivy-leaves on it: total value £21 7s. Identifiable.

ASHBURTON.—On or about the 12th instant from the dwelling of THOMAS WILSON, Tinwald, a lady's black-enamelled Royal Enfield bicycle, upturned handles, steel mud-guards, rim brakes (front one broken), rubber pedals; two shirts; a pair of woollen drawers; a pair of black socks; a pair of boy's stockings; two cold chisels; and two oval 16 in. files: total value, £5 4s. 6d. Identifiable.

DUNEDIN.—30th ultimo from a boat-shed in Beach Road, the property of A. H. TONKINSON, a gentleman's black-enamelled free-wheel B.S.A. bicycle, No. 175, upturned handles, black-and-white grips, steel rims and mud-guards, Eadie Coaster hub, rat-trap pedals; value, £6. Identifiable.

### PROPERTY RECOVERED.

HAMILTON.—FRANCIS O'BRIEN'S horse has been found straying: not stolen. (See *Police Gazette*, 1915, page 775.)

DANNEVIRKE.—MINA WILSON'S bicycle has been recovered. (See *Police Gazette*, 1915, page 789.)

OXFORD.—MILES VERRALL'S harness has been recovered, and **Hugh Andrew Upritchard** arrested for the offence by the Christchurch police. (See *Police Gazette*, 1915, page 737.)

OXFORD.—THOMAS J. FRAME'S harness has been recovered, and **Hugh Andrew Upritchard** arrested for the offence by the Christchurch police. (See *Police Gazette*, 1915, page 737.)



OXFORD.—WILLIAM THOMAS DENNIS'S harness has been recovered, and **Hugh Andrew Upritchard** arrested for the offence by the Christchurch police. (See *Police Gazette*, 1915, page 803.)

### MISSING.

PETONE.—Since the 12th instant, **Reginald George Dick**, age five, fair hair and complexion, blue eyes; dressed in black velvet knickerbockers, blue jumper, green belt, and brown hat. Fears are entertained for his safety. Inquiry y J. Dick, 10 Sydney Street.

### DESERTERS FROM HIS MAJESTY'S SERVICE.

*From the New Zealand Expeditionary Force.*

UPPER HUTT.—18th ultimo, from Trentham Camp, **Alexander Charles Anderson**, age thirty, height 5 ft. 6 in., motor-bicycle agent, native of New Zealand, medium build, fresh complexion, black hair, brown eyes. His address prior to enlistment was Cuba Street, Wellington.

UPPER HUTT.—On or about the 6th instant, from Tauherenikau Camp, **Lawson Webster**, age twenty-eight, height 5 ft. 5½ in., labourer, native of New Zealand, medium build, fresh complexion, brown hair, grey eyes, next-of-kin, W. P. Webster, Cheviot, McKenzie Township. He was last employed by Fletcher Bros., Invercargill.

UPPER HUTT.—18th ultimo, from Trentham Camp, **Ernest Patrick Keetley**, age thirty-four, height 5 ft. 4½ in., seaman, native of Ireland, medium build, fair complexion, brown hair turning grey, blue eyes, broken nose (turned to right side). His last employer was Sydney Johnston, Takapau, and his address prior to going to camp was 84 Dixon Street, Wellington.

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

PENZANCE (ENGLAND).—6th September, 1915. Inquiry is requested for **William Richard Hosken**, age thirty-three, height 5 ft. 4 in., bricklayer, mason, and farm labourer, slim build, dark complexion, dark-brown hair, dark hazel eyes. He came to New Zealand in March or April last. Inquiry by the Under-Secretary for Internal Affairs on behalf of Mrs. T. P. Hosken, 34 Alverne Buildings, Penzance, Cornwall. (P. 15/1623.)

### MISCELLANEOUS INFORMATION.

Members of the Force will please note that this is the last issue of the *Police Gazette* this year.

#### *Subscriptions to War Relief Funds.*

The following subscriptions for the month of November have been received from members of the Force in each district towards the War Relief Funds:—

District.	Wounded Soldiers' and Dependents' Relief Fund.	Belgian Relief Fund.
	£ s. d.	£ s. d.
Auckland .. ..	29 3 3	6 12 3
Hamilton .. ..	13 19 0	1 16 6
Napier .. ..	10 19 6	4 16 10
Wanganui .. ..	18 9 9	2 3 6
Wellington .. ..	15 11 3	4 9 3
Greymouth .. ..	11 7 0	.. ..
Christchurch .. ..	29 12 0	6 2 3
Dunedin .. ..	14 12 0	3 11 6
Invercargill .. ..	8 12 6	1 8 9
	£152 6 3	£31 0 10

Wellington, 16th December, 1915.

J. CULLEN,  
Commissioner of Police.

### *Publications prohibited under War Regulations Act, 1914.*

With reference to the notice published in *Police Gazette*, 1915, page 805, prohibiting the sale of certain books, members of the Force in charge of stations are hereby directed to warn persons in charge of public libraries in their sub-districts of such prohibition, and also draw their attention to clause 2 (d) of the War Regulations of the 11th October, 1915 (published in *Police Gazette*, 1915, page 712), which provides that no person having possession or custody of any such prohibited publication shall deliver or offer to deliver the same to any other person, or permit the same to be read or examined by any other person.

Wellington, 18th December, 1915.

J. CULLEN,  
Commissioner of Police.

### LAW REPORTS.

(“New Zealand Law Reports,” Vol. xxxiv, page 1046.)

[S.C. IN BANCO, DUNEDIN—(SIM, J.)—2ND AND 28TH OCTOBER, 1915.]

CROSSAN v. SIVYER.

*Licensing—Offences—Sale of Liquor to be taken into No-license District—Order by Telegraph—“Signed by the Purchaser”—Signature of Agent—Insufficiency—Licensing Act, 1908, Sections 146 and 147—Licensing Amendment Act, 1914, Section 8, Subsection 5.*

An order under subsection 5 of section 8 of the Licensing Amendment Act, 1914, for liquor intended to be taken into a no-license district must be signed by the purchaser of such liquor in person, the signature of an agent not being a sufficient compliance with the subsection.

The appellant received a money-order telegram for 15s. from a person residing in Owaka, within a no-license district. The transcript received by him was as follows: “Send three bottles whisky J. Buchanan, Owaka.” “J. Buchanan, Trolleyman, Owaka.” The original was signed by Buchanan, and was handed by him to the telegraph officer at Owaka for transmission in the ordinary course to the appellant.

*Held*, 1. That the signing of the appellant's name to the order by the telegraph clerk was not sufficient for the purposes of subsection 5 of section 8 of the Act of 1914.

2. That the original telegram deposited in the telegraph-office at Owaka was not an order within subsection 5.

APPEAL from the decision of J. R. Bartholomew, Esq., S.M. at Dunedin.

The facts are sufficiently stated in the judgment.

W. G. Hay for the appellant:—

Personal signature of an order is not required under subsection 5 of section 8. Here the telegraph clerk was the purchaser's agent to rewrite the order and deliver it: See Regulation 8 under the Post and Telegraph Act, 1908 (*N.Z. Gazette*, 1910, Vol. 1, p. 126); Halsbury's Laws of England (Vol. xxvii, p. 394, par. 781); *McBlain v. Cross* (25 L.T. 804); *Godwin v. Francis* (L.R. 5 C.P. 295, at p. 303). The signature by an agent is sufficient unless it is specially provided by statute that the personal signature is required: Halsbury's Laws of England (Vol. i, p. 148, par. 328); *Reg. v. Justices of Kent* (L.R. 8 Q.B. 305); *In re Whitley Partners (Limited)* (32 Ch.D. 337); *Stroud's Judicial Dictionary* (2nd ed. Vol. iii, p. 1882). The statute here does not require personal signature. The Magistrate has held that the section provided for a personal signature in order to identify the purchaser. This would preclude a person who could not write, either by reason of illness or ignorance, from ordering liquor. If the Magistrate was right in holding that a personal signature is necessary the original telegram fulfils this requirement. The original was filed at the telegraph-office, and is available for three months from the date of filing.

W. C. MacGregor, K.C., for the respondent:—

The words of subsection 5 must be construed in their literal sense. “Signed by the purchaser” can have only one meaning—viz., personal signature. As to the construction of words of a statute see *Broom's Legal Maxims* (8th ed. 439) and *Hutton v. Hutton* (13 Gaz. L.R. 201). The cases cited where an agent's signature was accepted are all cases of contract. They are not authorities to justify the proposition that an agent can comply with a statutory provision: *Stroud's Judicial Dictionary* (2nd ed. Vol. iii, p. 1882). Personal signature was required in *Toms v. Cuming* (7 M. & G. 88; 14 L.J. C.P. 67); *Hyde v. Johnson* (2 Bing. N.C. 776); *Williams v. Mason* (28 L.T. 231); *Swift v. Jewsbury* (L.R. 9 Q.B. 301), and *Wilson v. Wallani* (5 Ex.D. 155). The vendor receives only the transcript of the telegram, and this

is not signed by the purchaser. As to the operation of a transcript see *Rex v. Lawrence* (25 N.Z. L.R. 129; 7 Gaz. L.R. 559, at p. 566); *Stevenson v. Stevenson* (8 Gaz. L.R. 692), and *Curtice v. London City and Midland Bank (Limited)* ([1908] 1 K.B. 293). If a telegram is held to be sufficient any other form of agency would be sufficient, and thus the object of the statute would be defeated.

Hay in reply.

*Our adv. vult.*

Sim, J.:

The appellant is a hotelkeeper in Dunedin. On the 21st June, 1915, he received a money-order telegram from J. Buchanan, of Owaka, for 15s. The transcript received by him was in these terms:—

"Send three bottles whisky J. Buchanan, Owaka.

"J. BUCHANAN, Trolleyman, Owaka."

The original of the telegram thus received was signed by J. Buchanan and handed by him to the telegraph officer at Owaka for transmission in the ordinary course to the appellant. In pursuance of this telegram the appellant sent three bottles of whisky to Buchanan at Owaka, which is situated in a no-license district. The Magistrate (Mr. Bartholomew) held that the telegram thus received by the appellant was not an order signed by the purchaser within the meaning of subsection 5 of section 8 of the Licensing Amendment Act, 1914, and that the appellant had been guilty, therefore, of a breach of that section.

It was contended on behalf of the appellant that the order required by subsection 5 need not be signed by the purchaser in person, but might be signed by an agent, and that the order here had been signed on behalf of the purchaser by the telegraph clerk who wrote out the transcript received by the appellant. If signature by an agent is sufficient, then the cases of *Goodwin v. Francis* (L.R. 5 C.P. 295) and *McBlain v. Cross* (25 L.T. 804) appear to be authority for saying that the writing by the telegraph clerk of the purchaser's name on the transcript would be a signature by the purchaser. The question in these cases was whether a telegram was a sufficient memorandum to satisfy the Statute of Frauds. In *Goodwin v. Francis* (L.R. 5 C.P. 295) all the Judges took the view that the transcript written and signed by the telegraph clerk, with the seller's name thereon, was a sufficient signature on behalf of the seller to satisfy the statute. Brett, J., expressed the opinion also that the signature to the instructions for the telegram amounted to a signature of the contract embodied in the telegram. That opinion was approved of by Willes, J., in *McBlain v. Cross*. (25 L.T. 804.)

The question, then, is whether signature by an agent is sufficient for the purposes of subsection 5 of section 8 of the Act of 1914. The general rule is clear that, where a person authorizes another to sign for him, the signature of the person so signing is the signature of the person authorizing it; *Reg. v. Justices of Kent* (L.R. 8 Q.B. 305, at p. 307); *In re Whitley Partners (Limited)* (32 Ch.D. 337). But that rule does not apply to any case where a statute dealing with the signing of a document makes it clear that personal signature is required. Is the present, then, such a case? In determining that question it is necessary to consider what the law was before the Act of 1914 was passed. The object of the legislation with regard to no-license districts is to prevent anything in the way of trade in liquor in such districts, and to make the path of the illicit trader as difficult as possible. This object is sought to be carried out in sections 146 and 147 of the principal Act. Under section 147 every person giving an order for liquor intended for a no-license district had to notify the person to whom the order was given that the liquor was so intended, and to give him a statement in writing of his name and address, and if he was an agent the name and address of his principal (subsection 1 (a)). Now, it is reasonably clear, I think, that the object of the Amendment Act of 1914 was not to increase the facilities for getting liquor into no-license districts, but to impose further restrictions on the importation of liquor into such districts, and to make it easier for the police to trace each transaction in liquor intended for such a district from the time the order was given until the liquor was delivered by the carrier at the purchaser's residence. But if the appellant's argument be sound an order under the Act of 1914 may be signed by an agent in the name and on behalf of the purchaser without disclosing his own name, or without, indeed, disclosing the fact that the signature was not written by the purchaser himself. Such a construction, instead of facilitating, would make it more difficult to trace transactions in liquor, and would thus tend to defeat the obvious intention of the Legislature. The fact that nothing is said in the Act of 1914 about orders by agents makes it clear, I think, that the intention was to supercede the provision of subsection 1 (a) of section 147 with regard to orders by agents, and to make it necessary in every case for the purchaser to give a written order signed by himself for

liquor intended for a no-license district. In this way troublesome questions of agency and authority are eliminated, and the investigation of transactions in liquor for no-license districts is made easier. These considerations are sufficient to establish, I think, that the case is not one to which the general rule applies, and that it comes within the principles applied in such cases as *Hyde v. Johnson* (2 Bing. N.C. 776), *Toms v. Cuming* (7 M. & G. 88; 14 L.J. C.P. 67), *Swift v. Jewsbury* (L.R. 9 Q.B. 301), and *Fricke v. Van Grutten* ([1896] 2 Ch. 649), in each of which personal signature was held to be required by the statute or rule under consideration.

It was contended, also, by counsel for the appellant that the original telegram deposited by the telegraph office at Owaka was an order within the meaning of subsection 5. This argument finds some support from the decision in the case of *Fountain v. McDonnell* (23 N.Z. L.R. 913; 7 Gaz. L.R. 14, in which such a telegram was held to be an application under section 236 of the Justices of the Peace Act, 1882. The language of subsection 5 makes it impossible, however, to adopt any such construction in the present case. It is clear from the provisions with regard to the filing and production of the order that the seller must have the original order signed by the purchaser in his own personal possession before he acts on it in any way.

The result is that the decision of the Magistrate is affirmed, and the appeal dismissed, with costs £5 5s.

Appeal dismissed.

Solicitors for the appellant: Solomon, Gascoigne, & Hay (Dunedin).

Solicitors for the respondent: MacGregor & Ramsay, Crown Solicitors (Dunedin).

\* ("New Zealand Law Reports," Vol. xxxiv, page 1084.)

[S.C. IN BANCO, WELLINGTON—(STOUT, C.J.)—13TH AND 17TH NOVEMBER, 1915.]

KLEIN v. TUTTY.

*Statute—Construction—Res judicata—Liability of Putative Father to maintain Illegitimate Son—Order under former Act expired—Extended Liability under later Act—Matter not to be reopened—Destitute Persons Act, 1894, Section 9—Destitute Persons Act, 1910, Sections 4, 5, 8, 39, 67, 85.*

Under the Destitute Persons Act, 1894, section 9, the appellant was in 1903 declared to be the putative father of the son of the respondent, and was ordered to pay for his maintenance till he attained the age of fourteen. The order expired on the 22nd of July, 1915, and on the 7th of September, 1915, upon the application of the respondent, the Magistrate made a new order under sections 8 and 85, subsection 3, of the Destitute Persons Act, 1910, for the maintenance of the boy up to the age of sixteen.

Held, That the original order was a final order on the merits, and that the matter, being *res judicata*, could not be reopened.

*Eyre v. Wynn-Mackenzie* ([1896] 1 Ch. 135) and *Lemm v. Mitchell* ([1912] A.C. 400) followed.

There is, however, ample power under section 4 of the Act of 1910 to force the appellant to maintain the boy without the condition as to age in section 8.

APPEAL from an order under section 8 of the Destitute Persons Act, 1910, by D. G. A. Cooper, Esq., Stipendiary Magistrate at Wellington.

The Magistrate dismissed the application under section 39 to vary the order. The other facts and the nature of the arguments are sufficiently stated in the headnote and judgment.

Jellicoe, for the appellant, cited *Eyre v. Wynn-Mackenzie* ([1896] 1 Ch. 135), *Lemm v. Mitchell* ([1912] A.C. 400, at pp. 405-406), and *Gardner v. Lucas* (3 A.C. 582, at p. 603.)

A. Dunn, for the respondent, cited *Sutherland v. McGimpsey and Another* (17 N.Z. L.R. 431; 1 Gaz. L.R. 28.)

*Our adv. vult.*

Stout, C.J.:

This is an appeal on a question of law from the decision of the Stipendiary Magistrate sitting in Wellington. The facts are that in 1903 an application was made by the respondent to the Magistrate's Court in Wellington for an order under the Destitute Persons Act, 1894, declaring that the appellant was the putative father of an illegitimate child borne by the respondent, and providing for the maintenance of the child. An order was made declaring the appellant to be the putative father, and ordering him to pay 7s. 6d. per week for its support. Under the law then in force the Magistrate could give maintenance only until the child attained the age of fourteen years. The Magistrate made an order for maintenance to be paid until the child attained that age. In



1908 the Destitute Persons Act was consolidated, and in 1910 the consolidated Act was repealed and a new law passed. By the 1910 Act all existing orders were kept in force (see section 85). Power was given in the Act (see section 39) to cancel, vary, or suspend any order made, but not till the order of 1903 had expired was any application made to the Court to vary the order, and it seems to me doubtful, if there had been an application made to vary the order before its expiry, whether the Court would have had power to extend it.

There is power under section 8 of the 1910 Act to make an affiliation order adjudging a man to be the father of an illegitimate child and making provision for the maintenance of the child subject to certain limitations. The order made is within the jurisdiction of the Magistrate, if he can make a new order—in fact, a second order. I am of opinion that he has no jurisdiction to do this. First, there is no power expressly given by the 1910 statute to do so. The order made was a final order on the merits, and it was an order warranted by the statute, and the Magistrate could not have provided for maintenance after the child attained the age of fourteen years. It is contrary to all principles of jurisprudence that a fresh order should be made now, as the matter is *res judicata*. The cases of *Eyre v. Wynn-Mackenzie* ([1896] 1 Ch. 135), and *Lemm v. Mitchell* ([1912] A.C. 400) are in point. The cases are dealt with in *Craies on Statute Law* (4th ed. 326-327). The Act cannot be deemed retrospective and as allowing a new order to be made. The very existence of section 39, giving permission to vary an existing order, negatives this, for if there was power to make a supplementary order the existence of the first order would never have destroyed that power. This is more than a mere question of procedure. The Act of 1910 granted a new right.

Section 67, which was relied on, does not help the respondent. It is only applicable if no order had been made.

The Destitute Persons Act is a statute to make persons responsible for those related to them and not able to support themselves, and if this child cannot maintain himself—and apparently he cannot—there is ample power in the statute to force his father to maintain him. By section 4 of the Act of 1910 a putative father is a "near relative" of an illegitimate child; and the mother or any reputable person, or the person in charge of the Burnham School, where the child is, could apply under section 5 of the Act to the Court to compel the father to maintain his child—that is, if he cannot maintain himself or is destitute. Under that section the age does not matter, nor is the liability of the father limited to the period mentioned in section 8.

I must allow the appeal; but, as I understand this is the first case of the kind under the statute, and under the peculiar circumstances of the case where the mother is bound to maintain, I shall not allow costs.

*Appeal allowed.*

Solicitor for the appellant: E. G. Jellicoe (Wellington).  
Solicitor for the respondent: A. Dunn (Wellington).

("New Zealand Law Reports," Vol. xxxiv, page 1051.)

[S.C. IN BANCO, DUNEDIN—(SIM, J.)—20TH AND 27TH OCTOBER, 1915.]

PURVES v. INGLES.

*Criminal Law—Police Offences—Using Indecent Language "within the Hearing of Persons in a Public Place"—Not necessary to prove Language actually heard—"Indecent," Meaning of—The Police Offences Act, 1908, Section 42—Practice—Appeal from Justices—Time within which Recognizance to be entered into—Proof of Non-compliance with Statute—The Justices of the Police Act, 1908, Sections 292 and 325.*

In order to constitute an offence under section 42 of the Police Offences Act, 1908, it is not necessary that the language complained of should have been actually heard by any person in a public place. It is sufficient if the words were spoken in such a way that they were capable of being heard by some person in a public place if such person was attending to what was happening.

Dicta of Pollock, C.B., and Parke, B., in *Reg. v. Webb* (2 C. & K. 933, at pp. 935, 939) applied.

The words, "It's no damn use talking to you; any way, you put that bloody calf out of that damn section," are "indecent" in the modern and popular acceptance of that term, and therefore within the meaning of section 42.

If a respondent wishes to raise a preliminary objection to the hearing of an appeal on the ground that section 292 of the Justices of the Peace Act, 1908, has not been

complied with, proper evidence must be brought before the Court in proof of the facts on which his objection is based.

*Held*, therefore, on an objection that a recognizance had not been entered into within the time prescribed by section 292, that the mere production of the recognizance as transmitted to the Registrar under section 325 is not proof of the circumstances in which it was given, and does not relieve the respondent of his obligation.

APPEAL from the decision of H. A. Young, Esq., S.M. at Balclutha. The facts are sufficiently stated in the judgment.

Finch, for the respondent:—

The appellant has not fulfilled the requirements as to time prescribed by the Justices of the Peace Act, 1908. The recognizance was not entered into within the time prescribed under section 292.

G. H. Thomson, for the appellant:—

The objection cannot be sustained: *Stanhope v. Thorsby* (14 L.T. 332), referred to in *Foster Moulton on Appeals* (p. 60). It must be assumed that everything in connection with the appeal is in order unless it is proved otherwise. Section 292 requires security to be given before the appeal is entered upon. The question as to when the security is given is not otherwise essential.

[Sim, J., refused to uphold the objection, the grounds of his decision being stated in his judgment.]

It should be proved as a fact that the language was heard. The Magistrate has only found that it could have been heard. This is not sufficient. The accusation was that the language was used and heard, but there is no evidence that this was the case. The language used was not "indecent." It arose out of a dispute about a calf. The language used might well have been used in reference to the calf itself in its then condition. So applied to an animal the language was not indecent.

Finch, for the respondent, referred to *Reg. v. Webb* (2 C. & K. 933, at pp. 935, 939). It is an offence if the language could be heard. The Act does not require proof that it was actually heard as long as it could have been heard if attention was paid. The language was indecent. The word "indecent" is used in its ordinary meaning, and covers anything that is unseemly: *Armstrong v. Moon* (13 N.Z. L.R. 517.)

Thomson in reply.

*Cur. adv. vult.*

Sim, J.:—

The appellant was convicted of using indecent language within the hearing of persons in a public place. The language was used by the appellant in a paddock near a public street in the Town of Balclutha, and, as the Magistrate (Mr. Young) has found, could have been heard by some children who were then in such street. It was not proved that any of these children actually heard the language, and it was contended, therefore, on behalf of the appellant, that the Magistrate was not justified in convicting the appellant. It was contended also that the language used was not indecent.

Section 42 of the Police Offences Act, 1908, under which the appellant was convicted, provides that "every person who uses any profane, indecent, or obscene language in any public place, or within the hearing of any person in such public place," is liable to imprisonment or fine. In order to constitute the offence of which the appellant has been convicted it is not necessary, I think, for the language to have been actually heard by any person in a public place. It is sufficient if the words were spoken in such a way that they were capable of being heard by some person in a public place if such person was attending to what was taking place. They are spoken, then, within the hearing of such person, although in fact they may not have been heard by him. Of course, the best way of establishing that words were spoken within the hearing of a person is by proving that such person actually heard them. But that is not the only way, for a person's attention may be absorbed by some other subject, and words spoken within his hearing may not reach his mind. His auditory nerve may have been stimulated without any accompanying psychical change taking place. The opinions expressed by the Judges in *Reg. v. Webb* (2 C. & K. 933, at pp. 935, 939) support this view of the matter. It was there said by Pollock, C.B., at page 939, that if an indictment charges that a thing was done within sight and within view of persons, that imports, not that they *did* see it, but that they *could* see it. To the same effect was the opinion expressed by Parke, B.

As to the second ground of appeal, the Magistrate was justified, I think, in holding that the language used by the appellant was indecent. The word "indecent" has no definite legal meaning, and it must be taken, therefore, in its modern and popular acceptance, in the same way as the word "profane" in the same section was taken in *Armstrong v. Moon* (13 N.Z. L.R. 517). In the *Standard Dic-*

tionary "indecent" is defined to be anything that is unbecoming or offensive to common propriety. This definition is wide enough, certainly, to cover the language in question.

I think, therefore, that the conviction must be affirmed, and the appeal dismissed, with costs £5 5s.

A preliminary objection to the hearing of the appeal was raised by counsel for the respondent on the ground that section 292 of the Justices of the Peace Act had not been complied with. There was no evidence before me on the subject, and I declined, therefore, to entertain the objection. An objection on the ground of non-compliance with any of the statutory requirements may be taken as a preliminary objection at the hearing, and this is the course usually followed. It may also be taken by an independent application to strike the case out of the list, as was done in *Great Northern, &c., Joint Committee v. Inett* (2 Q.B.D. 284). But, whichever course is adopted, the respondent must bring proper evidence before the Court in proof of the facts on which his objection is founded. This he can do either by filing an affidavit on the subject or by getting the facts stated by the Justice in the case stated. The fact that under section 325 of the Justices of the Peace Act the recognizance has to be transmitted to the Registrar of the Supreme Court does not relieve the respondent of his obligation in the matter, for the mere production of the recognizance is not proof of the circumstances in which it was given. It appears from the case stated by the Magistrate that security in this case was given by the deposit with the Clerk of the Magistrate's Court of a sum fixed by the Magistrate, but there is nothing to show when this was done.

Solicitor for the appellant: G. H. Thomson (Milton).

Solicitor for the respondent: A. A. Finch (Dunedin).

("New Zealand Law Reports," Vol. xxxiv, page 1092.)

[S.C. IN BANCO, WELLINGTON.—(STOUT, C.J.)—17TH AND 22ND NOVEMBER, 1915.]

#### RUDD v. PRICE.

*Statute—Construction—“Postal Packet having thereon Words of a Grossly Offensive Character.”—Words in a Letter within a Closed Envelope, whether included—Post and Telegraph Act, 1908, Section 83, Subsection (f).*

By section 83, subsection (f), of the Post and Telegraph Office Act, 1908, it is provided that "every person who posts any postal packet having "thereon or on its cover any words . . . of . . . a grossly offensive character is liable," &c.

*Held*, That the word "thereon" means "on the outside of the packet," and that therefore a person cannot be convicted under this subsection for posting in a closed envelope a letter the wording of which is of a "grossly offensive character."

APPEAL on point of law from a decision of D. G. A. Cooper, Esq., S.M., sitting at Wellington, whereby he convicted the appellant for that she, on the 18th day of August, 1915, at Wellington, did post a certain postal packet—to wit, a letter addressed to the Minister of Justice at Wellington—having thereon words of a grossly offensive character.

The grounds of the appeal were two—1, That there was no evidence that the appellant wrote or posted the letter complained of; and, 2, that there was no offence committed under subsection (f) of section 83 of the Post and Telegraph Act, 1908, under which section the appellant was prosecuted. It is only with regard to the second ground that the case is reported.

Jellicoe, for the appellant:—

(a.) Section 83, subsection (f), cannot be held to include an enclosure at all, and certainly not one of the description included in section 30, otherwise there would be no need for section 30. [Counsel also referred to section 37.] Section 83, subsection (e), however, does deal with articles that are enclosed in a "postal packet," and would include the contents of a "post-letter," and confirms the view urged above that subsection (f) does not include the contents of a letter. The words in subsection (f), "having thereon or on its cover," mean the same thing as the words in 8 Edw. VII, c. 48, section 63, subsection 1 (c), "has on the packet or on the cover thereof." The offensive writing referred to in subsection (f) might be on the packet and yet not on the cover, and that is what is intended to be hit by the phrasing of that subsection. The language or tone of a letter never comes within the knowledge of the Post Office officials save under sections 30 and 37. Here neither the Post Office nor the receiver of the letter made any complaint.

[Stout, C.J.—That does not help us. The question is, Does the section provide for the punishing of a person for sending a letter which no one saw but the receiver?]

(b.) Section 83 (f) was never intended to destroy legal privilege. This was a complaint against a police officer made to the head of the Department, and is therefore privileged: *Hunt v. Great Northern Railway Company* ([1891] 2 Q.B. 189, at p. 192). In an action for defamation the whole circumstances have to be looked at, and the same principle applies here.

Gray, K.C., and D. R. Hoggard, for the respondent:—

The words in section 83 (f) "or its cover" plainly mean "upon it." The subsection includes a letter by virtue of the definition of "postal packet."

[Stout, C.J.—Must not "having thereon" mean something distinct from the letter itself?]

No.

[Stout, C.J.—It must mean something different from "therein."]

Words on any page of a letter—that is to say, in a letter and being a part of it—are "words written on a postal packet." In common parlance one would use the phrase "the words appear on (e.g.) the first page" in referring to words that were a part of the letter. The policy of the Act is to prevent the Post Office from being made the innocent vehicle of disseminating libels, or, as in subsection (f), anything indecent, &c. To show that this subsection is not confined to the effect on the Post Office officials it should be noted that in *Russell on Crimes* (7th ed. Vol. ii, p. 1878) the corresponding section in the English Act—section 63—is included in the chapter on "Obscene Libels."

[Stout, C.J.—Do you know of any case like this?]

No; but the subsection has been used before in the Magistrate's Court, though there was no appeal against the conviction. If the subsection be inapplicable there is no remedy except possibly a prosecution for criminal libel, and there may be many cases where grossly offensive letters could be written without being criminally libellous. The Court will adopt an interpretation which will afford the protection sought, and it may have to make the law: *Halsbury's Laws of England* (Vol. xxvii, p. 177, par. 339), citing *Reg. v. Vine* (L.R. 10 Q.B. 195, at p. 199). See also *In re Barber* (75 Fed. Rep. 980), cited in *American and English Encyclopedia of Law* (2nd ed. Vol. xxii, p. 1075), as to liberality of construction. [Counsel also cited *Lomax v. Wilson* (19 V. L.R. 404), upon the branch of the argument which is not reported.] If the words of our subsection (f) are wide enough to cover "upon any part of a postal packet" the conviction should stand. If the power to detain and open were exercised under section 30 it would be impossible to say that section 83 could not be invoked, for the latter section is very general, and renders all persons liable, whatever the rights of the Postmaster. The case is bare of authority and must proceed upon general principles, having regard to the nature of the offence and the object of the Act. The words "or on its cover" put our construction beyond question, because if "thereon" was always to apply to the outside of the postal packet those words would not be necessary.

Jellicoe, in reply:—

In *Lomax v. Wilson* (19 V. L.R. 404) the section was something like our section 83 (e), but not like 83 (f), and it makes my case because it shows that if it is desired to strike at the contents of a letter the statute expressly says so. *Reg. v. Vine* (L.R. 10 Q.B. 195) dealt only with the retrospective effect of legislation, and is discussed in *Maxwell on Statutes* (5th ed. 362).

*Our. adv. vult.*

Stout, C.J.:—

[After stating the grounds of appeal and disposing of the first one His Honour proceeded.]

The second ground turns on the true meaning of subsection (f). The words of the subsection are, "Every person who posts any postal packet having thereon or on its cover any words, marks, design, or representation of an indecent, obscene, or grossly offence character is liable, &c. This is not the only paragraph dealing with the posting of improper packets. Section 83, subsection (c), makes it an offence to post any packet containing any filthy or noxious substance, &c. Subsection (e) makes it an offence to post (i) any sharp instrument not properly covered, or (ii) any animal or thing which is noxious or likely to injure other postal packets, or (iii) any indecent or obscene print, painting, photograph, engraving, book, card, article, or representation of any kind. Subsection (f) follows this last subsection (e), and must be meant to make provision for something different from that which is already provided for in subsection (e). Now, subsection (e), paragraph (iii), is dealing with the contents of a postal packet, and makes it an offence to post a postal packet containing any indecent or obscene print, &c. Strange to say, the word "writing" does not appear in this paragraph (iii), but it may be held that the word "article"



will include writing. If, then, this paragraph is dealing with the contents of a postal packet, can it be said that subsection (f) is also dealing with the contents of a postal packet? Was it necessary to have repeated in subsection (f) the enactment which had already been made, or must subsection (f) be interpreted as dealing with another class of offence? In my opinion the words "having thereon" cannot be read as "having therein," because, as I have said, the provisions of subsection (e) all deal with that question, and therefore subsection (f) was meant to make it an offence to put on the outside of a postal packet or on its cover any words, marks, design, or representation of an indecent, obscene, or grossly offensive character.

This view is strengthened by many considerations. First, section 30, subsections 1 and 2, deal with the contents of postal packets, and provides as follows:—

"1. Where the Postmaster-General or any Postmaster has reason to suspect that any postal packet (other than a letter or letter-card) addressed to any person (either by his own or any fictitious name or assumed name), or to any address without a name, posted in New Zealand or elsewhere, contains or is supposed to contain any printed or written matter of any kind, or any enclosure of any kind—

"(a.) Which is of a libellous, blasphemous, indecent, or immoral nature, or likely to have an indecent or immoral effect; or

"(b.) In advertisement of any lottery or scheme of chance—

he may cause such postal packet to be detained and opened, and if it is found to contain any such matter or enclosure he shall cause the postal packet and the contents thereof to be destroyed.

"2. If any Postmaster has any doubt as to whether the provisions of this section should be enforced in any particular case he shall refer the matter to the Postmaster-General, whose decision shall be final."

It will be seen from this section that the contents of a letter cannot be inquired into by the Postmaster-General; he has no power to detain or open a letter—he can only open a postal packet other than a letter or letter-card. It looks, therefore, as if, so far as letters are concerned, his power is limited. It will be seen that section 30 deals entirely with the contents of a postal packet, and is different, therefore, from section 83, subsection (f), which deals with something that can be seen on the postal packet or its cover. In this case there is no allegation that what appeared in the letter was indecent or obscene. The only charge is that it was "grossly offensive," and the words said to be grossly offensive are part of a letter. They are not something put on the letter different from the letter itself. In my opinion, therefore, they do not come within the words of subsection (f).

A reference to the English law on the subject may also be interesting. In the English Post Office Act, 1908, there is provision for dealing with this class of case. Section 63 of the Post Office Act, 1908 (Imperial statute, 8 Edw. VII, c. 48), is somewhat analogous to our section 83. It provides for, first, a person sending or attempting to send a postal packet which encloses an explosive substance, a dangerous substance, any filthy, noxious, or deleterious substance, any sharp instrument not properly protected, any living creature which is either noxious or likely to injure any other postal packets, or any article or thing whatsoever which is likely to injure any other postal packets in the course of conveyance or an officer of the Post Office. Then follows a provision similar to our subsection (e), paragraph (iii). It says, "(b) Or encloses any indecent or obscene print, painting, photograph, lithograph, engraving, book, or card, or any indecent or obscene article whether similar to the above or not," and then it proceeds, "(c) or has on the packet or on the cover thereof any words, marks, or designs of an indecent, obscene, or grossly offensive character." There can, I think, be no doubt that if the charge which is laid in this case had been laid under section 63 of the English Act it would have been invalid. The words are "has on the packet." Those words are clear, and I am of opinion that our words "having thereon" must mean the same thing—namely, "having on the packet"—especially as, as I have said, there is provision made in our statute, just as there is in the English statute, for punishing those who send certain things through the Post Office enclosed in a packet which are indecent, &c.

It was admitted by counsel who argued the case that they could find no case in England in which the offence charged in this case has been substantiated, and the American law seems to be the same as ours in only punishing for offensive marks on the outside of the packet: See American and English Encyclopædia of Law (2nd ed. Vol. xxii, p. 1075).

The only authority which has been cited which I think does raise a question for consideration is the case of *Lomax v. Wilson* (19 V. L.R. 404), but that was a case under a statutory provision similar to our paragraph (iii) of subsection (e). The Victorian statute provided—

"If any person knowingly puts into any post-office in Victoria any letter, packet, parcel, or newspaper bearing any indecent, obscene, profane, or libellous address, signature marks, words, or designs, or containing any indecent or obscene print, photograph, lithograph, writing, engraving, book, or card, or other indecent or obscene article, he shall be liable to a penalty of not less than five nor exceeding fifty pounds."

It was a letter in that case which contained indecent writing, and it was held that it was within the section, just as it would, I suppose, have been under our law if the word "article" included "writing." It is strange that the word "writing" should have been omitted from our statute, but that case is not an authority for the contentions submitted by the respondent in this case. It may be that we ought to have had in our statute the word "writing," but, strange to say, it does not appear in the English Act from which apparently our Act has been copied; but it may be that our statute is sufficient to punish those who post a postal packet containing indecent writing. However, that is not the point raised in this appeal.

I may add that this is a statute creating an offence that the Court is called upon to interpret, and the principle which should be applied in interpreting provisions defining criminal acts is clear—namely, that if the words are ambiguous then they are not sufficient. They must be clear. If the words are clear then the Court must act: See Maxwell on Statutes (4th ed. 395). In this case it cannot be said that the words are clear. In fact, I think they clearly show that subsection (f) was not intended to deal with the contents of a postal packet.

I am therefore of opinion that the appeal must be allowed. It is not usual to grant costs against an informant if the informant is a police officer acting in pursuance of his duty. That, however, is not this case. This is practically a private prosecution by a police officer who had charges improperly made against him, and he has laid the information in his own defence, and therefore the usual rule as to costs must apply. One half the argument, however, was on a question in which the appellant failed, and I shall therefore allow only £4 4s. costs.

*Appeal allowed.*

Solicitor for the appellant: E. G. Jellicoe (Wellington).

Solicitors for the respondent: Gray & Jackson (Wellington).

## EXTRACTS FROM NEW ZEALAND GAZETTE.

(From Gazette, 1915, pages 4031 and 4051.)

*Additional Regulations under the War Regulations Act, 1914.*

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this thirteenth day of December, 1915.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

I, ARTHUR WILLIAM DE BRITO SAVILE, Earl of Liverpool, the Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, do hereby, in pursuance of the War Regulations Act, 1914, and of all other powers and authorities enabling me in that behalf, make the following additional regulations under that Act.

### REGULATIONS.

1. THE War Regulations of the 15th day of November, 1915 (relating to the permits required by persons leaving New Zealand) are hereby amended by revoking clause 5 thereof.

2. The said War Regulations are further amended by adding to paragraph (c) of clause 6 thereof the words "other than a ship arriving from a port in the Commonwealth of Australia."

J. F. ANDREWS,  
Clerk of the Executive Council.

*Inspector of Factories appointed.*

Department of Labour,  
Wellington, 10th December, 1915.

HIS Excellency the Governor has been pleased to appoint

Constable WILLIAM HENRY ALMOND

to be an Inspector under the Factories Act, 1908. The appointment is dated the 9th day of December, 1915.

W. F. MASSEY,  
Minister of Labour.

*Inspector of School of Anatomy, Dunedin, appointed.*

Department of Internal Affairs,  
Wellington, 13th December, 1915.

HIS Excellency the Governor has been pleased to appoint

ARTHUR HOBBS WRIGHT,

Superintendent of Police, Dunedin, to be an Inspector of the School of Anatomy at Dunedin, under Part II of the Medical Act, 1908.

G. W. RUSSELL,  
Minister of Internal Affairs.



## Return of Persons summarily convicted at Magistrates' Courts, but not sent to Gaol.

Name of Offender.	Where tried.	When.	Offence.	Sentence.	Native of	Trade.	Birth.	Height.	Complexion.	Hair.	Eyes.	Nose.	Distinguishing Marks, &c.
Curtis, Ernest Arnold, <i>alias</i> Curtis, Ernest	Auckland	6/12/15	drunkenness .. breach of his prohibition order	.. convicted and discharged to come up if called on	N. Zealand	carter	1892 5 11	5 11	fresh ..	fair	blue ..	Grecian ..	15 p.c. Nine small moles on back of neck. F.P. (See <i>Police Gazette</i> , 1915, page 768.)
Neilson, James ..	Auckland	7/12/15	drunkenness ..	.. convicted and discharged	Australia ..	fireman	1893 5 7	7	dark ..	brown	brown ..	medium	Clasped hands and heart on right forearm; left arm deformed.
Smith, Herbert ..	Auckland	7/12/15	obscene language default of maintenance	.. fined £2 14 days	N. Zealand	driver	1875 5 11	5 11	dark ..	dark	brown ..	medium	Strong build. Warrant suspended while he pays 5s. per week.
Ellis, John Percy ..	Auckland	7/12/15	failing to maintain	.. to pay 7s. 6d. per week	N. Zealand	brewery worker	1880 5 7	7	fresh ..	red	brown ..	medium	Blotches on face.
Knight, Arthur ..	Auckland	8/12/15	breaking, entering, and theft (3 charges)	and sent to Weraroa	N. Zealand	schoolboy	1905 4 10	10	fresh ..	fair	hazel ..	medium	2 p.c. F.P.
Brown, Louie Ernest	Auckland	8/12/15	breaking, entering, and theft (3 charges)	and sent to Weraroa	N. Zealand	schoolboy	1905 4 6	6	fresh ..	dark	brown ..	medium	3 p.c. F.P.
Richardson, William	Auckland	8/12/15	drunkenness ..	.. convicted and discharged and prohibited	Australia ..	compositor.	1868 5 3	3	sallow ..	grey, going bald	blue ..	medium	Left arm has been broken. F.P. (See <i>Police Gazette</i> , 1914, page 723.)
Wilson, Martha, <i>alias</i> Lee	Auckland	8/12/15	obscene language soliciting prostitution	.. fined £1 fined £2	N. Zealand	prostitute	1868 5 3	3	fresh ..	brown	blue ..	medium	Stout build; left foot has been injured. (See <i>Police Gazette</i> , 1913, page 329.)
Rewhia Potia ..	Onehunga	22/11/15	theft ..	.. to come up if called on	..	schoolboy	1903 4 10	10	dark ..	black	brown ..	broad	
Wood, Charles John	Onehunga	4/12/15	theft ..	.. fined £2	England ..	fisherman	1877 5 9	9	fresh ..	brown	hazel ..	broad	
Christine, Daniel ..	Onehunga	10/12/15	wilful damage assault ..	.. to pay damage .. convicted and discharged	N. Zealand	labourer	1895 5 8	8	fresh ..	dark	grey ..	medium	
Lacey, John ..	Te Aroha	8/12/15	breach of the peace	.. fined 10s.	Tasmania ..	miner	1887 5 10	10	fresh ..	brown	blue ..	medium	Stout build; full round face.
Glover, John Reginald	Te Aroha	7/12/15	breach of the peace	.. fined £1	N. Zealand	labourer	1875 5 5	5	fresh ..	dark, turning grey	blue ..	medium	
Gavin, Charles Victor	Te Aroha	7/12/15	breach of the peace	.. fined £1	N. Zealand	farmer	1892 5 7	7	fresh ..	dark	blue ..	medium	
Roka Peteena ..	Te Aroha	7/12/15	assault ..	.. fined £10	..	labourer	1892 5 6	6	copper ..	black	brown ..	flat	Burn-mark on right hand; a half-caste Maori.
Box, John ..	Te Aroha	9/12/15	breach of the peace	.. fined 10s.	N. Zealand	horsebreaker	1885 5 10	10	fresh ..	brown	hazel ..	hooked ..	Slovenly appearance.
Parker, Louis Ernest	Hamilton	6/12/15	theft ..	.. convicted and discharged	England ..	hotel porter	1878 5 2	2	fresh ..	brown	hazel ..	medium	Weak eyes; slight impediment in speech; scar on bridge of nose.
Robertson, James ..	Hamilton	11/12/15	rogue and vagabond	.. to come up if called on	Tasmania ..	labourer	1866 5 8	8	fair ..	red	hazel ..	medium	
Southgate, George ..	Hamilton	11/12/15	rogue and vagabond	.. to come up if called on	England ..	cook	1874 5 4	4	fresh ..	black	hazel ..	medium	
Heta, Allen ..	Rotorua	4/12/15	drunkenness .. obscene language	.. fined 10s. .. fined £3	..	bushman	1891 5 10	10	copper ..	black	brown ..	flat	Strong build; left wrist has been dislocated.

## Return of Persons summarily convicted at Magistrates' Courts, but not sent to Gaol—continued.

Name of Offender.	Where tried.	When.	Offence.	Sentence.	Native of	Trade.	Birth	Height	Complexion.	Hair.	Eyes.	Nose.	Distinguishing Marks, &c.
Ngoungou Timi ..	Rotorua ..	6/12/15	theft ..	.. to come up if called on and to make re-stitution	N. Zealand	labourer	1898 5 7	ft. in. 5 7	brown ..	black	.. brown ..	flat ..	A half-caste Maori.
Wilson, Neil ..	N. Plymouth ..	18/11/15	drunk and disorderly ..	.. fined 10s. ..	aboriginal	farmer	1873 5 10	5 10	copper ..	black	.. olive ..	medium	
Naesmith, Andrew ..	Stratford ..	10/12/15	theft ..	.. fined 10s. and 6d pay damage	N. Zealand	baker	1888 6 1	6 1	fresh ..	dark	.. blue ..	straight ..	
Copestake, Joseph ..	Napier ..	6/12/15	breach of the peace ..	.. fined £2 and prohibited	N. Zealand	labourer and jockey	1889 5 1	5 1	fresh ..	fair	.. blue ..	long, pointed	Ulcers on legs. (See Police Gazette, 1912, page 658.)
Ryan, Thomas ..	Hastings ..	8/12/15	wilful damage ..	.. fined £2 ..	Ireland ..	butcher	1866 5 8	5 8	fresh ..	brown	.. blue ..	medium	1 p.c. for breach of the peace (not gazetted). Rolling gait.
Sloan, Cyril ..	Taihape ..	11/12/15	wilful damage (2 ch'ges) ..	.. fined 12s. 6d. on each and pay damage	N. Zealand	labourer	1897 5 7	5 7	dark ..	dark brown	grey ..	medium	
Kite, William ..	Taihape ..	11/12/15	wilful damage (2 ch'ges) ..	.. fined 12s. 6d. on each and pay damage	England ..	labourer	1896 5 5	5 5	dark ..	dark	.. dark ..	medium	
Helem, Alfred ..	Taihape ..	11/12/15	wilful damage (2 ch'ges) ..	.. fined 12s. 6d. on each and pay damage	N. Zealand	labourer	1895 5 6	5 6	fresh ..	brown	.. one blue and one brown	medium	
Matthews, Arthur Herbert ..	Taihape ..	11/12/15	wilful damage (2 ch'ges) ..	.. fined 12s. 6d. on each and pay damage	N. Zealand	labourer	1891 5 5½	5½	fresh ..	dark	.. dark br. ..	medium	
Knight, Darcy ..	Taihape ..	1/12/15	breach of his prohibition order ..	.. fined £2 ..	N. Zealand	labourer	1871 5 10½	10½	dark ..	black, turning grey	.. blue ..	medium	
Collins, Dennis ..	Eketahuna ..	28/11/15	breach of his prohibition order ..	.. fined £2 ..	Ireland ..	labourer and contractor	1880 5 9	5 9	fresh ..	brown	.. brown ..	medium	1 p.c. (not gazetted).
Waiseuan, Alexander ..	Wellington ..	6/12/15	drunkenness ..	.. convicted and discharged	Finland ..	painter	1885 5 6	5 6	fair ..	fair	.. blue ..	medium	
Dalziell, Jean ..	Wellington ..	6/12/15	wilful damage ..	.. to pay damage	Jersey ..	domestic	1865 5 6	5 6	sallow ..	grey	.. grey ..	medium	See Police Gazette, 1915, page 765.
Timbs, John ..	Wellington ..	6/12/15	rogue and vagabond ..	.. to come up if called on	Scotland ..	painter	1864 5 6	5 6	sallow ..	brown, turning grey	.. brown ..	medium	
Rhodes, James ..	Wellington ..	7/12/15	conveying liquor to military camp ..	.. to fined £2 ..	England ..	labourer	1840 5 4	4	dark ..	grey	.. hazel ..	medium	See Police Gazette, 1911, page 257.
Fitzgerald, William Garnett ..	Wellington ..	7/12/15	theft (2 charges) ..	.. to come up if called on	N. Zealand	messenger	1900 5 3½	3½	fresh ..	brown	.. grey ..	medium	
Fitzgerald, John Thomas ..	Wellington ..	7/12/15	theft (2 charges) ..	.. 12 strokes of birch	N. Zealand	schoolboy	1902 4 8	8	fresh ..	dark	.. grey ..	medium	
Bailey, William Edward ..	Wellington ..	7/12/15	theft (2 charges) ..	.. 9 strokes of birch	N. Zealand	schoolboy	1902 4 8	8	ruddy ..	dark	.. brown ..	medium	
Fitzgerald, Cornelius Michael ..	Wellington ..	7/12/15	theft (2 charges) ..	.. 9 strokes of birch	N. Zealand	schoolboy	1903 4 6½	6½	fresh ..	fair	.. blue ..	medium	
Bailey, Percival Walter ..	Wellington ..	7/12/15	theft (2 charges) ..	.. 9 strokes of birch	N. Zealand	schoolboy	1904 4 0	0	ruddy ..	brown	.. brown ..	medium	



## Return of Persons summarily convicted at Magistrates' Courts, but not sent to Gaol—continued

Name of Offender.	Where tried.	When.	Offence.	Sentence.	Native of	Trade.	Boys	Height.	Complexion.	Hair.	Eyes.	Nose.	Distinguishing Marks, &c.
O'Donoghue, John Redmond	Wellington ..	8/12/15	theft	.. fined £1 and prohibited	Ireland ..	blacksmith	1850	5 10	fresh ..	grey	.. blue ..	.. medium	Scar on right shin and on lower lip. (See Police Gazette, 1914, page 46.)
Clarke, Clara ..	Wellington ..	9/12/15	drunkenness .. idle and disorderly	.. convicted and discharged to Army Home for 1 year	N. Zealand	..	1875	5 3	fresh ..	brown	.. blue ..	.. medium	
Pearce, William ..	Wellington ..	10/12/15	drunkenness .. wilful damage	.. convicted and discharged .. .. fined £1 and pay damage	England ..	.. cook	1876	5 7	sallow ..	dark	.. brown ..	.. medium	
Nordback, Hylhama ..	Wellington ..	10/12/15	drunkenness .. assault	.. convicted and discharged .. .. convicted and discharged to pay costs	Finland ..	.. fireman	1894	5 3	fresh ..	brown	.. blue ..	.. medium	
Miles, Walter Thomas ..	Wellington ..	10/12/15	obscene language	.. fined £3	N. Zealand	.. dealer	1884	5 4	fresh ..	brown	.. blue ..	.. medium	Left leg has been broken. (See Police Gazette, 1915, page 666.)
Johnston, Emily ..	Wellington ..	11/12/15	obscene language	.. fined £3	N. Zealand	.. prostitute	1882	5 8	sallow ..	brown	.. grey ..	.. medium	See Police Gazette, 1914, page 310.
Hughes, Martin ..	Westport ..	6/12/15	attempted theft	.. fined £2	Ireland ..	.. miner	1890	5 7	fresh ..	reddish-brown	grey ..	.. medium	
Pearse, Frank ..	Christchurch	3/12/15	obscene language	.. fined £1	England ..	.. labourer and seaman	1860	5 10	fresh ..	fair, turning grey	blue ..	.. medium	
Jack, Francis Alexander ..	Christchurch	10/12/15	theft of postal packets	.. to pay costs	N. Zealand	.. telegraph messenger	1899	5 7	fair ..	fair	.. blue ..	.. medium	Large mouth.
Angus, William Thomas ..	Methven ..	1/12/15	assault	.. fined £2	N. Zealand	.. soldier	1885	5 7	fresh ..	dark brown	grey ..	.. medium	Erect gait.
Angus, Robert ..	Methven ..	1/12/15	wilful damage	.. to pay damage	N. Zealand	.. soldier	1889	5 10	fresh ..	dark brown	grey ..	.. medium	Erect gait.
Brawley, John ..	Methven ..	1/12/15	assault	.. fined £2	N. Zealand	.. farmer	1886	5 10	fresh ..	dark	.. dark ..	..	Bow legs.
Beale, Frederick ..	Temuka ..	23/11/15	assault	.. fined £1	England ..	.. drover	1894	5 5	sallow ..	dark	.. blue ..	.. medium	
Bateman, Frederick ..	Temuka ..	7/12/15	wilful damage	.. fined 10s.	N. Zealand	.. engine-driver	1879	6 1	dark ..	black	.. blue ..	.. medium	Full round face.
McGillen, John ..	Temuka ..	7/12/15	illegally on licensed premises	.. fined £2	N. Zealand	.. labourer	1889	5 10	fair ..	brown	.. blu ..	.. medium	Surly appearance.
Heron, William ..	Temuka ..	7/12/15	breach of his prohibition order	.. fined 10s.	N. Zealand	.. labourer	1883	5 10	sallow ..	brown	.. hazel ..	.. prominent	Slovenly appearance.
Hobbs, James Herbert ..	Temuka ..	7/12/15	breach of his prohibition order	.. fined 5s.	N. Zealand	.. labourer	1881	5 9	sallow ..	brown	.. hazel ..	.. prominent	
Elder, James ..	Temuka ..	7/12/15	supplying liquor to a prohibited person (2 charges)	.. to a fined £3 on each	England ..	.. wheelwright	1872	5 6	ruddy ..	light brown	grey ..	.. medium	
Hoare, James ..	Clyde ..	11/12/15	resisting police	.. fined £1	Ireland ..	.. labourer	1860	5 9½	fresh ..	dark going bald	blue ..	.. short ..	Deaf.
Edwards, Leah ..	Dunedin ..	6/12/15	obscene language	.. convicted and discharged to Army Home for 1 year	N. Zealand	.. domestic	1890	5 1½	fresh ..	dark brown	grey ..	.. medium	Scar on chin and over right eye.

## Return of Persons summarily convicted at Magistrates' Courts, but not sent to Gaol—continued.

Name of Offender.	Where tried.	When.	Offence.	Sentence.	Native of	Trade.	Born.	Height.	Complexion.	Hair.	Eyes.	Nose.	Distinguishing Marks, &c.
Boreham, Ida ..	Dunedin ..	8/12/15	theft ..	.. to come up if called on	N. Zealand	florist's assistant	1899	5 2 $\frac{1}{2}$ ft. in.	dark ..	dark brown	hazel ..	long	
Bosward, Arthur George ..	Dunedin ..	10/12/15	trespass ..	.. to come up if called on and prohibited	Tasmania..	labourer and fireman	1886	5 5 $\frac{1}{2}$	fresh ..	brown ..	dark br.	medium	Heart, cross. and anchor on right arm; heart, clasped hands. TRUE LOVE, and star on left arm. (See <i>Police Gazette</i> , 1911, page 282.)
Swan, Caroline Elizabeth ..	Gore ..	8/12/15	theft ..	.. to come up if called on	N. Zealand	domestic	1882	5 2	fair ..	fair ..	grey ..	medium	
Duffy, James ..	Winton ..	10/12/15	indecent language and threatening behaviour ..	.. fined £5 convicted and discharged	Ireland ..	farmer	1853	5 8	sandy ..	brown ..	grey ..	large	
Bastings, Sidney ..	Owaka ..	24/11/15	theft ..	.. to come up if called on and make restitution	N. Zealand	chauffeur	1897	5 8	fresh ..	brown ..	blue ..	thin ..	Scar on right hand.
Gray, John ..	Bluff ..	30/11/15	stowaway ..	.. convicted and discharged and to pay fare	Scotland ..	wool-classer	1855	5 6	fair ..	grey ..	brown ..	medium	



## RETURN OF PRISONERS REPORTED AS DISCHARGED FROM GAOLS DURING THE WEEK ENDING 11TH DECEMBER, 1915.

Goal. and Name of Prisoner.	Where tried.	When.	Offence.	Sentence.	Native of	Trade.	Birth	Height	Complexion.	Hair.	Eyes.	Nose.	When discharged.	Remarks, and Previous Convictions. (F.P. indicates that finger-impressions have been taken.)
<b>Auckland</b> — O'Neill, Patrick, <i>alias</i> Kane, <i>alias</i> Keene	Hamilton M.C.	30/11/15	obstructing police	fine or 7 days	India	seaman	1865	5 7 $\frac{1}{2}$	fresh	light brown	blue	large	6/12/15	2 p.c. Wart on left side of forehead; wears earrings. F.P. (See <i>Police Gazette</i> , 1915, page 664.)
Eadie, Alexander, <i>alias</i> Ainslie	Auckland M.C.	8/9/15	insubordinate conduct at Rotorua. Inebriates Home	3 months and to be returned to home	Scotland	boilermaker	1873	5 6 $\frac{1}{2}$	fresh	dark brown	grey	small	6/12/15	5 p.c. Left forefinger and right leg amputated; scar on top of head. F.P. (See <i>Police Gazette</i> , 1912, page 543.)
Fleming, Frank Charles, <i>alias</i> Fleming, Frank	Whangarei M.C.	8/11/15	rogue and vagabond	1 month	Ireland	engine-driver	1868	5 8 $\frac{1}{2}$	fresh	grey	blue	medium	7/12/15	1 p.c. Star on right upper arm; BIRDIE, clasped hands over heart, and wreath on right forearm; tip of right forefinger has been injured; woman and woman's bust on left forearm. F.P. (See <i>Police Gazette</i> , 1913, page 348.)
McEwen, James	Whangarei M.C.	8/11/15	idle and disorderly	1 month	Australia	labourer	1887	5 10 $\frac{1}{2}$	fresh	brown	hazel	medium	7/12/15	F.P.
McElwain, William, McElwain, William Augustus	Auckland M.C.	19/11/15 1/12/15	drunkenness .. breach of his prohibition order	fine or 24 hours fine or 7 days	N. Zealand	groom	1868	5 2 $\frac{1}{2}$	fresh	light brown	grey	thick	7/12/15	Small scar on left little finger. Arrested, 30/11/15.
<b>Gisborne</b> — Harvey, Charles, <i>alias</i> Howard, <i>alias</i> Humphrey	Gisborne M.C.	7/9/15 7/12/15	theft .. drunkenness ..	3 months fine or 4 days	England	fireman	1885	5 4	fresh	dark brown	brown	medium	6/12/15 10/12/15	Two doves, diamond over heart, dove carrying letters, double heart, anchor, and woman's head on right forearm; club feet. Photographed at Wellington, 27/7/10. (See <i>Police Gazette</i> , 1915, page 394.)
Mitcherson, William	Gisborne M.C.	24/11/15	supplying liquor to prohibited person	fine or 14 days	N. Zealand	linesman	1872	5 10	fair	light brown	grey	large	9/12/15	Woman on chest. (See <i>Police Gazette</i> , 1914, page 178.)
Roberts, George	Gisborne M.C.	10/11/15	drunk and disorderly	1 month	England	platelayer	1856	5 8	dark	grey	brown	medium	3/12/15	Numerous p.c. Eagle on right forearm; scar on forehead, chin, and chest; birth-mark on back. Held over from previous return. (See <i>Police Gazette</i> , 1914, page 437.)
Bourne, William Aubrey	Gisborne M.C.	27/11/15	idle and disorderly	remanded	West Indies	labourer	1862	5 6	dark	black	brown	medium	6/12/15	F.P. Bailed. (See <i>Police Gazette</i> , 1912, page 658.)
<b>New Plymouth</b> — Naesmith, Andrew	Stratford M.C.	4/12/15	theft	remanded	N. Zealand	baker	1888	6 1	swarthy	dark	grey	medium	7/12/15	3 p.c. Woman's head, Norwegian and American flags, woman, and half-moon on right arm; T.K., 1907, dove, clasped hands, and flowers on left forearm. Photographed at New Plymouth, 19/6/15. F.P. (See <i>Police Gazette</i> , 1915, page 499.)
Knudson, George	N. Plymouth M.C.	8/9/15	incorrigible rogue	3 months	Norway	labourer and seaman	1882	5 5	fair	fair	brown	small	6/12/15	Dimple in chin; scar on nose, on left side of face, on right ring and little fingers, and on left forearm and thumb. Portion of fine paid. Arrested, 17/11/15.
<b>Napier</b> — Whelan, John	Napier M.C.	11/10/15	breach of his prohibition order	fine or 2 months	England	seaman	1873	5 5 $\frac{1}{2}$	fresh	black, turning grey	brown	large	7/12/15	1 p.c. for debt. Right ring-finger bent. Arrested, 27/10/15.
Fitzgerald, Garrett	Napier M.C.	22/9/15	debt	6 weeks	Ireland	expressman	1857	5 4 $\frac{1}{2}$	florid	dark brown	grey	medium	10/12/15	Scar between right thumb and forefinger, on left thumb and ring-finger, below left elbow, and on left big toe.
Daulton, Roy ..	Napier M.C.	6/12/15	failing to maintain	remanded	N. Zealand	grocer	1892	5 8	dark	black	hazel	medium		

## RETURN OF PRISONERS REPORTED AS DISCHARGED FROM GAOLS DURING THE WEEK ENDING 11TH DECEMBER, 1915—continued.

Geo. and Name of Prisoner.	Where tried.	When.	Offence.	Sentence.	Native of	Trade.	Boys	Height	Complexion.	Hair.	Eyes.	Nose.	When discharged.	Remarks, and Previous Convictions. (F.P. indicates that finger-impressions have been taken.)
<b>Napier—continued.</b> Courtney, Maud, <i>alias</i> Lu Lee	Napier M.C.	13/9/15	vagrancy	3 months	Australia	prostitute	1889 5 1	ft. in. 5 1	pale	dark brown	brown	medium	11/12/15	4 p.c. Small brown mark below left knee. F.P. (See <i>Police Gazette</i> , 1913, page 653.)
Fun, Lay, <i>alias</i> Fun, Lee, <i>alias</i> Lu Lee	Napier M.C.	13/9/15	in possession of opium	3 months	China	boarding-house keeper	1855 5 4	4	olive	black, going bald	brown	flat	11/12/15	6 p.c. Scar on centre of forehead. F.P. (See <i>Police Gazette</i> , 1911, page 554.)
<b>Wanganui—</b> Pinner, Henry Albert	Marton M.C.	30/11/15	helpless drunkenness	remanded	England	steward	1879 5 8	8	sallow	brown, turning grey	brown	medium	7/12/15	Small scars on left thumb and forefinger.
Henderson, Thomas	Wanganui M.C.	25/11/15	ship-desertion	14 days	Scotland	seaman	1861 5 7	7	sallow	grey	blue	large, hooked	8/12/15	Snake, bracelet, and clasped hands on left forearm; coat-of-arms, eagle and seal on right forearm. F.P.
Roberts, John	Wanganui M.C.	25/11/15	ship-desertion	14 days	Wales	seaman	1881 5 10	10	fresh	brown	brown	medium	8/12/15	2 p.c. Scar over right eye; clasped hands, cross, and anchors on right forearm. F.P. (See <i>Police Gazette</i> , 1915, page 799.)
Pietila, John	Wanganui M.C.	25/11/15	ship-desertion	14 days	Finland	seaman	1890 5 9	9	fresh	fair	blue	pug	8/12/15	Scar on left ring-finger; tip of left middle finger deformed; scar between right ring and middle fingers. F.P.
Stanley, Kathleen	Wanganui M.C.	3/12/15	idle and disorderly	remanded	Ireland	cook	1865 4 11	11	dark	dark	blue	medium, pointed	10/12/15	18 p.c. Two upper front teeth missing; mole on right cheek; scar on nose. (See <i>Police Gazette</i> , 1915, page 813.)
<b>Wellington—</b> Welsh, John, Walch	Featherston M.C.	7/10/15	obscene language	2 months	England	labourer	1864 5 3	3	fair	dark brown	brown	flat	6/12/15	Previously convicted. Scar on back of head and on forehead; shoulders pitted. F.P. (See <i>Police Gazette</i> , 1915, page 515.)
Schultz, Julia, <i>alias</i> Scholtes, <i>alias</i> Sholtes	Wellington M.C.	29/6/15	rogue and vagabond	6 months	N. Zealand	prostitute	1877 5 2	2	dark	brown	blue	large	6/12/15	Several p.c. F.P. (See <i>Police Gazette</i> , 1915, page 206.)
Rhodes, James	Wellington M.C.	6/12/15	vagrancy	remanded	England	bootmaker	1840 5 7	7	swarthy	grey	blue	medium	7/12/15	Numerous p.c. Scar on right forefinger; mole at corner of left eye. (See <i>Police Gazette</i> , 1913, page 653, and 1915, page 841.)
Sealer, David, <i>alias</i> Sealer	Otaki M.C.	9/10/15	idle and disorderly	2 months	Ireland	labourer	1877 5 5	5	fair	brown	blue	wide	8/12/15	Several p.c. Scar above right knee and on left palm. F.P. Photographed at Wellington, 8/6/12. (See <i>Police Gazette</i> , 1912, page 379.)
Brown, George	Wellington S.C.	3/7/15	forgery and uttering	6 months	Ireland	labourer	1890 5 9	9	fair	fair	bazel	medium	10/12/15	Tombstone inscribed IN MEMORY OF MY DEAR BROTHER, SHAMROCK, rose, thistle, and snake around heart on right arm; butterfly on right hand; Crucifixion on chest; basket of flowers, clasped hands over heart; TRUE LOVE, dragon, and wreath on left arm; harp on left hand. F.P.
Millanta, John	Wellington M.C.	26/11/15	default of maintenance	arrear or 10 days	N. Zealand	dealer	1879 5 5	5	sallow	black	dark br.	medium	10/12/15	Several p.c. Ship on chest; Cupid, DUILIO, and woman on right upper arm; butterfly on left shoulder; scar on right forearm; several scars on face. Arrested, 1/12/15. (See <i>Police Gazette</i> , 1915, page 487.)
H. Milton, John	Wellington M.C.	3/12/15	breach of by-laws (2 charges)	fine or 3 days on each	Ireland	labourer	1830 5 9	9	fresh	grey	blue	thick	10/12/15	Several p.c. Arrested, 8/12/15. (See <i>Police Gazette</i> , 1915, page 686.)
Hargreaves, Mary	Wellington M.C.	28/10/15	default of maintenance	19 days	N. Zealand	domestic	1886 5 6	6	red	fair	grey	medium	10/12/15	Previously convicted. Scar on each of three right fingers; small scars on right thigh. Arrested, 22/11/15. (See <i>Police Gazette</i> , 1915, page 639.)



## RETURN OF PRISONERS REPORTED AS DISCHARGED FROM GAOLS DURING THE WEEK ENDING 11TH DECEMBER, 1915—continued

Goal, and Name of Prisoner.	Where tried.	When.	Offence.	Sentence.	Native of	Trade.	Born	Height.	Complexion.	Hair.	Eyes.	Nose.	When dis- charged.	Remarks, and Previous Convictions. (F.P. indicates that finger-impressions have been taken.)
<b>Wellington</b> —continued. Rickman, John William	Wellington M.C.	18/11/15 6/11/15	trespass drunkenness	1 month fine or 48 hours	N. Zealand	labourer	1863 5 8 $\frac{1}{2}$	ft. in. dark	dark brown, turning grey	blue	wide	11/12/15	Previously convicted. Scars under right jaw, on right knee, and on shins; scar on right hand; left ring-finger injured. F.P. (See <i>Police Gazette</i> , 1915, page 356.)	
Catlin, Charles A.	Paimerton N. M.C.	5/7/15	theft	6 months	Australia	labourer	1872 5 8	fresh	dark brown	blue	large	11/12/15	Previously convicted. Scar on each arm. F.P. (See <i>Police Gazette</i> , 1915, page 340.)	
Carter, Charles, alias Cameron, Colin	Featherston M.C.	29/11/15	theft	14 days	N. Zealand	labourer	1882 5 9 $\frac{1}{2}$	fresh	brown	blue	large	11/12/15	Previously convicted. Dot on left hand. F.P. Photographed at Lyttelton, 30/11/15. (See <i>Police Gazette</i> , 1915, page 157.)	
<b>Greymouth</b> — Coughlan, Thomas, alias Davis, alias Cogan	Granity M.C.	12/10/15	drunkenness	fine or 1 month	Ireland	miner	1861 5 6	dark	dark	dark br.	flat	10/12/15	Numerous p.c. Scar on left temple; right middle finger missing; man holding flag on right forearm; anchor over three dots on right hand; right ring-finger joint enlarged. Arrested, 11/11/15. (See <i>Police Gazette</i> , 1915, page 812.)	
Bray, James, alias Car- ney, John Francis	Greymouth M.C.	8/12/15	drunkenness	remanded	Ireland	labourer	1877 5 10 $\frac{1}{2}$	fair	fair	blue	medium	10/12/15	Two scars on head; scar on bridge of nose and on left cheek; scar on right forearm; cross on left hand. (See <i>Police Gazette</i> , 1907, page 125.)	
<b>Lyttelton</b> — Finucane, Michael	Christchurch M.C.	1/12/15	forgery	remanded	Ireland	labourer	1880 5 9 $\frac{1}{2}$	sallow	fair	blue	large	8/12/15	Scar on forehead. F.P. (See <i>Police Gazette</i> , 1915, page 818.)	
Henery, Edward	Lyttelton M.C.	7/12/15	theft	remanded	N. Zealand	labourer	1895 5 3 $\frac{1}{2}$	dark, freckled	black	grey	medium	9/12/15	Scar on left breast. F.P.	
Stewart, John Downie	Christchurch M.C.	6/12/15	forgery	remanded	N. Zealand	labourer	1889 5 2 $\frac{1}{2}$	fresh	light brown	brown	large	10/12/15	Heart and V on left arm; scar on nose and on forehead. F.P. Photographed at Lyttelton, 10/6/14. (See <i>Police Gazette</i> , 1914, page 437.)	
Campbell, Donald	Christchurch M.C.	27/11/15	assaulting police	fine or 14 days	N. Zealand	labourer	1883 5 9 $\frac{1}{2}$	fresh	dark brown	brown	large	10/12/15	Scar on back of head and on forehead. F.P.	
Wilson, Hugh	Dunedin M.C.	5/7/15	rogue and vagabond	6 months	N. Zealand	painter	1881 5 5 $\frac{1}{2}$	fresh	brown	grey	long	11/12/15	1 p.c. Anohor, S., and band on left forearm; figure on left hand. (See <i>Police Gazette</i> , 1915, page 88.)	
Carney, Richard	Christchurch M.C.	4/12/15	threatening behaviour	fine or 48 hours	N. Zealand	blacksmith	1890 5 4	fresh	brown	grey	medium	11/12/15	2 p.c. Cross on right arm; dagger and heart on left arm. Photographed at Christchurch, 19/1/14. Arrested, 9/12/15. (See <i>Police Gazette</i> , 1914, page 509.)	
<b>Addington</b> — Patton, Violet	Wellington M.C.	29/6/15	rogue and vagabond	6 months	N. Zealand	prostitute	1887 5 5 $\frac{1}{2}$	fresh	red	brown	pointed	6/12/15	Scar on left hand. (See <i>Police Gazette</i> , 1915, page 307.)	
Gray, Mary, alias Fox, alias Robinson	Christchurch M.C.	8/11/15	soliciting prostitution	1 month	Ireland	charwoman	1856 5 2 $\frac{1}{2}$	sallow	brown, turn- ing grey	blue	long	7/12/15	Small scar under right eye; only one tooth in each side of upper jaw. F.P. (See <i>Police Gazette</i> , 1915, page 270.)	
Strange, Annie	Auckland S.C.	10/6/15	procuring abortion	5 years	England	nurse	1854 5 1	fresh	fair, turning grey	hazel	large	10/12/15	Mole on right side of chin. F.P.	
Barry, Kathleen	Wellington S.C.	3/7/15	forgery (2 charges) theft (2 charges)	6 mo's on each 6 mo's on each	Ireland	domestic	1886 4 11	ruddy	fair	blue	medium	10/12/15	Small red mark below left ear. F.P.	
Leahy, Jean, alias Cairns	Wellington M.C.	12/11/14	idle and disorderly and obscene language	1 $\frac{1}{2}$ years	N. Zealand	prostitute	1879 5 2	fresh	dark brown	dark br.	medium	1/12/15	Several p.c. Died.	

## RETURN OF PRISONERS REPORTED AS DISCHARGED FROM GAOLS DURING THE WEEK ENDING 11TH DECEMBER, 1915—continued.

Sex, and Name of Prisoner.	Where tried.	When.	Offence.	Sentence.	Native of	Trade.	Born	Height	Complexion.	Hair.	Eyes.	Nose.	When discharged.	Remarks, and Previous Convictions. (F.P. indicates that finger-impressions have been taken.)
<b>Paparua</b> — Healey, John ..	.. Dunedin S.C.	5/7/15	rogue and vagabond	.. 6 months	.. N. Zealand	labourer	.. 1889	5 9	fair	.. brown	.. hazel	.. medium	11/12/15	1 p.c. Clasped hands, two flags, heart, and horse-shoe on right arm; J.H. on left arm. F.P. Photographed at Napier, 8/9/12. (See <i>Police Gazette</i> , 1912, page 524.)
<b>Timaru</b> — Stannard, Walter	.. Timaru M.C.	25/11/15	wilful damage	.. 14 days	England	.. veterinary surgeon	.. 1851	5 5	fair	.. grey	.. blue	.. medium	8/12/15	Several p.c. (See <i>Police Gazette</i> , 1915, page 800.)
<b>Dunedin</b> — Sullivan, Daniel	.. Dunedin M.C.	29/11/15	attempted suicide	.. remanded	.. Ireland	.. labourer	.. 1869	5 5½	pale	.. grey	.. blue	.. long	6/12/15	Scar on throat. F.P.
Kraetzer, Norman	.. Dunedin M.C.	11/9/15	obscene language	.. 3 months	.. Australia	.. salesman	.. 1893	5 6½	fresh	.. brown	.. grey	.. long	8/12/15	Scar over left eye. Sentences cumulative. Discharged on remission. F.P. Photographed at Dunedin, 8/12/15.
Stubbs, John ..	.. Dunedin M.C.	8/12/15	wilful damage	.. fine or 7 days	England	.. labourer	.. 1881	5 3	fresh	.. brown	.. grey	.. medium	9/12/15	Mole on right cheek.
Batger, John ..	.. Dunedin M.C.	10/12/15	false pretences	.. fine or 24 hours	.. N. Zealand	.. agent	.. 1862	5 9½	salow	.. grey	.. blue	.. medium	10/12/15	Scar on left middle finger. F.P. Photographed at Dunedin, 11/12/15.
White, James Valentina	Dunedin M.C.	4/12/15	helpless drunkenness	.. remanded	.. England	.. photograph'r	.. 1849	5 5	fresh	.. brown	.. grey	.. long	11/12/15	Mole under right eye.
<b>Invercargill</b> — Cummings, Daniel Patrick	Wellington S.C.	11/7/14	theft from a dwelling	.. 1½ years' reformatory detention	.. N. Zealand	.. labourer	.. 1891	5 7½	dark	.. dark	.. blue	.. medium	9/12/15	4 p.c. F.P. (See <i>Police Gazette</i> , 1914, page 26.)

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