

LAW REPORTS

(Continued from Page 111.)

volunteers in Chapei, to the north of Chaoufoong Road, in the course of which five members of the volunteers were wounded, one of whom subsequently died. The article alleged that the Settlement Police fired on the desperadoes and wounded the volunteers, which was totally without foundation. There was no firing by the Municipal police whatever.

Mr. Maitland's statement was corroborated by foreign and Chinese officers and accused admitted that he had published the report in error. He had since found out his mistake and had published an apology and an admission of his error.

The accused was cautioned.

THE POWER OF THE PISTOL

A watchman employed at the Polytechnic School in Kwangse Road and two unemployed Chinese were brought before the Provisional Court (Judge Hsiung and Dr. Ramondino, Senior Consul's Deputy, sitting) on Tuesday morning, charged with being concerned with others in an armed robbery in Kiukiang Road at 9.45 a.m. on Monday, when they are alleged to have escaped with money and jewellery to the extent of \$740, after having threatened the inmates with pistols.

Det.-Sgt. Telfer informed the Court that two men remained on guard at the door, three stayed downstairs and five went upstairs. They herded the 43 inmates of the house (29 men and 14 women) together in a room and remained on the premises for ten minutes. After they had gathered everything they wanted, they escaped by the front door. A coolie followed them and saw the watchman go into the Polytechnic School. He gave information to the police which led to the arrest of the three men. The police, stated Det.-Sgt. Telfer, had seized two automatic pistols and six rounds of ammunition from them.

Evidence of identification was then given, one of the women pointing to the watchman and stating that it was he who had pointed a pistol at her breast when he wanted to raise an alarm.

The hearing was adjourned until January 31 to enable the police to make further inquiries.

A ROBBERY WHICH FAILED

Eight men and two women were brought up in the Provisional Court on Tuesday morning, before Judge Hsiung and Dr. F. Ramondino, the Senior Consul's Deputy, on a charge of being members of an organized gang of armed robbers operating in the International Settlement. They were also charged with an attempted robbery in Alabaster Road at 8.30 a.m. on Monday. One of the accused men was further charged with returning to the Settlement, after an order had been made by the former International Mixed Court for his expulsion; another with being concerned in the murder of Special Constable Ivanoff; a third with being concerned in an armed robbery at 105 Yates Road on May 13, 1927, when the gang got away with money, jewellery and clothing to the value of \$4,000; and the two women with being in possession of automatic pistols and six rounds of ammunition.

A Prisoner's Admission

Det.-Sgt. Tabrum informed the Court that, acting on information received that an armed robbery was about to be committed at a house in the Sung Kong Li Alleyway, Alabaster Road, and that the robbers were concentrating at their rendezvous, awaiting the arrival of their leader, all available detectives were rushed to the latter place. Some were posted in the vicinity and witness and five Chinese detectives forced their way into the house, where they arrested one of the women, who had in her possession a .28 calibre automatic pistol, which, she said, she had intended to give to one of the men. Further information led to a visit to 1147 Kansuh Road, a .32 pistol and six rounds of ammunition being found upstairs. The occupant, a woman, was arrested. The others were arrested later on.

One of the accused men admitted being concerned in the murder of Special Constable Ivanoff and he

had been identified by a victim of one of the robberies he had committed. Witness asked for a remand in order to enable him and his staff to continue their inquiries and stated that, among other things taken by the police, was an imitation pistol, which was found under a bed at 1147 Kansuh Road. The man who admitted complicity in the murder of Special Constable Ivanoff had a wound in the left arm, inflicted by the police, who chased him at the time.

Story of the Shooting

This man was then questioned by Judge Hsiung and he said that he had a pistol and it had been taken from him by one of the women. He admitted that he intended to take part in the Alabaster Road robbery, which was foiled, and that the proceeds were to be divided. Continuing, he informed the Court that he was with another man who had not yet been arrested on the night of the Ivanoff murder. They met a search party near the Honan Road bridge. He (accused) had a pistol in his possession at the time. The foreign police fired at him first and he replied with one shot. His companion fired three shots.

Det.-Sgt. Tabrum drew the Court's attention to the fact that accused had told him that, while the police were searching him, the other man stood behind and opened fire with three shots, which resulted in the foreign policeman releasing his hold of accused. Both ran and were shot at and they returned fire.

Accused, in reply to further questions, admitted that what had been stated by the officer was true. His friend fired first and he also fired a shot.

The other accused denied preparing to go to the Alabaster Road house and stated that they were passing when they were taken into custody.

A remand was ordered for three weeks.

A TOO CHEAP SUPPLY OF ELECTRICITY

The Municipal Electricity Department, alleging that they had lost Tls. 200 in revenue because a meter wire had been tapped in the premises at 520 Seymour Road, brought an action in the Provisional Court, on Wednesday against the tenant of the rice shop on the ground floor, showing by technical experts that a ground wire had been connected with the lighting circuit.

Mr. E. T. Maitland represented the Department, and in outlining the case, said that a wire had been introduced to cheat the company. Outside the meter a wire had been connected with the grounding circuit, with the result that only at times was the correct amount registered. When a certain switch was turned on by tenants of the house, that part was lighted at no expense.

Mr. W. J. Furness, of the S.M.E.D., computed the total loss to the department at Tls. 200.

Accused said that he had only occupied the premises since the 8th moon of last year. He did not know what had taken place prior to that time. The meter was upstairs, and he knew nothing of it. This room had been sublet.

The Court reserved judgment.

MISCELLANEOUS CASES

ZAO Yung-tsing, tailor, of JE. 246 Tangshan Road, was charged at the Provisional Court with stealing electricity by means of fraudulent connections and concealed switches, thereby putting his meter out of order. The theft was proved by Mr. M. D. Marshall of the Electricity Department, and the accused was sentenced to one month's imprisonment.

In the Provisional Court on Saturday morning a remand was ordered in the case of a Chinese who was charged with breaking into the house of a Swiss resident in Gordon Road and stealing a quantity of silverware. Evidence was given that complainant heard a noise so he got up. He saw accused and gave chase, firing a shot at him as he ran. Accused, however, escaped but ran almost into the arms of a Chinese constable, who placed him under arrest.

H. KORDIC, described as an Austrian, was charged in the Shanghai Provisional Court on Mon-

day with begging in Broadway on Saturday. As there were no witnesses other than a Chinese constable, the case was dismissed.

WILLIAM Brennan, an unrecognized British subject, of no fixed abode, appeared before Judge Liang in the Provisional Court, on Tuesday, on a charge of begging in Bubbling Well Road at noon on Monday. A Chinese constable having given evidence that he had seen accused approach two foreign ladies and ask for money, Brennan said that he had no place to sleep nor had he any papers to prove his British nationality. The charge was dismissed.

M. IVANOFF, a Russian, was fined \$2 in the Provisional Court, on Thursday, for being drunk and incapable; and V. Sergeff, of the same nationality, was sentenced to 20 days imprisonment for drunkenness and disorderly conduct.

The police attached to Bubbling Well station have been working hard to stop snatchers who have pestered foreign ladies. On Wednesday evening, Det.-Sub-Insp. Henry was successful in apprehending two of them as they were about to attack their victim. At the Provisional Court, on Thursday, they were remanded.

COURT OF APPEAL

FOREIGN GUARDIANSHIP OF CHINESE MINOR

The legality of a foreigner holding guardianship over a Chinese minor was upheld in the Shanghai Provisional Court of Appeals on Tuesday afternoon by Judges Ziar (president), Chiu and Loo, in connection with an action brought by Mr. S. A. Hardoon, guardian of Yang Ching-chong (a minor and adopted son of the late General Yang Shenteh, former Tutuh of Chikiang and Commissioner of Defence for the Shanghai and Woosung Districts), against Yang Sun-sz, widow of the brother of the late Tutuh.

The facts of the case are:—During the lifetime of Gen. Yang Shenteh and Mme. Yang, Mr. Hardoon was appointed guardian of their adopted son. Though without any legal papers in writing, executed by the late Tutuh or his wife (also deceased), regarding the guardianship, the boy was taken and has been under the charge of Mr. Hardoon. The General and his wife had another son, adopted or otherwise, who died in the 15th year of the Chinese Republic. The estates of General and Mme. Yang were left undivided between him and Mr. Hardoon's charge. Mr. Hardoon, on behalf of his charge, filed action against Yang Sun-sz for the immediate division of the two estates.

An interlocutory judgment to decide whether or not Mr. Hardoon could be guardian for the Chinese boy was delivered by the Shanghai Provisional Court on August 27 last, when it was held that Mr. Hardoon could not be denied guardianship.

The defendant, Yang Sun-sz, immediately filed an appeal against this judgment on the ground, *inter alia*, that, according to Chinese law, no foreigner could be guardian for a Chinese minor.

This was argued at length by counsel (Mr. Li Tsu-yu for appellant and Messrs. Lisiang Y. Sun and Eugene Y. Kiang for Mr. Hardoon), and Mr. Sun contended that, had there been such a law, it had not yet been promulgated and, therefore, foreigners were eligible to act as guardians for Chinese minors.

The Court of Appeals supported this view and delivered judgment on Tuesday against the appellant, with costs.

CURIOUS CASE FOR DAMAGES

A novel case came before the Appeal Court at the Provisional Court on Wednesday, when the husband of a deceased woman, who had been shot accidentally, whilst in the room of her sweetheart, claimed that he should be recompensed for possible future marriage expenses. He was awarded \$500.

The circumstances were outlined in a hearing on December 2, 1927, Det.-Sgt. Satula having charge of the investigations. It seems that a group had rented a room in a Chinese hotel in Yunnan Road. The woman was in bed, and accused, a

PERSONAL NOTES

A REPORT to the "Shunpao" states that Mr. J. Michelet, Norwegian Minister, and Mme. Michelet have left Peking on home leave.

Mr. Chang Siao-ling, a well-known merchant, has been appointed a member of the Provisional Municipal Commission of the French Concession.

COL. W. F. L. Gordon, Commandant of the Shanghai Volunteer Corps, left for Hongkong on Tuesday by the Empress of Canada for a brief holiday.

MR. H. B. Longfellow, long connected with the Robert Dollar Company, has been appointed Passenger Agent of the Dollar Steamship Line and the American Mail Line, in charge of their local passenger department.

GEN. Hsu Tsung-chih, former Commander-in-Chief of the Cantonese Armies, and Mr. Chang Chi, former Speaker of the Senate, left on Saturday by the N. Y. K. S. Taiyo Maru for America and Europe. Both these gentlemen are members of the Central Executive Committee of the Kuomintang.

MR. Frederick Ratzenberger, who came to Shanghai two years ago in the interests of the General Insurance Co. of Trieste and Venice, the largest of all the Middle-European underwriting concerns, and in existence since 1831, left for Europe on the Lloyd-Triestino M. V. Romo on Saturday. He was accompanied by Mrs. Ratzenberger.

MR. H. S. House, assistant manager of the Philippines Chapter of the American Red Cross, is in Shanghai, and at the Astor House, for a brief stay before returning to Manila. Mr. House has just completed a tour of inspection in North China with special reference to famine conditions in Shantung where the American Red Cross and the Japanese Red Cross have been asked for assistance.

M. NAGGIAR, retiring Consul-General for France, left Shanghai for France on Saturday at noon aboard the Taiyo Maru. So many friends, and those delegated to bid him farewell, were gathered at the wharf that his departure assumed an official aspect. He proposes to spend no time in America, but to proceed directly to Paris where he will take up his new post as Sub-Director of Far Eastern Affairs.

ADJUTANT and Mrs. A. Harris of the Salvation Army have arrived here from Peking and are stopping at local Headquarters, 58 Carter Road, where Mrs. Harris will assist in the work among men of the Defence Force. Adjutant Harris is official collector for the Salvation Army in China, and will shortly make an appeal for funds, in the expectation that it will meet with the same generous response as those of former years.

THE "Eastern Times" is sponsor for the report that owing to continued ill-health as a result of his wound during the attempt to kidnap him, Admiral Wu Kuang-tsung has resigned as chief-of-staff to the Commander-in-Chief of the Nationalist Navy and that Admiral Ying Kung-yu has been appointed in his stead. Captain Liao Ching-fong has been made commander of the gunboats at Woosung. Sweeping changes, it is asserted, will be made in respect of the command of the various gunboats.

guard to a French detective inspector, upon being asked, was demonstrating the use of his automatic pistol, when the weapon went off, the bullet striking deceased in the abdomen. Before she died, she absolved the man from all blame, and declared that she had been shot as a result of accidental firing. The Court, nevertheless, fined him \$200.

The husband, appealing against the decision, argued that he was entitled to marriage expenses, together with funeral expenses. The Court dismissed the appeal against the criminal charge, but allowed the husband \$300 for funeral expenses and \$500 for future marriage expenses.

Mr. Warren S. Dyer, of Shanghai, has been elected a Fellow of the Royal Colonial Institute.

MR. W. Wakeford Cox, manager of the South British Insurance Co., Ltd., left on Wednesday on a short business visit to the North, and will be away for about a fortnight.

CAPTAIN John C. Daily, senior captain of the A. P. C.'s fleet, and formerly in command of that company's motor vessel, Fu-Kwang, has returned to Shanghai on the Blue Funnel str. Hector, from Home leave.

MR. T. V. Soong, Minister of Finance, left for Nanking on Wednesday, and is expected to return in a few days. His Ministry is establishing a Shanghai office in the building of the Central Bank of China on the Bund.

MR. H. B. Roe, of the Hongkong & Shanghai Bank, who has for some considerable time served on the Municipal Council, on Wednesday gave notice of his resignation. This is due to the fact that he is leaving for Home on leave at the end of this month.

ABOARD Wednesday's train arriving from Nanking were Gen. Ho Ying-ching, commander of the Eastern Route Armies; Gen. Li Tsung-jen, commander of the 7th Route Armies, and Admiral Yang Shuchung, Commander-in-Chief of the Nationalist Fleet.

Miss Manjeli, of the Russian Light Opera Co., was, according to the "Shanghai Zarya," injured when participating in the Carlton Cafe's show last week-end. In a scene in which she is carried by six men on a litter, she suddenly collapsed and Miss Manjeli had a heavy fall.

MR. Culver B. Chamberlain, formerly U. S. Consul at Swatow, has been assigned to the local American Consulate-General, and is expected to arrive from Home leave within the next week. Mr. W. R. Lynch is returning at the same time to a post in the American Consulate.

HOME papers announce the death of Bognor of the wife of Mr. J. P. Donovan, retired Commissioner, Chinese Postal Administration; also, at Cheltenham, of Mrs. Catharine Hannah Graham, the widow of Mr. George Frederick Graham, I. M. Custom, Shanghai.

N. BOJESSEN, an 11-year-old school-boy, met with a grave tram accident on Wednesday morning about 7.50, the lad sustaining such injuries that it was necessary to operate on him at noon at the General Hospital wither he was removed immediately after the accident. Details are lacking, as no police witnessed the accident.

ALL will be gratified to learn that Sub-Insp. Watson, of Wayside Police Station, who was shot by accident in the local "Sidney Street Affair" ten days ago, is progressing favourably at the Victoria Nursing Home. It was at first reported that he was not seriously wounded but examinations have since shown that his ankle was badly smashed.

Dr. Chung Wing-kwong, former President of the Canton Christian College, formally assumed his new appointment as Director of the Overseas Bureau for the Nationalist Government at the Bureau of Foreign Affairs on Monday, and Mr. Chen Han-tso has taken up his position as acting Chief Judge in the Military Court attached to the Garrison Commissioner's yamen.

A TELEGRAM was received yesterday, announcing that Mr. Phillip Arnhold has been awarded an open classical scholarship at Balliol College, Oxford. Mr. Arnhold, who is 18 years of age, is the son of Mr. and Mrs. C. H. Arnhold, whose many friends will join us in congratulating him on this success. Mr. Phillip Arnhold was born in Shanghai, which he left when quite young, and his education has been carried on at Winchester.