

LARCENY OF A BICYCLE.

A FINE IMPOSED.

In the Police Court to-day, before Mr. W. N. Dove, S.M., Edward Lakovsky, on remand, was charged with the larceny of a bicycle, valued at £7 10/, the property of Ernest Charles Elliott, at Broken Hill, on January 24.

Sergeant Mackie conducted the prosecution, and Mr. Justin M'Carthy appeared for defendant.

Constable Magill stated that defendant informed him on February 10 that he purchased a bicycle from a man named M'Lean, who worked at the South mine; witness asked defendant to accompany him to the Police Station, and defendant asked, "Is it a stolen bicycle?" witness informed defendant that it was; at the station defendant stated that he bought the bicycle in Crystal-street at a humpy below the Skating Rink; in company with Sergeant Saunby and defendant witness went to a humpy in Crystal-street, pointed out by defendant, but could not find any person named M'Lean; at the Police Station defendant made no reply to the charge; witness produced the bicycle found in defendant's possession, also a receipt for £3 16/ from Mr. Wagner; witness also produced the handlebars, tyres, and two tubes which were originally on the bicycle.

By Mr. M'Carthy: Defendant gave witness all the information he asked for without hesitation; defendant said M'Lean worked at the South mine, but

M'Lean worked at the South mine, but witness had made no inquiries on the point.

Ernest Charles Elliott, miner, employed at the Central mine, stated that he left a bicycle at the mine on January 23, but missed it next morning; the bicycle was a "Woodman," numbered 431; there were no grips on the handles; witness valued the machine at £7 10/; the tyres were Moseley Ardwick's thorn proof tyres; witness identified the bicycle produced and the tyres as his property; the bicycle had been renovated since witness had missed it; witness left the machine on the South mine under a coal bin with about 20 other bicycles; the name on the bicycle was "Blue Bell," and the name Wagner appeared on it.

By Mr. McCarthy: Witness paid £11 10/ for the bicycle when new; it had been well looked after, and witness valued it at £7 10/.

Leslie Arthur Frew, timekeeper at the South mine, stated that defendant was a bridge trucker at the mine, and was on afternoon shift on January 23.

By Mr. McCarthy: As far as witness knew, defendant bore a good character; witness could not say whether there was a man named M'Lean working on the mine; defendant asked witness about a man named M'Lean, and witness directed him to the accountant.

Patrick Gould, laborer, stated that he had resided with his brother for four weeks in Crystal-street; witness knew of no person named M'Lean residing at the humpy, and there had never been a bicycle there as far as witness knew; witness did not know defend-

knew; witness did not know defendant.

William Wagner, motor cycle mechanic, stated that defendant called at the Argent-street shop in January about a month ago, and about a fortnight ago defendant brought a bicycle in in two parts; defendant brought the frame and wheel first and later some parts and handle bars; the bicycle was a standard "Woodman" machine; defendant said he wanted the bicycle enamelled and nickelled and fitted with new tyres and tubes; the tubes, tyres, and handlebars produced were on the bicycle; the tubes were perished and the covers in bad order.

By Mr. McCarthy: Witness would value the bicycle at auction, when it was brought in, at £3 or £3 10/; defendant saw a bicycle in the shop, which he took a fancy to, and said he wanted his bicycle done up similarly; defendant did not ask for the number to be altered or the identity of the machine concealed.

Re-examined by Sergeant Mackie: Witness told defendant he was going to place his name on the machine, but the enameller put both "Wagner" and "Blue Bell" on it; it would be hard for the owner of the bicycle to identify it when enamelled.

Constable Magill, recalled, stated that defendant said the man he purchased the bicycle from lived in the humpy, where Patrick Gould resided, and that he brought the bicycle out of the house.

This closed the case for the prosecution.

Defendant elected to be dealt with summarily, and pleaded not guilty.

Defendant stated that he often met

summary, and pleaded not guilty.

Defendant stated that he often met a man named M'Lean coming from work; M'Lean said he had a bicycle to sell, and next morning he took witness to a humpy which witness afterwards pointed out to the police; M'Lean unlocked the door of the humpy and brought a bike out; witness borrowed £4 from his father, and paid it to M'Lean, who then handed over the bike; witness did not ride the bike to work, but rode it along Argent-street; witness arranged with Wagner to renovate the machine, but had no idea it was stolen; witness had been unable to locate M'Lean.

By Sergeant Mackie: Witness always met M'Lean near the coal bins, and walked with him as far as Argent-street; witness took the bike to Wagner's shop three or four days after he bought it, he had made inquiries as to the cost two days after he bought it, witness purchased the bicycle on January 26 or 27, which was a Tuesday, as far as he could remember; witness had been to the place M'Lean took him to since he had been out on bail, but was unable to find out whether he had resided at the place; witness could not name any person who had ever seen him in M'Lean's company.

The Rev. Zabel Mandelbaum, Jewish Rabbi, stated that he had known defendant for three years, and had found him an honest, hard-working boy; he was surprised to find defendant mixed up in an affair like the present one, as he had always borne an excellent character.

Thomas Lakovsky, father of defendant, stated that defendant borrowed £4 from him about two weeks and a half ago.

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By Sergeant Mackie: Witness had not lent money to anyone else during the last month, and could not say what day he lent defendant the money.

defendant did not say what the money was for.

George Krantz, storekeeper, stated that he had known defendant about three years, and knew nothing wrong about him; defendant had been contributing to his father's support, as he was unable to make a living himself.

This closed the case for the defence.

Mr. M'Carthy briefly addressed the Bench.

His Worship held that defendant's story was incorrect, as his statement showed, and it threw on him the onus of satisfying the court that he had purchased the bicycle from the man M'Lean, and he had not done so. "Anything known of this man, sergeant?"

Sergeant Mackie: No, Sir.

Mr. M'Carthy asked his Worship to take into consideration the fact that defendant had incurred an expenditure of over £3 on the bicycle.

Sergeant Mackie: I would point out that thefts of bicycles are common in Broken Hill. There is scarcely a day passes but complaints of bicycles being stolen are made.

The S.M. imposed a fine of £5, with £1 6s. witness' costs—in default, two months' imprisonment with hard labor.

Mr. M'Carthy: Will your Worship allow time to pay?

The S.M.: This is not a case in which

allow time to pay?

The S.M. : This is not a case in which time for payment should be allowed, but I do not desire to be hard on defendant. I will allow defendant seven days to pay the fine on his finding a surety for its amount.
