

CAIRNS DISTRICT COURT.

Criminal Sittings.

The sittings of the Cairns District Court, in criminal jurisdiction, commenced on Tuesday morning, before his Honour, Judge Jameson. Mr. F. G. Hamilton prosecuted for the Crown.

TRIAL ADJOURNED.

An indictment was presented against Archibald Campbell, charging him with stealing £135 at Wolfram.

Mr. E. B. Steele, who appeared for the defence, asked that the trial should be adjourned. Prisoner had not had a copy of the depositions, and there was no time for counsel to be engaged.

Mr. Hamilton opposed the application, and said that as defendant had been on bail he had time to secure the services of counsel.

His Honour said he would adjourn the trial till April 10, at Cairns. The witnesses would be warned they were bound to appear at that court.

RUSSIANS CHARGED.

Two Russians named Michael Baranoff and William Lannan pleaded not guilty to having set fire to a crop of sugar cane at Mourilyan. Mr. A. J.

sugar cane at Mourilyan. Mr. A. J. P. MacDonnell (Messrs. MacDonnell and Hannam appeared for accused, Baranoff.

Jury: P. J. Maree, J. L. Peake, R. Richardson, C. A. Keys, G. Rogers, L. P. Olsen, A. Chaplain, D. Bailey, P. Smith, J. Greenwood, jun., W. Maitland, jun., J. O'Gorman.

In opening the case for the Crown, Mr. Hamilton said that the two prisoners were charged with setting fire to a crop of sugarcane at Mourilyan, which was an offence against the laws of Queensland. Although they were charged conjointly, they were on separate trials, and it would be the duty of the jury to distinguish between the alleged offences. At Mourilyan a man named N. Chong, his wife, and step-daughter, named Marsenna, resided on a sugar farm. Adjoining the latter was another farm. There was a tramline running through the two farms. On the morning of November 4 the girl Marsenna saw the men approaching along the road from Mourilyan. When they got to N. Chong's paddock they pointed to the house. Lannan then went into the cane and stooped down. Subsequently smoke was seen to rise. The girl called her mother, and the latter overtook the two men, saying, "Come back and help put out the fire." They

back and help put out the fire," They would not do so. There was no fire in the paddock before the two men came along.

Evidence in support of the foregoing was given by several witnesses.

The jury returned a verdict of "not guilty," and the prisoners were discharged.

PLEA OF GUILTY.

An indictment was presented against a blackfellow named Percy Dandy, charging him with attempting a serious offence, and indecently dealing with a girl under the age of 12 years, at Gordonvale.

Mr. H. H. Marsland (Messrs. Murray and Marsland) appeared for accused, and said that the latter was prepared to plead guilty to the second charge, that of indecently dealing.

Mr. Hamilton said he would accept that plea.

Mr. Marsland: I will ask your Honour to remand the prisoner till tomorrow morning, as I am expecting a certificate of character from a previous employer of the man.

His Honour: Very well, let the prisoner be remanded till tomorrow morning.

CHARGE OF ASSAULT.

John William Novice pleaded not guilty to a charge of unlawfully assaulting George Ross and another.

guilty to a charge of unlawfully assaulting George Ross, and occasioning bodily harm.

Accused asked his Honour if he could obtain the benefit of the provisions of the Poor Prisoners' Defence Act.

His Honour: Did you make application to the Police Magistrate?

Accused: No.

His Honour: You should have applied to him. I have no power to order anyone to defend you. The matter has to go before the Attorney-General. In an application of this kind, there has to be a certificate that you have no means of support. I do not know whether you have any means of defence. Your application comes a little too late for this court. If the case is adjourned till the next court you may have to remain in gaol in the meantime.

Accused intimated that he did not wish the hearing of the case postponed.

The following jury were empannelled: Irvine Bell, H. O. Bickmore, T. H. Parry, J. T. Springer, W. McCarthy, W. Fooks, H. J. Bulcock, M. Cook, Andrew Dunlop, A. Mearns

Carthy, W. Fooks, H. J. Bulcock, M. Coghlan, Andrew Dunlop, A. Mann, G. Remilton, and H. Moller.

Mr. Hamilton, in outlining the case to the jury, said that prisoner was a fireman, and came off a boat at Cairns on 29th January last. He was drinking about town, and got too much. Before the facts of the case arose, accused had a row in a hotel, and hit a man named Henderson. That was only by the way. Prisoner was not charged with that, but it showed the quarrelsome temper he was in that evening. Later on George Ross was going home, and when passing near Dr. Knowles' place accused hit him with a gas pipe. Ross gave accused no provocation, and had a narrow escape from severe injury. Those were the facts he proposed to prove.

Evidence similar to that in the lower Court was given, and accused did not give evidence for the defence for the defence.

The jury returned a verdict of guilty of assault occasioning bodily harm.

His Honour asked if prisoner had any references as to his character.

Prisoner: Yes, I have my discharge papers.

His Honour: You have been before the Court for violation of the

HIS HONOUR : You have been before the Court for resisting arrest.

Prisoner : That was on the same night as this offence.

His Honour : Still it is a different offence. You go and get drunk and arm yourself with a weapon like that.

Prisoner : It is two years since I touched drink. I have not been out here very long.

His Honour : That is all very well. If I let a man like you go now, you might get killed yourself. There are soldiers walking about just now, and a man like you using that piece of gas pipe would not be safe in the hands of one or two Australian soldiers. I think it would be better if I sent you where you can do no harm.

Prisoner : I am sorry for the man I did not know him, and did not intend to hit for him.

His Honour : You walked up to the man and knocked him down when you did not know him. You possessed yourself with a piece of gas pipe to do it. I cannot deal lightly with you. I will remand the case until to-morrow morning and you can show me your papers.

YOUNG LAD CHARGED.

A young lad named James Owen

A young lad named James Owen pleaded not guilty to a charge of breaking and entering a shop at Mareeba.

Mr. E. B. Steel appeared for the defence.

As the jurors had been discharged the case was adjourned till the following morning.

The sittings of the Cairns District Court, in criminal jurisdiction, were continued on Wednesday morning, before his Honour, Judge Jameson. Mr. F. G. Hamilton prosecuted for the Crown.

THREE YEARS HARD.

John William Novice, who had been found guilty of assaulting George Ross, thereby occasioning bodily harm, appeared for sentence.

Addressing the prisoner, His Honour said: You have been convicted of assaulting George Ross, thereby occasioning bodily harm. I have considered your case, and in doing so I have endeavoured to put aside the fact that you are a German, and that when you committed the offence you were a drunken German. Personally I might be a good deal influenced if I allowed those con-

influenced if I allowed those considerations to come in, but I shall not do that. I am considering your case apart from the fact that you are a German, and that you were reviling the British and extolling yourself. I think when a man uses a gas pipe like you did, and comes behind a man and hits him on the head, he should be put away by himself. I shall therefore sentence you to three years' imprisonment in Stewart's Creek jail with hard labour.

BLACKFELLOW SENTENCED.

The young blackfellow, Percy Dandy, who on the previous day had pleaded guilty to a charge of indecently dealing with a little girl at Gordonvale, appeared for sentence.

Mr. H. H. Marsland (Messrs. Murray and Marsland), appeared for the prisoner.

Mr. Hamilton said the little girl was six years of age. Dandy enticed the little girl away from her brother and then attempted a serious offence on her. He had had prisoner examined by two medical men, and they were of opinion that he was apparently 18 years of age.

Mr. Marsland stated that prisoner said he was only 16 years of age. The doctors could only say what his apparent age was. He had a

his apparent age was. He had a certificate from former employer of the prisoner. He understood the police gave prisoner a good character and he asked his Honor to extend to him the benefit of 656 of the Code.

His Honor: Certainly not. My only doubt was whether I should not order him a whipping. What about the little girl, and her father and mother? What about the little girls of Queensland who are running about unprotected?

Mr. Marsland: An aboriginal cannot perhaps be taken on the same standard as a white man.

His Honour: I shall sentence him to two years' imprisonment in Stewart's Creek jail with hard labour.

CASE FROM MAREEBA.

A young lad named James Owens pleaded not guilty to a charge of breaking and entering a shop at Mareeba.

Mr. E. B. Steele appeared for the defence.

The following jury were empanelled: Andrew Trim, C. A. Keys, Robert Clarke, L. P. Olsen, G. Taylor, H. O. Bickmore, F. G. Mills, G. A. Remilton, W. Maitland (jur), Thomas Jones, John Thomas Springer, and J. S. Phillips.

Mr. Hamilton, in presenting the case for the Crown, said that prisoner was about 15 years of age. He was charged with the serious of-

He was charged with the serious offence of breaking and entering with intent to commit a crime. In this case two brothers named Tilse kept a boot shop at Marseba, and in consequence of something happening they made a complaint to the police. Some collars were marked and placed in the shop, which was locked up. Accused, who was yardman at Dunlop's hotel, possessed himself of a key and went to Tilse's shop early one morning. He opened the door and went inside. When he got in, he found Constable Embling there too, waiting for whoever might come in. The boy

said to the Constable: "Let me go this time. I will never do it again."

Evidence for the Crown was given by Constable Embling, W. E. Keating, A. S. Tilse, and R. E. Tilse.

Mr. Steele intimated that he was not calling any evidence for the defence. In addressing the jury Mr. Steele submitted that the whole thing was nothing but a boyish prank. There was no intention to commit a crime, but only an attempt at trespass, which was not essential to the offence. He asked for a verdict of not guilty.

After deliberation the jury return-

After deliberation the jury returned a verdict of guilty with a recommendation to mercy.

Prisoner was remanded till the following morning.

CHARGE OF STEALING.

Francis Henry Reed pleaded not guilty to a charge of stealing £10/18, the property of Samuel Peden. Mr. A. J. P. MacDonnell (Messrs. MacDonnell and Hannam) appeared for the defence.

The following jury were empanelled: R. Richardson, W. Fooks, J. Greenwood (jnr.), J. H. Smith, H. J. Bulcock, H. Moller, E. Russ, J. O'Gorman, J. L. Peake, E. Lewis D. Barley, F. W. Aumuller.

In opening the case to the jury Mr. Hamilton said that a man named Samuel Peden came to Cairns in January last, and had a cheque for £10 odd. Prisoner got hold of that cheque, took it to the bank of North Queensland, and cashed it. A complaint was made to the police and inquiries were made by Detective Acting Sergeant Meldon. He interviewed prisoner, and the latter denied cashing the cheque. But the bank officials would tell the Court that he did cash the cheque.

The defence was a denial of stealing and it was set up that whilst prisoner cashed the cheque he gave the money to complainant.

prisoner, cashed the cheque & gave the money to complainant.

The evidence given for the prosecution was similar to that tendered in the Police Court, and published in the "Post" at the time.

The jury retired, and after several hours' deliberation were called in at 6.15 p.m., when, in reply to His Honour, the foreman said they could not agree.

His Honour: I am sorry to say it may be necessary to keep you some considerable time yet. There was a case elsewhere, not so very long ago, in which a jury had to be locked up all night, and they returned at an hour earlier than you did to-day. It was very warm weather at the time. The reason it is desirable a jury should come to a conclusion is that the country is otherwise put to the expense of a new trial. It is hoped you will be able to reach an agreement. If there is any question of law or fact I can help you upon I shall be happy to do so.

The Foreman: I do not think there is your Honour. I do not think there is any chance of us coming to an agreement.

His Honour: I will again, ask you to retire and consider your verdict. Arrangements will be made for your evening meal. I will come again when I am sent for.

At 9.30 p.m. His Honour resum-

At 9.30 p.m. His Honour resumed his seat and the jury announced there was no hope of them agreeing.

His Honour; It is to be regretted because it means another trial. It also means the prisoner remaining in custody in the meantime.

The case was then adjourned till the following morning.

ATTEMPTED BRIBERY CHARGE.

A Chinaman named Tam Soon pleaded not guilty to an indictment charging him with having unlawfully attempted to bribe Constable Murray, at Babinda, on December 13th last.

Mr. A. J. P. MacDonnell (Messrs. MacDonnell and Hannam) appeared for the defence.

Jury: Patrick John Maree, Charles Rogers, Archibald Chaplain, J. S. Phillips, J. T. Springer, Andrew Dunlop, James William Ferguson,

H. O. Bickmore, F. G. Mills, C. A. Keys, G. A. Remilton, W. H. Viewers,

Mr. Hamilton, in opening the case to the jury, said that defendant, who was an offender against the law, offered Constable Murray £1, at Babinda on December 13th last, not to go on with the case against him. Tam Soon was about 55 years of age, had been in this country for a long time, and resided

years of age, and resided at Babinda. On 9th December last, Constable Murray went to accused's place, and acting under a search warrant found opium in his possession. It was an offence for a person to have opium in his possession. On December 12, accused went to the Police Station at Babinda. He told Constable Murray he was sick, and said he wanted to get the opium back. Constable Murray said he would not do so. Next day accused went back to the Babinda Police Station. He offered Constable Murray £1 for the opium, and to stop the prosecution.

Evidence in support of the foregoing was given by Constable Murray, who in reply to Mr. MacDonnell said that he did not give accused back a little of the opium. He did not tell accused to go to the banana gardens for opium.

Similar evidence was given by Constables Rosen and Nugent.

For the defence, Tam Soon stated that in last November he saw Constable Nugent. He asked the latter if he would allow him to smoke some opium at another place. Nugent said, "All right, you give me £1 a month and keep on smoking." Later on witness went to the police station and when Nugent said to him "Here is a man who wants a smoking license." On 9th December

smoking license." On 9th December Murray and Nugent came to his house and took some opium away. Witness said to Murray "Don't take that away as I will be sick." Murray gave him some opium back. For four nights witness went to the police station and got some more opium back from Constable Murray. Once he went to Murray and asked him if he was going to get a summons? Murray replied, "Oh, give us a couple of quid and it will be all right." On another occasion Constable Rosen asked him how much he would give for the opium, £3 or £5.

By Mr. Hamilton: He had never seen a smoking license, but the police at Babinda promised him one.

The next witness called was a Hindoo named Jack Jabber. He stepped into the witness box wearing a weird turban and being minus boots. He grabbed a glass of water, bowed to the judge and jury, announced to all and sundry that he was going to tell the truth, and then exclaimed in a loud voice, "I know nothing about this case." (Loud laughter.)

His Honour: One of the most sensible witnesses I have known. (Renewed laughter.)

Mr. MacDonnell: I don't want him. I had to put him out of my office this morning.

Another Chinaman, who required

Another Chinaman, who required an interpreter, said he heard Constable Rosen mention to accused something about £3 or £5.

This was the case for the defence.

In addressing the jury Mr. MacDonnell urged that the money was offered to get the opium back, and not to stop the prosecution. He asked that the jury return a verdict of not guilty.

The jury returned a verdict of not guilty and the prisoner was discharged.

STEALING A HALTER.

A young man named Clive Brady, pleaded not guilty to a charge of stealing a halter at Mareeba.

Mr. E. B. Steele appeared for the defence.

After evidence had been given the jury returned a verdict of guilty.

His Honour imposed a fine of £10 in default three months.

Mrs. Cloutier arrived from Townsville on Sunday.