

HAZARDS.

DEFENDANTS GIVE EVIDENCE.

A FURTHER REMAND.

Before Mr. J. L. Shropshire, at the Police Court yesterday the case was continued in which Kelly Mansfield and Lionel Jacobs were charged with larceny in company. Senior-sergeant Swan conducted the prosecution. Mr. A. J. Pollack appeared on behalf of the defendants, and Mr. R. Dobie Bawden was present in the interests of the Russian witnesses.

Michael Kekoff, in continuing his answers to Mr. Pollack, said Tuesday was the first afternoon he was ever in Kirkparick's, and the first time he had played hazards or any game of dice. That Tuesday was the first time he met Jacobs. He had seen him before, but had never talked to him. When he threw the main of six he bet he would throw the same number again. He bet with Mansfield and Harry bet with Jacobs. Jacobs was the only man backing out. When Mansfield was throwing Jacobs would bet against the three of them. At each bet the money was put on the table. After each bet the loser pushed his money over to the winner, and a new game was started. There were different odds on the different mains they threw. He lost £14 on Tuesday and won back £8. Witness told Mans-

day and won back £5. Witness told Mansfield that at one time he was winning £8. At the time he threw the main three times. He was betting sometimes £3, and sometimes £2. It was not true that witness told Jacobs' to take the box in his turn, as he was missing it. Mansfield never told witness that he had lost £50 that week playing hazards. Witness did not see anything wrong with the play of Mansfield. When Mansfield knocked off he said he had lost £7. On Wednesday night witness and Harry met Mansfield at Wicks' barber shop. Wicks was there too. Mansfield asked them to have a game, and witness said "Only half an hour, as I want to go to the pictures." Mansfield did not suggest that they should get a pack of cards, instead of dice, and play boxer. He did not remember hearing Wicks say that he would be down later, when he finished his work. When they went into the room Kirkpatrick came in and went out again. Jacobs called him in, and he said he would be back in a few minutes. Kirkpatrick did not come in till the row started. The gas mantle broke a little bit when the door was shut. He did not remember Jacobs calling out to Kirkpatrick to bring a new mantle. When the policemen came in witness did not tell one of them that Mansfield was a fair man. He did not tell the police anything about Mansfield at all. Witness was talking out loud before the police came in. He was not using bad language. It was Harry who used the bad language.

By the P.M.: Witness came to Grafton on the 8th of July. He did not tell anyone at Grafton or Casino that he had this money in the bank. The paymaster put his money

in the bank. The paymaster put his money
n the bank. He did not show anyone any
money that he had on him.

That concluded the case for the prosecu-
tion.

Mr. Pollack addressed the Bench. He
said that, so far as Mansfield was concerned,
there was no evidence to connect him with
larceny by a trick. The mere winning of
money by a game was not larceny. Mans-
field knocked off because he lost all the
money he had on Tuesday. Mr. Pollack
then gave in detail the stories of both the
Russian witnesses with regard to the throws
which vastly differed. With regard to the
statement attributed to Mansfield—"Shut up
or I'll knock your head off"—it might have
been made, but if so, it would have been
made because of the row the Russians were
making. The four were gambling and were
liable to be caught by the police. He sug-
gested that there was no prima facie case
made out against Mansfield, and though he
was not going so far as to say that a prima
facie case had not been made out against
Jacobs, he contended that a prima facie case
had not been made out for the amount of
£40, and for the lesser amount his Worship
could deal with it summarily.

The P.M., in giving his decision on the
point, quoted the sections of the Crimes Act
used by Mr. Pollack in his address. What
he had to decide, he said, was whether this
case, which was presented against the two
accused was one which could be disposed of
summarily. He had come to the conclusion
that it could not be.

The accused were then formally charged
with stealing £40 by a trick. Lionel Ja-

with stealing £40 by a trick. Lionel Jacobs, when asked if he had anything to say, said: "I am not guilty, and I wish to give evidence." Mansfield said: "I am not guilty, and wish to give evidence on my own account."

Lionel Jacobs in the witness-box said he was a bookmaker, and resided at Grafton. He had several gambling transactions with the two Russians. They played hazards about the 31st of July, the day before the Casino races. It was on a Tuesday morning. They played in Cowan's billiard room at Grafton. There were three Russians, the two witnesses and another one, said to be Baff's cousin, a barber named Wicks, Bale, Ted Bond, Clarrie Young, and Tom Young. They played from about ten till the dinner hour. The Russians knew the game thoroughly. All the other people playing were Grafton people, so far as he knew. They again played the same afternoon, from half-past two till five or half-past. It was at the same place, and practically the same people were there. During the whole of the game the two Russians played. There was another man called Beatson playing. Witness remembered Monday, 7th of August. He played with the Russians that day, both morning and afternoon. In the morning they played in Cowan's billiard room. Most of the same players of the week before were there. Mansfield was not playing the week before the Casino races. He was playing on the Monday. Witness was backing out. Mansfield backed out part of the time, and in sometimes. On the Monday morning the backers won. Witness lost a few pounds. The Russians won. On Monday morning

The Russians won. On Monday morning they knocked off playing at ten past one. The same afternoon they played in Kirkpatrick's room. That was the same room as had been referred to in the evidence. Witness never arranged to go there. He was walking past, intending to go into Cowan's billiard room. Somebody stopped and spoke to him, and as a result of what was said he went upstairs. There he found the two Russians, Clarrie Young, and another young fellow, and Mansfield. They played all that afternoon. A man named Jack Sexton and a man named Wicks and Beatson came in during the afternoon. When he walked up into the room Bass said to him, "Have you any dice?" Witness noticed Clarrie Young with two small white bone dice in his hand. Witness said "What is wrong with those dice which he has got there?" Bass then turned round and said to him "We don't want them, we want red dice. You can see through the red dice." Witness said "I'll get some off the boss" (meaning Kirkpatrick). Witness went to the top of the stairs and sang out to him.

Kirkpatrick came up to the door and handed him the box and the dice. Witness threw the lot on the table. They started playing and played till about half-past five. Witness backed out all the time, except when it was his turn to take the box. Witness lost somewhere between £10 and £11. Witness fancied Mansfield went away. He thought he heard him remark, "I'm broke. I am going to get some more money." Mansfield went away and came back again. He played, but finished up broke. The Russians backed in, and they must have won. After-

backed in, and they must have won. Afterwards, in Wicks' barber shop, when witness was having a shave, Baff said he had won about £5. All the out-backers, Mansfield, Bextou and himself, lost. They did

not play on Monday night. On Tuesday morning they started playing in Cowan's billiard room. They played till lunch time. The Russians were still playing. On Tuesday afternoon they played at Kirkpatrick's. Witness met the two Russians at the bank corner. Witness saw them walking, as if from the hotel. Witness said, "Are we going to have a game?" and they replied, "Yes." Witness said, "Come on, we'll play over here. We can play quietly, and won't have to be knocking off every few minutes." (He meant Kirkpatrick's place.) The two Russians and witness went over, and the three started playing. Kirkpatrick brought the dice. Others came in afterwards—Mansfield, Beatson and Bale. Witness kept up his policy of backing cut. The out-backers won that day, and witness won off everybody. Mansfield went broke. He had been playing from an hour to an hour and a half before he went broke. He took no further part in the game that afternoon. At the beginning of the game witness was losing, but he finished up a winner. A winner need not take the box a second time, unless he liked. Witness passed it on several times, as he did not wish

ed it on several times, as he did not wish to change his run of luck, which he had in backing out. Kekoff asked him to take the box, and to show there was no ill-feeling, he did so. He won just on £40. Witness did not use any other dice than those Kirkpatrick brought in. He did not know of any other dice being there other than the two in the box. What the Russians said in regard to that was untrue. He did not use any unfair means. He could have robbed the Russians of a few shillings as many times they gave him money over the amount of the bet. He always passed it back. At the finish of the game on Tuesday the players had dwindled to two, that was witness and Kekoff. There were three looking on—Beatson, Bale, and Mansfield. When Kekoff said he was broke they finished up and went out together. It took witness half an hour to win the last 15s from Kekoff. The next time they played afterwards was on Wednesday morning at Cowan's. The Russians were there, taking part in the game. They played till lunch time. They started, somewhere after ten. Mansfield was not there on Wednesday morning. Three Russians, Wicks, and Tom Young were there. He was not quite sure if Clarrie Young was there. There was a number of men looking on. All the games witness played were hazards. There were no complaints that morning about what happened on Tuesday by the Russians. Between three and half-past three they played again in Cowan's billiard room. They played till half-past five or a quarter to six. The two Russians played constantly, while Baff's cousin played occasionally. Witness backed out all the time unless when it came to his box. Witness

unless when it came to his box. Witness had no intention of playing on Wednesday night, as he had made other arrangements. Witness was upstairs at his hotel when somebody came to him on business. He walked down the street with this man, when somebody passed the remark that Kelly Mansfield was looking for him. Afterwards Mansfield met him and told him something. Witness went to Kirkpatrick's billiard room and afterwards to Cowan's billiard room. Witness saw the two Russians there, and he saw two other men. Witness then said to Baff, "Are we going to have a game?" and he replied "Yes." Baff and witness walked down the street to Kirkpatrick's. They went upstairs to the room and started to play. They took the same seats as they had before, except Baff, who was previously on the right-hand side of witness, but took the left-hand side. Witness spoke to the proprietor of the place and asked him to bring a chair up. He did so, and at the same time brought the box with the dice. Kekoff and Mansfield were there at the time. When Kirkpatrick walked out of the room he slammed the door, and cracked the mantle. It did not fall off, but it made the light duller than it should have been. Witness called him back and said "You have broken the mantle, fetch us a new one." Kirkpatrick said something about he had no new ones. He had some friends in the diningroom, and as soon as they went he would bring up a new one. He also said he would be back in a few minutes. After that the game started. It was played the same way as the others. After they had been playing about ten minutes, the box came

been playing about ten minutes, the box came round to him. He had been backing out. Witness made his main. He won that main and he threw another one. He had the dice in his left hand, and the "pot" in his right, when Baff said, "Show me the dice." Witness put the dice alongside him, and on looking up saw Kekoff at the door with a revolver pointing at him. With that he grabbed his money on the table, and put it in his pocket. He had some notes and silver on the table. Baff said, "What have you got in your pocket," and grabbed witness by the arm. Witness replied "You know what, my money, of course." Baff, swearing at the same time, said "Give us our money back that you won off us yesterday, and we'll keep quiet." Witness replied, "I'll give you nothing. I won your money fairly. I am going to keep it. You are only trying to blackmail me." Baff then said, "You have got crook dice in your pocket." Witness replied, "You know that is a lie. I have not." Baff grabbed the dice that witness had put on the table. The police came in. One policeman took the revolver off Kekoff. Witness said to the constable, "Make this man let me go." Baff said, "He has got crook dice." Constable Barry said to witness, "Hold your hands up." Witness did so and the constable searched his pockets, saying after the search, "This man has not got crook dice on him." Baff, pointing to the floor near where witness was standing, said, "Look, here are the crook dice." Constable Barry stooped down and picked up one dice, Baff at the same time pointing out another one under the table. One was picked up where Baff was sitting.

... the place up where Baff was sitting, and the other one where he had probably had his feet. The constable then told them to get downstairs. Witness had no dice at all in his possession. It was not true that when he pulled his hand out of his pocket, he pulled out dice. If he had the constable could have seen him, as he was only about two feet away. Kekoff said to the constable, pointing to Mansfield, "Him all right, he play fair." On Wednesday night, when Kekoff sat down, he borrowed 10s off Baff. He played on that and was winning. Baff was winning, too. Witness did not use any unfairness or trickery or cheating on the Wednesday night. It was quite a shock to him when Baff told the constable there were crook dice on the floor.

Cross-examined by the sergeant: Witness was a bookmaker. He did not make a book at Casino, because his renewal of license was pending. Witness was not informed by the club at Casino that he would not be allowed to make a book. It was not refused because the matter was still in hand, pending his appearance before the board. Witness saw Baff at Casino, and asked him to have a cup of tea with him. Witness arrived at Casino on the morning of the races. He went by car. That was not the first time he saw Baff, because he was gambling with him the week before. When they knocked off playing on the Tuesday at Kirkpatrick's witness was winning. He played several times before that in Cowan's billiard room. Cowan stopped them from playing several times until the police went past. Cowan never said he would not allow them to play.

never said he would not allow them to play, no matter what sum of money they gave him, and witness did not say, "Don't be a nark, these Russians have got some brass, and we can get some of it." On Wednesday witness was told Kolly Mansfield was looking for him. He had other arrangements for that night, and explained what the business was. Witness saw the two Russians in Cowan's billiard room, and the four of them left there to go to Kirkpatrick's.

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(Continued from page 4.)

Witness heard Mansfield say, "Don't all go together, the police might see us." They all got to the room and started playing. When Baff grabbed witness' hand he had some money on the table. He managed to get it into his right-hand trouser pocket. He had other money on him at the time in the inside vest pocket. It was over £100. The police when searching him did not take the money out of his pocket. Witness never heard Kekoff say to Baff, "Don't let him hear" (meaning Mansfield). Witness never heard Mansfield say, "Hold your tongue, or I'll knock your head off." Witness first saw the revolver when he looked and found Kekoff was pointing it at him. That did not give him as big a shock of surprise as

not give him as big a shock of surprise as the crook dice on the floor. When they were playing at Cowan's they were playing on the billiard table, and on the form. He had never played there with a sheet of paper across his knees. He did not know whether it was possible or not for men to win with crook dice, as he never used them. He won on Tuesday and on Wednesday afternoon, but on Wednesday night he lost. He did not suggest that Baff had the dice. He suggested nothing.

Kelly Mansfield, in the witness-box, said he was a laborer who lived at Glenreagh. He heard the evidence given by Jacobs. Witness heard him swear that he had played with the Russians from the 7th of August. Witness was present on the morning of the 7th (Monday) at Cowan's, and that afternoon at Kirkpatrick's. On Tuesday morning he was not playing, as he saw his wife off. On Tuesday afternoon he was playing at Kirkpatrick's. On Wednesday afternoon he was playing at Cowan's. On all the occasions he played the two Russians were present. They appeared to understand the game. Witness had played with them at Glenreagh up to ten months ago, chiefly at boxer, two-up, and hazards. The Russians played every pay day. They were big gamblers for working-men, betting £2 or £3 at a time. The Russians were known as heavy gamblers. Witness had no arrangement with Jacobs. He never saw him in his life before until at the races. Witness lost about £30 altogether at hazards in Grafton. On Monday he lost £3. On the same day he met the two Russians at Cowan's, and they asked him if he was going to play. He played for an hour or so, but did not

He played for an hour or an hour and a half and lost £15. Witness came out and got £3 from his wife, and came back and lost that. Kekoff told witness he won £5 in the morning and £6 in the afternoon. On Tuesday afternoon witness played until he went broke. He had about £7 10s when he started. Jacobs came out a good winner. Jacobs was backing out, and often passed the box until Mick Kekoff made him take it. Jacobs won all his money backing out. Jacobs and Kekoff were left playing. Kekoff had about 15s, and it took an hour before Jacobs won it. A person passed the remark to Jacobs, "You'll lose your roll over that silver." On Wednesday morning witness drew £2 out of the Savings Bank. He won two or three pounds in the afternoon. On Wednesday night he walked over the street to Cowan's billiard room, and met the two Russians in the barber's shop. Witness said to Mick, "Are you coming to the pictures to-night?" Mick said, "No, we want to play." Witness said, "Where are you going to play?" and he replied "Kirkpatrick's. You go and find Jacobs." Witness left the two Russians, and came to the hotel where Jacobs was staying. Witness did not find Jacobs, and came down to Kirkpatrick's, where the Russians had walked. Kekoff asked where Jacobs was, and witness answered, "I can't find him. I think he has gone out with a girl." Mick said, "He has not gone out with a girl; you find him." Witness went back and saw Jacobs, and had a conversation with him. Witness then went down to Cowan's, and he had been there some time when the Russians and Jacobs came in. Mick said, "Come on."

cobs came in. Mick said, "Come on." Witness said, "I don't like this playing at night; the police will catch us. Don't go all together, or the police will see us go in." Jacobs and Baff walked ahead and Mick and witness walked down, and went upstairs and they started to play. When the row started Jacobs had the box. After he picked up the dice Baff grabbed Jacobs' hand and said, "Show me dice. I want my £14 back." Mick Kekoff then pulled out a revolver and backed towards the passage. Witness said, "Don't sing out or the police will come. I don't want to cause any trouble." Mick said, "You go on, Kelly, you play fair. I'll shoot that —" (meaning Jacobs). The two policemen then came into the room. One of them asked what was wrong, and witness said he thought the Russians had gone mad. The revolver was taken off Kekoff. Witness was back from Kekoff. Witness did not see any dice on Jacobs! Witness saw Baff take the dice on table. These were the same dice as Jacobs had been throwing with. Witness saw nothing suspicious in the play of Jacobs. The game was fair. Witness was playing entirely for himself. It was not unusual for a man to throw a main several times in succession. He knew a man who threw nineteen times recently without making a seven.

At this stage the accused were again remanded until to-day, bail being allowed the same as formerly.