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# HAZARDS.

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## THE EVIDENCE CONCLUDED.

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### ACCUSED COMMITTED FOR TRIAL.

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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.

Kelly Mansfield, who concluded his examination-in-chief yesterday, was cross-examined by Sergeant Swan. Mansfield said he was also a professional boxer as well as a laborer, and had been a gambler all his life. He was not an expert, only a common gambler. He knew practically every game of gambling. He would know crook dice if he saw them. He had never seen anyone playing with crook dice. He had been ten or eleven months at Glenreagh. He had a month's holiday when he was married in June, and six weeks previous to that. He had a short holiday either before or after Easter. He could not tell how many days he worked in March last. He was getting 14s, 13s, and 11s a day while he was working. He got 14s a day when he was bossing in the tunnel. He could not say if he was working at the tunnel or in the cutting in April. He could not say how many

days he worked that month. He could not deny that he only worked from the 10th to the 15th that month. He thought that was the month he was hurt. He could neither deny nor admit that he only worked 9 days in May. In June he knocked off on a Thursday and got married on the following Wednesday, and had a fortnight or three weeks' holiday after that event. After further questions witness remembered that he only had a week off after he got married. He worked ten days in July. He could not deny that he worked only 34 days from the 10th of April to the 14th of July. The Russians were regarded as big gamblers for working men. That was not only his opinion, he had heard it often in the camp. He never heard people in camp also say they were good workers. Witness had played hazards at Glenreagh with as big a school as 16. He was not the head of any school. When a man lost his money he took the school until he got something, and then handed it over to someone else who got broke. It would be flattery to call him a smart gambler. He never saw Jacobs use crook dice. When witness came to Grafton he had £12 in the Savings Bank, £48 odd in his pocket, and his wife £12 to £14. Witness told the sergeant when being taken to the lock-up that he had done £50 or £60 in Grafton. That included racing and all. Playing hazards he lost £30. Witness could not say what the Russians lost. He had seen them lose and seen them win. He would not be a bit surprised to hear that Baff had over £200, and Kekoff over £117 when they came into Grafton. Witness had been twice back to Glenreagh since July. One of these days was

Glenreagh since July. One of these days was a pay day. Kekoff never called out to Baff when the latter had hold of Jacobs not to let witness near Jacobs. In fact, witness had been good friends with Kekoff, and after the row came down the stairs with him. Witness never said, "You keep quiet, or I'll kneck your head off." Kekoff pointed the revolver at Jacobs. Witness did not see that Jacobs had done anything to get a revolver pointed at him. Witness heard Baff say, "This man (meaning Jacobs) took me down for £14, and my mate for £18." It was £14, Baff said, not £40. Witness did not remember saying anything at the time. The only time Baff said anything about crook dice was when the police came. When the row started witness asked what was up? Baff said nothing about crook dice then, but asked for his £14 back. Witness was not quite sure whether he saw Baff or not at Wicks' barber shop on Monday last. Witness was there, having a shave. Witness most certainly did not speak to Baff. He did not say to him, "I will give you enough directly."

John Jas. Howard, timekeeper, Glenreagh, said he knew the Russians, Baff and Kekoff. He believed there was a good deal of gambling at the works. Witness never saw the Russians gambling. He had an experience with Kekoff. There was a misunderstanding about four months ago with Kekoff, in respect to his wages, which witness had to take over to him. Owing to witness forgetting, he did not take the money over to him, but told him that he would bring it on the morrow. Kekoff left his work and followed witness. Witness was riding. When

lower witness. witness was riding. when  
Kekoff came up to him he started to abuse  
witness so much, that witness came off his  
horse. Kekoff said witness had robbed  
him, and witness gave Kekoff a punch on

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the jaw. Kekoff picked up some blue metal  
and threw it at witness. Mansfield had  
been employed at the work for about a  
year.

Cross-examined, witness said he had never  
taken much interest in gambling. He  
supposed he had lost £1 at the outside at  
gambling, but he had lost £50 or £60 at  
racing. Mansfield was a fairly good wor-  
ker. As far as he could remember, he lost  
very little time. About three months ago  
Mansfield was a shift boss, and he lost no  
time. Witness would not be surprised to  
hear that Mansfield worked only nine days  
in May and nine in June. He would not  
be surprised to hear he only worked six  
days in April. If that was so he would not  
be a constant worker.

Re-examined: Witness could not say what  
the weather conditions were in May, but  
there was a strike. Mansfield was a good  
worker.

Arthur Edward Bond, boarding-house  
keeper, Grafton, said he remembered being  
in Cowan's billiard room playing a game of  
hazards on Tuesday, August 1. The ac-

hazards on Tuesday, August 1. The accused Jacobs was amongst those playing. The two Russians were there also. Those others playing were Beatson and Wicks. Witness never saw the game before. He played for about half an hour and won 22s 6d. The Russians were playing all the time. Another foreigner was also there.

By the sergeant: It was the first time he had played hazards. He did not think it was an easy game to learn. No one taught him to play. Beatson asked him to have a couple of bob on and he did so. Tom Young was there. Cowan was in the room marking billiards. Witness started to play after 12 o'clock, and finished about 1 o'clock. He did not know anything about the two Russians being taken down.

E. Wicks, hairdresser, Grafton, said his saloon was in front of Cowan's billiard room. Witness knew the two accused and the two Russians. Witness had taken part in several games of hazards with them. The first time was on Tuesday, the 1st of August. It was before lunch. There were several playing. Jacobs and the two Russians were there. Witness came in at 11 o'clock. The two Russians took part in the game all the time he was there. The two Russians played again in the afternoon. The game continued pretty well all the afternoon. Jacobs was there all the time. The two Russians appeared to fully understand the game. A game was again played there on the following week, on the Monday morning. The two Russians were there. Mansfield and Jacobs were both there. Practically the same lot were there. The game continued on Monday till Cowan knocked them off for

on Monday till Cowan knocked them off for lunch. The two Russians, as far as he knew, continued to play right through the morning. They won. Inbackers won that day and the Russians were backing in. Jacobs was backing out. On Monday afternoon they played at Kirkpatrick's. Play was in progress when witness came in. The two Russians, Jacobs, and Mansfield, and Sexton and Clarrie Young were there. Witness knew that Mansfield lost that day. He passed the remark that he got broke and went out to get more money. They were still playing on when witness left. There was a game at Cowan's on Tuesday morning. The two Russians were playing. They started about half-past eleven, and played till lunch time. The Russians took part in the game the whole time, and were the biggest bettors. There was a game in Cowan's on Wednesday morning. The Russians were there again, and the two accused. Neither of the Russians complained in his presence about being taken down on the Tuesday, and played just as agreeably. There was another game at Cowan's on the Wednesday afternoon, at which the two accused and the Russians were. In all the games witness saw there was nothing improper in the play of Jacobs or Mansfield. Jacobs backed out the whole time, except when he had the box and would bet with the whole of the players at the one time. Witness heard Jacobs say he lost on a couple of occasions. Witness saw the Russians throw three or four times in succession. Jacobs did not take the box on a couple of occasions, but the players insisted. He wanted to pass it because he was backing out, and if he had

It because he was backing out, and when he was in the box he would have to back in. Witness sometimes backed out, and sometimes in.

Cross-examined by the sergeant: Witness said he was married. When they were playing the door leading in from his shop was not always closed. Cowan stopped them playing often when the police passed. His sister looked after the shop. Witness knew what "keeping nip" was. The person "keeping nip" did not stay in his shop. Witness never saw any crook play there. He never saw any crook play in his life. He had never seen crook dice. The best time to use crook dice would be in a quiet room at night, and not in an open room in the daytime. Witness knew Ted Bond played on August 1. He did not hear anyone invite Bond to have a game. Taken on the whole, the Russians lost.

Clarence Edward Young, horse trainer, Grafton, said he was training the racehorse Belware. Witness knew the two Russians. He had not been playing hazards with them, but he had seen them playing. He had seen them playing on the first of the month in Cowan's billiard room in the morning and evening. He saw them again playing on the Monday following in Cowan's billiard room, and again in the upstairs room at Kirkpatrick's billiard room. He saw them on Tuesday morning at Cowan's, and again there on the Wednesday morning and afternoon. There were a number of others playing each time. On the first occasion Jacobs was playing. On the Monday he went up with the Russians to Weiley's to have a drink. They told him they were winning. On Monday the two Russians, Mansfield and

On Monday the two Russians, Mansfield and witness went in together. Jacobs came along later on. Witness had a couple of small white bone dice. The Russians did not want them, and Baff asked for red dice. Mansfield got broke on the Wednesday. Jacobs, the Russians, and Mansfield were the biggest bettors. The others only had small bets. Witness saw nothing unfair in the play. On Monday afternoon Jacobs and Kekoff were the last to knock off playing.

By Sergeant Swan: Witness had a gambic now and again. Witness was single. He had not tried to enlist. He saw the Russians playing again on Tuesday morning. He did not know where they went to in the afternoon. He knew nothing about the charge against the accused.

Thomas Young, marker at Cowan's billiard room, said he knew the two Russians, Baff, and Kekoff. He had seen them at the table where hazards was being played, but he did not know if they were playing. He saw the Russians on the day before the Casino races. At that time hazards was being played in Cowan's billiard room. Witness saw the Russians again in the room on Monday, Tuesday morning, and Wednesday morning.

By the sergeant: There were others standing round the table while the play was on. Cowan stopped the game on Monday morning. Cowan told Jacobs to go somewhere else and play. Witness knew nothing of the game when the Russians were alleged to have lost £10 and £18.

By the P.M.: Witness took part in the game at the table. It was hazards.

Thomas Arthur Bale, greengrocer, Grafton,



**THOMAS ARTHUR DARE, GREENGROVER, GRAFTON,** said he was present one Monday morning at a game of hazards when the Russians were there. It was the Monday before the accused were arrested. The two Russians, Jacobs. Mansfield, Clarrie Young, Wicks, and himself were there. Witness was not playing hazards; he was only looking on. He saw the Russians playing at Kirkpatrick's on Tuesday afternoon. He did not see the game finished, as he left at 4 o'clock. Mansfield did not play all that afternoon. Witness saw nothing unfair in either the play of Jacobs or Mansfield.

Witness, in answer to the sergeant, said he had never seen the game of hazards before. He knew it was hazards, as he was told so.

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**He did not know if there was any unfair play or not.**

**John McCooley, labourer, Glenreagh,** said he had been 15 months on the railway construction. Witness had known the Russians for about eight or nine months. He had seen the Russians gambling nearly every Sunday. The games consisted of boxer, two-up, and hazards. They were big bettors, especially Kekoff. They were generally lucky so far as witness knew.

**By the Sergeant: Witness knew two-up. He had seen double-headed pennies. The Maltese never accused him of using a double-headed penny. Gunner Lewis was supposed to be a gun at two-up. Witness had played with him.**

gun at two-up. Witness had played with him. Witness could not say how many days he worked in April or May last. Witness could not say whether he worked in June. He was in the hospital either in May or June. He could not swear he only worked nine days from April 10th to June 30th.

Re-examined by Mr. Pollack: Witness was in the hospital for abscesses on the face. He was suffering a week before he came in. He did not work that week. He was a fortnight in the hospital, then out for two days, and back again for another fortnight. He was not able to go to work for a few days after that. Previous to that he worked all the days it was possible for a man to work.

Roy Dunovan, labourer on the railway construction at Glenreagh, said he had seen the Russians gambling at boxer, two-up, and hazards. They usually played every pay day and the off Sunday. On the 5th June there was a gambling school row on the line, in which one of the Russians was mixed up. The game was boxer. One of the men won 26 times in succession, a most unusual thing. The Russians were losing their money, and created a commotion. Kekoff drew a revolver, and the man put the money in his pocket and said: "Shoot if you like." The Russian said he had lost £30. No one complained about losing.

By the Sergeant: Witness was not a gambler. He had played boxer, two-up, and hazards. He knew Mansfield and McCooey. Mansfield was not there at the row. Witness knew nothing about crook dice or double-headed pennies.

At the conclusion of the cross-examination of this witness, Mr. Pollack intimated that was all the evidence he wished to offer.

In addressing the jury, Mr. Pollack said:

~~... the evidence he wished to offer.~~  
In addressing the bench, Mr. Pollack said that although the law did not encourage gambling, yet it was not a criminal offence to take part in gaming unless there was an element of cheating in it. Was it possible for a jury to convict on the evidence given? If the bench thought not, the liberty of the accused should not be jeopardised. In reviewing the evidence, he characterised the prosecution as a tale of two "innocents abroad," who did not know the game or had never seen it before and lost their money. A very different story was told by his witnesses, and could it be suggested that his witnesses had committed perjury? He contended that no sane man could believe the Russians' story that they had never seen the game before that Tuesday. He then dealt in detail with the evidence. He hoped that the magistrate would exercise the powers that he had and discharge the accused.

The P.M. said he did not know what Mr. Bawden was in the Court for until he asked Mr. Pollack. Had he known that the Russians signed the charge he would have seen to it that Mr. Bawden conducted their case. Under the circumstances, if Mr. Bawden wished to address the bench he would hear him.

Mr. Bawden at the outset explained his position. The Russians came to him after the case had started and asked him to watch their interests. He contended that the police magistrate could not take it upon himself to exercise the discretion solely vested in the Attorney-General. He pointed out that Mr. Pollack's contention that the evidence of the accused was corroborated by the police was not borne out by reference to the depositions, which clearly showed that the positions oc-

which clearly showed that the positions occupied by the parties when the police entered the room was not correctly stated by either of the two accused.

The P.M. stated that the aspect the Court had to consider was not the wrong or otherwise to the Russians, but the wrong to the public community. The Crown, as the guardian of public rights, had to assist at all times in the rectifying of a public wrong. If he allowed these men to go free he would be sending them to the public with the guarantee of himself behind. He did not consider at that stage he was called upon to do so. The final court of appeal for these men would be a jury of their own countrymen, and he must leave it to them to say whether the accused were guilty or not. Under these conditions he had no alternative but to commit these men for trial to a jury of their own countrymen.

The accused were committed for trial at the Grafton District Court sittings on 14th of November. Bail was allowed, self in £80, and two sureties of £40, or one of £80.

On a similar charge of larceny in company for the amount of £18, the accused were remanded till to-day, bail being allowed, self in £60, with two sureties of £30, or one of £60.