

MILDURA POLICE COURT.

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Tuesday, October 20, 1919.

Before Messrs S. Risbey and H. A.
Furze, Js.P.

New Solicitor Welcomed.

The Bench cordially welcomed Mr Leo. Levy on the occasion of his first appearance in Court, expressing the hope that their relations would always be harmonious.

Larceny Alleged.

Percy W. Smith was charged with having stolen a bottle of whiskey and six bottles of beer, the property of J. Smelga, a Russian sailor who was also a returned soldier. Mr Leo Levy appeared for accused.

Sergeant Carter prosecuted and in outlining the case remarked that he could get no assistance from officials of the Working Man's Club. The Club knew nothing. It never did know anything. Its policy of knowing nothing would yet lose it its license. He took this opportunity of letting the Club officials know that the police had had a big hand in getting the Licensing Court removed to Mildura. In future it would be much easier and far less expensive to fight the Club when it required fighting. He warned them to beware.

John Smelga, laborer, residing at Merbein, said he was a returned soldier. On Tuesday of last week he went to the Working Man's Club and remained throughout the afternoon. He shouted drinks for several men, including accused. At

several men, including accused. At about five o'clock he purchased a couple of bottles of whisky. Then he shouted further drinks. When the bar bell rang at about 6 p.m. he bought six bottles of beer. He asked accused to assist him with these and he put some in his pocket. Smith had offered to drive him to Merbein, as he had a horse and cart. When outside accused sought to take a bottle of whiskey from him. He sought to retain it, but while he struggled someone relieved him of the other bottle of whisky and a bottle of wine. Getting excited, informant wanted to fight accused. The whiskey had cost him one guinea, the wine 1/6 and the beer about 4/6. Next morning with Constable Tysce, he interviewed Smith at his house. The latter had an empty whiskey bottle and an empty beer bottle in his hands.

To Mr Levy: He had eight or nine large beers between 2 o'clock and 5. He could drink from six o'clock in the morning till 12 o'clock at night. He had not met Smith previously. They had several drinks together. He shouted for seven or eight different people. The Club was fairly crowded between five and six o'clock. He had some reputation as a wrestler but did not remember saying that he had the Williamstown police bluffed. He remembered offering to fight the accused. He could not identify the bottle which was taken from him. When he threw his tunic off to fight Smith it had seven pounds in the pocket, but that was missing when he resumed his coat. Smith did not take the money; he was fighting at the time it disappeared.

Herbert Alfred Webb, steward at the Working Man's Club, remembered serving Smelga with whiskey and wine but did not remember the quantity. After 5 p.m. the secre-

quantity. After 5 p.m. the secretary assisted him in the bottle department. He saw accused at the Club with informant. He did not supply him whiskey but he bought and paid for six bottles of beer. Smelga was showing feats of strength in the later part of the afternoon. Smelga shouted frequently—possibly 15 or 20 times.

Constable Joseph H. Tysoe gave evidence as to the arrest of accused at his home in Orange-avenue. He had in his hand the bottles produced in Court. Accused said that he had had the whiskey bottle in his possession since the previous Sunday.

This closed the case for the prosecution. Accused when charged pleaded 'Not Guilty.' Mr Levy asked that the case should be discharged as Not Proven. Accused was obviously excited and had admitted that when struck on the head—where he had been wounded—he got excited. His memory was obviously weak. He asked that the case be summarily dealt with and dismissed.

The Bench said it had no intention of dismissing the case.

George Henry Dickenson, called for the defence, said that he was a Club steward. Smith was sober on Tuesday afternoon but Smelga was drunk. He did not see any bottles in Smelga's pockets—which were outside pockets. He did not notice any bottles on accused. Informant said that he had the police or North Melbourne and Williamstown bluffed, and offered to fight any of the "six Australian bastards." Accused came through the gate with witness, not with informant. Witness had had six or seven medium beers. He did not see Smith take a bottle from Smelga's pocket but it would have been possible for him to do so before wit-

sible for him to do so before witness joined him. He did not see

anyone take a bottle from Smelga. The latter threw his coat into a sulky driven by a man named M'Ginty, from Merbein. Smith accompanied him home, but had no bottles then.

John A. Smith, laborer, brother of accused, went with him to the Club on Tuesday. He first saw Smelga in the billiard-room and afterwards in the bar. Witness asked his brother to get three bottles for each of them, handing him 6/-. Accused brought the six bottles to him in the card-room. Witness gave two to "a chap who had missed the Club," three were drunk on the spot and he took one home. He did not see his brother take anything from Smelga, but the latter charged him with taking a bottle of whiskey. The whiskey found at his brother's place was in their house on Sunday. He heard accused say "You have taken my money, my beer and my whiskey; give me a drink." This was on the way home.

The Bench said that while there was a certain amount of suspicion about the case, the charge was not proved. The case was therefore dismissed.

Pilfering from a Vehicle.

William T. Pemberton pleaded guilty to a charge of having stolen a rug from a vehicle during the progress of a fete at Carwarp Hall. Const. M'Keogh was informant.

Bertha Reilly, married woman, stated that on the night of the 10th October she attended a Jumble Fair, at Carwarp Hall. She left a rug in a buggy about 20 yards from the hall and it was taken during the evening

the rug and it was taken during the evening.

Constable M'Keogh stated that in consequence of the robbery being reported he went to Yatpool and recovered the rug from the bunk of accused. After some demur accused admitted taking the rug from a buggy.

Accused pleaded guilty and elected to be summarily dealt with. He made a statement in which he said that someone suggested taking the rug. He didn't agree at first, but afterwards did so.

Sentence was deferred till the hearing of a second charge.

Pemberton was then charged with taking a parcel of meat from another vehicle at Carwarp.

Pecy G. Spence said that he had received a parcel of meat from the railway station and placed it in his cart while he attended the Jumble Fair. At about 1 p.m. he found that the leg of mutton was gone.

Const. M'Keogh gave evidence to the effect that accused admitted to him that he took the meat as well as the rug.

Accused admitted the truth of the evidence and asked to be dealt with forthwith.

The Bench recorded a sentence of two months' imprisonment in the first case and one month's imprisonment in the second—both to be suspended for twelve months on his guaranteeing to be of good behavior. Costs amounting to £2 7/6 were awarded against accused.