

QUARTER SESSIONS.

TUESDAY, NOVEMBER 8.

(Before His Honor Judge Hamilton).

The Maitland Quarter Sessions opened at the East Maitland Courthouse this morning, before his Honor Judge Hamilton. Mr. G. S. Waller, Deputy Sheriff, occupied a seat beside his Honor, and Mr. A. F. Dawson was Crown Prosecutor.

JUROR FINED.

Ernest Aubrey M'Arthur was fined 10s for non-attendance as a jurymen.

PLEAS OF GUILTY.

Edward George Humphreys, 33, and Robert Charles Cole, 20, were charged with having on September 22, near Port Macquarie, broken the dwelling house of Alexander Kennedy and stolen a quantity of clothing and 10s in cash. They pleaded guilty to stealing, and were sentenced to a month's imprisonment each.

Cyril Matthew Stewart, 24, for whom Mr. W. J. Emright appeared, was charged with that, on September 15, 1921, he did break and enter the warehouse of the Commonwealth Government, known as the drill hall, and steal military clothing; that, at Weston, on September 2, 1921, he did break and enter the shop of Thomas Robson, and steal one safety razor, two pipes, two knives, two watches, tobacco, one tobacco pouch, two packets cigarette papers, one shaving brush, a quantity of cigarettes; that, at Neath, on September 12, 1921, he did break and enter the shop of Florence Gall and steal the sum of £9, stationery and a quantity of tobacco, groceries and confectionery; that, at Kurri, during the month of September, 1921, did break and enter the warehouse of Joshua Thomas Richards, and steal one bag of chaff; that, at Kurri, on September 5, 1921, did steal one saddle, one rein, and part of a pair of blinkers, the property of James Louis Campbell; that, at Hebburn, on September 15, did steal one

bridle, the property of Simon Andrews; that, at Hebburn, on September 15, did steal one pair of boots, the property of Walter Sutton; that, at West Maitland, on August 8, 1921, did steal a bicycle, the property of Edward Thomas Hanley; that, at Abermain, on September 2, 1921, did steal one coat and vest, the property of Francis Munns; that, at Abermain, on September 2, 1921, did steal one overcoat, the property of Samuel Patterson; that, at Cessnock, on August 13, 1921, did steal one silver-plated tenor horn instrument, the property of Albert Henry Price; that, at Cessnock, on August 17, 1921, did break and enter the shop of Kemp and Co., and steal one revolver, and one box of ammunition, the property of Kemp and Co.; that, at Cessnock, during the month of August, did break and enter the shop of Sidney Ernest Brogan, and steal therein one razor, one strop, three towels; that, at Abermain, on September 2, 1921, did break and enter the shop of Anthony Batoy and steal one tomahawk and a quantity of confectionery; that, at Cessnock, in the dwelling house of William Stewart, he did steal one suit of men's clothing, and £1 8s in cash, the property of William Stewart, and a pair of boots, one gold watch, one gold chain, the property of Thomas Godfrey; that, on August 20, at Cessnock, did break and enter the Aberdare branch of the Cessnock Co-operative Store, and steal therein seven tins of preserved beaches, and a quantity of ham paste.

Stewart pleaded guilty to all charges except those of stealing the instrument the property of Albert Henry Price and of breaking and entering the dwelling of William Stewart. He was sentenced to twelve months' hard labour in Goulburn Gaol, on each charge, the sentences to be concurrent.

Martin Keena, 31, pleaded guilty to having on November 1, at Taree, stolen £1, the property of Michael Benardos. He was sentenced to twelve months'

He was sentenced to twelve months' hard labour in Maitland Gaol.

ROBBERY IN A TRAIN.

John de Villiers, 33, and Daniel James Sullivan, 23, were charged with having, on October 7, near Gunnedah, assaulted James Macartney and robbed him of the sum of £16. There was a second count of receiving. De Villiers pleaded guilty to stealing, and was remanded for sentence. Sullivan pleaded not guilty. He was undefended.

Constable Burns, of Werris Creek, deposed that he saw Macartney there on October 8. He saw Sullivan at 10 a.m., and in reply to questions he told witness he came from Gunnedah on the previous afternoon. He denied any knowledge of Macartney's robbery. Sullivan said he had £10, and that he got it at a shearing shed. At the police station accused handed him £10/4/, including a £5 note. He admitted that he got £5 from de Villiers. A statement was made and signed by de Villiers, who said he took the money from Macartney and gave Sullivan £5.

James Macartney, station hand, stated that accused and de Villiers left the station, where they were working, and went to Boggabri. They had a few drinks, and then got in a goods train for Werris Creek. He had three £5 notes and some silver in his hip pocket. He was under the influence of drink, but had a thorough knowledge of what he was doing. At Gunnedah he had two drinks of rum. Between Gunnedah and Werris Creek he was assaulted, and next morning he found that he had been robbed. He felt a hand in his pocket, but could not resist, as he was practically unconscious.

John de Villiers, labourer, stated that when in the train he saw the money sticking out of Macartney's pocket. It was very tempting, and he took it. Sullivan was there, and when they got out of the train he gave Sullivan £5. He told Sullivan he got it from the old man in the carriage.

Sullivan made a statement, saying that he did not know the money was stolen, and had no recollection of de Villiers telling him he got it from

stolen, and had no recollection of De Villiers telling him he got it from Sullivan.

After a retirement of 40 minutes the jury returned with a verdict of not guilty, and accused was discharged.

De Villiers was sentenced to six months' hard labour in Goulburn Gaol, to be suspended on finding surties for his future behaviour.

SERIOUS CHARGE.

Nicholas Rodionoff, 38, a Russian, was charged with having on October 29, at West Maitland, committed an indecent assault upon a male. William Frederick Holl, 54, a Frenchman, was charged with aiding and abetting.

Both pleaded not guilty. Mr. W. J. Enright appeared for Rodionoff.

Evidence was given by Sergeant McClean and John William Meredith, licensee of the Club House Hotel.

Statements were made from the dock by the accused. They said they were drinkink at the hotel a good deal that day, but denied the offence.

The jury, after a retirement of two hours, returned with a verdict of not guilty.

His Honor: Mr. Meredith has been branded as a perjurer.

In discharging accused, his Honor said to them that the jury had taken an extraordinary view of their case. However, the jury was the custodian of the matter. The jury did not appear to regard the matter seriously, and accused got the benefit of it.

APPEAL BY MOTOR DRIVER.

William McGill, who was convicted at the Kurri Kurri Police Court on a charge of having allowed his motor car to be driven by a person who did not hold a permit, and Edith Smith, convicted on a charge of driving a car without a permit, appealed against their convictions. Mr. Simpson, instructed by Mr. G. A. Ward, appeared for appellant, and Mr. A. F. Dawson for respondent.

The depositions of Sergeant Stein and Constable Larkin, who gave evidence for the prosecution, Edith Smith, and William McGill, were read.

Evidence was also given by George Abel Ward, a boy, who said he was

Abel Ward, a boy, who said he was riding a bicycle with Brian Cruickshank. They met McGill near the Co-operative Store and rode, one on each side of the car, as far as the Marble Bar. He saw the police, and when they passed them McGill was driving the car. McGill was driving all the time he was there.

Brian Bennett, who stated that he was sometimes called Cruickshank (his step-father's name), gave corroborative evidence.

Sergeant Stein, recalled, stated that it was 100 yards from the King's Hall that they saw the girl driving.

The appeal was disallowed and the conviction upheld, with £2/2/ costs in each case.

CONVICTION SET ASIDE.

Alexander David Stuart Croll appealed against a conviction at the Stroud Police Court of having assaulted James King, a railway employee. Mr. J. Young, instructed by Mr. A. Borthwick, appeared for appellant, and Mr. Thorne, of the Railway Solicitor's office, for respondent.

Mr. Young said that the trouble arose through King accidentally or otherwise, throwing mud on some timber belonging to Croll. There was an argument, and a fight took place. It was a fair one, referees were appointed, and it proved an even go. They shook hands, and when they met some time afterwards appeared quite friendly. King said if Croll would apologise there would be nothing further as far as he was concerned. Croll wrote an apology. The department, however, proceeded with the summons, but Croll, taking King's statement, did not appear. The case was heard ex parte, and Croll was convicted and fined. King had expressed satisfaction, but the department had gone on. He suggested that King be put in the box and questioned as to his views.

His Honor said that as King was represented, his solicitor interview him.

Mr. Thorne did so, and on returning into court said King did not wish to proceed with the matter.

His Honor then set aside the conviction, appellant agreeing to pay costs of appearance at court to-day.

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Mr. Young expressed his appreciation of King's action. He had kept his word and had acted honourably in the matter.

APPEAL ADJOURNED.

On the application of Mr. H. M. Cohen an appeal by William Austin and John Buchanan Young against convictions under the Liquor Act at Kurri Kurri Police Court was adjourned to the Newcastle Quarter Sessions next Wednesday. Young was ill and unable to attend court.