

TROUBLE AT KALINGO.

Alexander Stuhrit and Edwin Alexander Apthorpe were charged with having assaulted Martin Hanson, and robbed him of £20 at Kalingo, near Cessnock on June 4, 1922. There was a second count of common assault. Mr. J. Young, instructed by Mr. W. J. Enright, appeared for Stuhrit, and Mr. J. H. F. Waller for Apthorpe. The accused challenged five jurors. Constables Baumgardiner and Booth gave evidence of the arrests of the accused. Both were subsequently identified. Hanson's left eye was badly bruised and blackened. Skin was off the temple and there were abrasions on his face. Skin was also off his knee and hip. In a statement Stuhrit stated that he did not remember Sunday. When he woke up it was Monday morning, and he thought it was Sunday. He went to bed at about one o'clock on Sunday morning. Complainant stated that the two accused called at his camp at Kalingo, and asked him to drive them home. Before leaving they drank two bottles of wine. They then proceeded to the Ellalong wine shop, where they had more drink, and took more wine away with them in his cart. After travelling about a mile and a half they all got out of the cart. Stuhrit immediately knocked him down and took a £5 note out of his pocket. At the same time he smothered him with sand, and tore the front of his trousers down. Stuhrit called out to Apthorpe to get some more sand. Apthorpe then threw two handfuls, and Stuhrit went through his pockets. He (Stuhrit) tore his shirt pocket down, and took £25 out of it. Apthorpe was standing alongside of him. He then became unconscious, and when he regained consciousness it was nearly dark. He found his cart over three-quarters of a mile away. Then accused had gone. The torn clothes were produced. The clothes showed that there was a hole in the trousers pocket, in which complainant claimed he was carrying a £5 note. When Apthorpe arrived at his camp he was very much under the influence of drink, and as they were driving towards the Ellalong wine shop Apthorpe fell asleep in the bottom of the cart, and did not accompany them into the wine shop. Ap-

accompany them into the wine shop. Apthorpe was still asleep when they came out. He and Stuhrit woke him up to give him something to eat. Further evidence was given last evening by Eric Goodwin, Frank Lovett, Charles Jeffries, and Roy Bridge. For the defence, Stuhrit denied the assault and robbery. Apthorpe made a statement from the dock and insisted that his statement to the police was a true account of the incident.

After his Honor had summed up the jury retired at 9.35 p.m.

The jury retired at 9.35 o'clock, and returned into court at 10 o'clock, with a verdict of not guilty on both counts. The judge remarked to Stuhrit: "You may congratulate yourself on your most fortunate escape." Both accused were discharged. His Honor made an order that the sum of £5 6s 9d found in Stuhrit's possession be returned to Martin Hanson.
