

COURT OF CRIMINAL APPEAL.

(Before Sir Wm. Cullen, C.J., Mr. Justice Ferguson, and Mr. Justice James.)
Rex v Harast (or Starast).

This was an appeal by Alexander Harast (otherwise Starast), a Russian, against his conviction on a charge of common assault, before his Honor Judge Hamilton, at the Cooma Quarter Sessions on October 9 last, for which he was sentenced to two years' imprisonment with hard labour. The accused, who appeared in person, set up that he was innocent of the offence charged, shooting at a police officer with intent to kill, and stated that some half dozen persons in plain clothes rushed his camp in the dark. He thought they intended to injure him and he merely fired a weapon to frighten them off. Accused said he was conscripted for service at the war in his own country and he did not believe in war. Being a foreigner, he was doubtful if he would receive justice in this country. Mr. Weigall, who appeared for the Crown, suggested a doubt as to whether sufficient foundation had been laid for evidence in reply to a witness named Freebody, tendered by the Crown, and on that point the Court referred the case back to the trial Judge for a further report.

The Court after fully considering the Judge's supplementary report and the whole of the evidence in the case, unanimously agreed not to interfere either with the verdict of the jury or with the sentence imposed by the Judge. The Chief Justice remarked that it was a tradition of British Courts that they did justice evenly without regard to any man's creed or nationality. On reviewing the appellant's record he found that he had already served sentences in Australia for such offences as housebreaking and robbery under arms.

Rex v Simpson and North.

Norman Vincent Simpson, who, with one Arthur North was convicted of a charge of receiving stolen property, after trial before Judge White at Sydney Quarter Sessions in August last, and being sentenced to 18 months' imprisonment with hard labour, appealed against his conviction on various grounds. As one of the grounds put forward was a new one the Court directed that the matter be again referred to the trial Judge for a report upon the aspect of the case referred to. It related to the absence from his Honor's

it related to the absence from his Honor's directions to the jury of a sufficient warning as to the particular care to be taken in dealing with the evidence of North as an accomplice. The trial Judge in his report pointed out the difficulty in applying the ordinary rule of direction in this case, since the evidence given by North was for the purpose of accounting for his innocent possession of property which he said he received from

Simpson. Mr. Gunn (instructed by Mr. W. M. Niland) appeared for Simpson. Mr. Weigall appeared for the Crown.

The Court, by majority (Mr. Justice Ferguson dissenting), dismissed the appeal.