

## **POLICE COURT.**

**PORT MACQUARIE, FEB. 2.**

Before Mr. Ryan, Relieving P.M.

Saari, on remand from Sydney, was charged with stealing one cocker spaniel pup, on 23rd January, the property of Eric Ryde, Port Macquarie, valued at £5.

Mr. Inspector Hamilton conducted the prosecution, whilst Mr. A. C. Elliot appeared for the defendant.

Sergt. Foott, of the Sydney Water Police, sworn, deposed : On 24th January, from information received from the Port Macquarie Police, I met the s.s. Kinchela at the North Coast Co.'s wharf at Darling Harbour, about 6 a.m. About 7.45 a.m. I saw defendant coming from the wharf. I said, "Are you the winch-driver on the Kinchela?" He said, "Yes." I said, "What have you got under your shirt?" He said, "Only a pup." I said, "Let me see it." It tallied with the description of the pup, given to me by the Port Macquarie Police. I said, "Where did you get the pup?" He said, "It was given to me at Port Macquarie." I said, "By whom?" He said, "By Mrs. Phillips." I said, "This pup has been reported as stolen, and as it is in your possession I am taking you to the police station and charging you with stealing the pup." I then charged him with the present charge. He made no reply.

To Mr. Elliot : He did not say he was promised a pup by several people

was promised a pup by several people at Port Macquarie. He said he did not know how the pup came on board.

Eric Edward Ryde, sworn, deposed : I own a cocker spaniel, which had a litter of pups on 27th December. They were taken by the mother under a tank, where they were kept. I last saw the pups about 6.45 p.m. on the 22nd January. About noon on 23rd January I was told something, and went and had a look at the pups. A male pup was missing, which had a white snip on its chest. The pup at the Court is the one that was away. I value it at £5. I know defendant. I did not give him nor anyone else authority to take the pup. No other members of the family have any interest in the pup.

To Mr. Elliot : I value the pup at £5. I have sold other pups for 10/. £1 was the highest price I have received. The lowest paid me was 5/- for a female, and 10/- for a male. I was keeping the pup for myself, as it was the smallest, and I heard that they were supposed to be the best. The £5 is my own estimate of the value. Mrs. Phillips had ordered a pup, on which she had paid so much.

To Inspector Hamilton : The biggest pup was the one she was buying.

Elizabeth Jane Benson, sworn, deposed : Eric Ryde is my son. I know the litter of pups. I know the defendant in this case, and have seen him at my place. He was there the day the pup disappeared. He came about 8.30 or 9 p.m., W. Lewis being with him. He left about 10.30 p.m.

with him. He left about 12.30 or

12.45 a.m. on 23rd January. I did not see him go out of the yard. He had had a few drinks, but was not drunk. I have not spoken to him since then. Mrs. Phillips was at my place also.

To Mr. Elliot : W. Lewis and Mrs. Phillips are both local residents. When Lewis and Saari left I was in the kitchen. The doors were open. The pups were not far away. I heard no commotion amongst the dogs. I heard the dog bark savagely later on, when in bed. My husband was with me. He did not make any remark about a commotion amongst the dogs.

To the Inspector : The mother of the pups gave a savage bark after I was in bed.

Mr. Elliot submitted there was no evidence to substantiate a charge of stealing. Also that the value of the pup should be amended on the evidence given if another charge were instituted.

The P.M. said he thought the necessary elements of a stealing charge were before the Court. The value of the pup could be considered later.

Raymond George Ryde, sworn, deposed : I am a brother of Eric Ryde, and son of Mrs. Benson, and have always resided with them. I know the defendant. I promised him a pup some time ago. He was up on the Friday night, and must have forgotten the pup. I took it down and put it on board the Kinchela. I did not

it on board the Kinchela. I did not see Saari at the time. The men were all asleep. I told my brother I had done this in front of Mr. Elliot.

To the Inspector : I told my brother this while the pup was in Sydney. This was after Saari had been arrested, and in the presence of Mr. Elliot. It was previous to Saari's coming back to Port Macquarie. I did not have any telephone conversation with defendant. I gave it away because I considered it belonged to the family. I had never given a pup away before. It must have been 1 o'clock in the morning when I went down to the boat with the pup. I just put it inside the door, and never spoke to anyone at all. On that morning there was a conversation with my mother and step-father about the pup. I told my mother I saw two fellows looking through the palings. I never said that I would say I had given the pup away if "Pappinbarra Bill" got into trouble. We mentioned the missing pup, and I told her I had given it to Saari. She said she would go and tell the police. I said there was no need to do this, as I had given the pup away. I was talking to my mother at the time. I heard that day that my brother had reported the pup as stolen to the police. I went and told the police on Monday about giving the pup away. I received a telephone message on Monday in connection with the pup and the defendant. It was after this that I reported to the police. I thought | the report of putting the matter in

the report of putting the matter in the hands of the police was only idle talk.

Mr. Elliot here objected to part of the Inspector's cross examination.

To the Inspector : I told mother to go and see if any pups were missing, though I had given one away.

To Mr. Elliot : Although I did not go to the police until Monday, both my brother and mother knew on the Saturday that I had given the pup away.

To the Inspector : After I returned from the boat neither defendant nor Lewis were at my mother's place. Defendant is a good friend of mine and the family.

Walter Saari, sworn deposed : I am a seaman employed on the Kinchela. I have known the Ryde family for years, and am good friends with all bar Eric. I did not remove the pup from the yard at any time. I did not know where they were. I first saw it on the boat outside next morning, and recognised it as one of Ryde's pups. Mrs. Phillips and Ray had each promised me a pup. He often promised me one. Mrs. Phillips said she was going to get a pup off Eric Ryde, and would give it to me. I saw a solicitor when arrested, who rang up the Royal Hotel. I swear I did not take this pup from Ryde's and put it on the boat.

To the Inspector : That is my correct name given in Court. I have had about six drinks this morning. I got the blame for taking a pup lost by

the blame for taking a pup lost by Eric Ryde six months ago, and also the blame of this one.

At this stage Mr. Elliot objected to any cross examination regarding the telephone communication, which was carried on by the defendant's solicitor, as it was privileged.

The Bench upheld the objection to questions on this matter, and said matters between solicitor and client were confidential.

Witness, continuing : I returned to the boat just as the lights went out that night (which Mr. Elliot stated was at midnight). I got up at 7.30 a.m., and went to the wheel at 8 o'clock. The pup was in the fore-castle when I saw it. I took it that it was for me on the promises received. I got the blame of taking one before, but did not do so. It went away on the boat. I have been before the Court before, but never convicted of stealing. I have been up for being drunk and disorderly.

Mr. Elliot here objected to the method of the Inspector's examination, which was unfair, and not British justice.

Witness, continuing : It was some years ago I was convicted, the last time in 1928 for being drunk and resisting the police at Port Macquarie. I saw Ray the night I was at Mrs. Benson's place, and asked him for a pup. He said he would give me one. I had a few drinks in me. This happened in the kitchen. There were a lot there. Eric Ryde was not there

lot there. Eric Ryde was not there at the time I spoke about the pup. It was about 10 o'clock. I did not have a watch, as I can't afford one. The pup was lying on an old flannel when I found it. I was carrying it in my shirt so that I could go home on the tram.

To Mr. Elliot : I noticed the pup as soon as I was called.

After hearing Mr. Elliot the P. M. said it was difficult to believe the evidence of R. Ryde, but he amended the value of the pup to £1.

The defendant was fined £2, with costs amounting to £8/9/0, in default 17 days hard labour. The pup to be returned to the owner. Time was allowed to pay in three instalments, of which the first would be £3 on the 1st of March.

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