

POLICE COURT.

THURSDAY, MAY 5.

(Before E. T. Oram, Esq., P.M.).

Walter Saari, an unemployed winch driver, was charged with breaking and entering the North Coast Steam Navigation Company's goods shed, in Port Macquarie, and stealing therefrom a case of brandy, valued at £5/19/10, the property of the Company.

Mr. A. C. Elliot appeared for the defendant, and Inspector Handiton conducted the prosecution.

Sergeant Shinway said that at 9.30 p.m. on April 18th last he saw the defendant in Port Macquarie. He told him he was making enquiries in connection with the breaking and entering of the North Coast Steamship Company's store, and the stealing of a case of brandy. "Have you any objection to us making a search?" he asked defendant, who replied, "No, you will not find anything there." Witness and Constable Taylor then walked into the shed. Witness said, "Is this your bed?" Defendant replied in the affirmative. Continuing the Sergeant said that he found a book and two capsules alongside the bed, and he detailed the brands on the bottles. Asked how he accounted for this, defendant said, "I have never seen them beofre." Witness said that defendant denied that he had seen any brandy. Just

that he had seen any brandy. Just then, he added, I saw Constable Taylor take a bottle from on top of a sheet of iron, which was suspended from the roof of a shed. Constable Taylor said, "How did this bottle get here," and defendant said, "I don't know." Continuing his evidence, witness said that he examined the bottle, which had been freshly opened. There was a small quantity in it, and he asked defendant if he drank brandy, and he replied, "No." In answer to further questions the defendant said that he had not drunk any brandy for years. Witness said, "You have been drinking brandy tonight, I can smell it on you." Defendant said, "No, that's beer. Witness said that he told defendant that a case of brandy had been stolen, and he asked him if he knew anything about it. Defendant said, "No, I have not had any for years." Continuing, witness said that on April 19th he found two empty bottles under the shed where defendant camped. On the same date he was handed a broken box, which he produced. This bore the following label: "Riverview Hotel, Telegraph Point, wine and spirit merchants." On April 20th last he again saw the defendant, and told him they were going to ask certain questions, but he was not obliged to answer unless he liked, but whatever he said would be taken down and used against him in evidence. Defendant said he had not drunk brandy for years. The Sergeant said that he had made en-

genat said that he had made enquiries to the effect that defendant had been drinking brandy on Sunday and Monday of last week, with other men, Frank Power, Jiggy Phillips, Jack Atkins, A. Hayburn, and Jim Latham. Defendant said, "that's right, Sergeant, I will tell you all about it. On Sunday morning last I saw three men. They had a bottle of brandy. They asked me to have a drink, and I had a drink of brandy with them. Later I went into the Hastings' shed, and saw six or seven bottles of brandy in a bag. I asked Lewis, Jiggy Phillips, Jack Atkins, and Soup Latham to have a drink of the brandy. We had a drink, and shortly afterwards I found four bottles of brandy in a loft. On Sunday evening I took six bottles of brandy to the Narani shed, where Frank Power, Jiggy Phillips, Jack Atkins, Soup Latham, and Scotty were. We drank the brandy. On Monday morning a boy told me there was plenty of booze in the shed. I went to the shed next to the Hastings' shed. I saw 20 or 30 bottles of brandy in a bag. A man was sitting on them. We had some more brandy. On Monday evening I took some more brandy to the Narani shed, and drank with Frank Power, Jack Atkins, Soup Latham, Jiggy Phillips, and Scotty." Asked by witness if he knew who the boy was who said there was plenty of booze in the shed, defendant said, "No, but I think it was one of the young Hogan's." He added that the three men that had brandy with him

three men that had brandy with him on Sunday were strangers to him. Later the defendant made a statement, and signed it. Shortly afterwards he was charged, and said, "I had the brandy, but did not steal it." Later, the Sergeant said, that he saw all the Hogan boys, and they had informed him that they never saw any booze in the shed, and that they never told defendant. Defendant said he could not pick the boy out if he was brought to him.

In reply to Mr. Elliot (for defendant) witness said that defendant's finger prints were taken. None of the exhibits had been sent to the fingerprint department.

Constable W. C. Taylor, corroborated Sergeant Shipway's evidence. He said that the statement was taken down from what defendant had previously told them.

Mr. Elliot : "The greater part is questions and answers?"

Constable Taylor : "Yes."

At the time he took the statement the defendant did not tell him of his movements on the Saturday night.

George Smith, local agent for the North Coast Steamship Navigation Company, at Port Macquarie, said that on April 14th last, the Kinchela discharged some cargo at Port Macquarie. He was present when the boat was unloaded. Amongst the cargo he noticed a case of brandy. He noticed that the address on it was "F. Whyte, Riverview Hotel, Telegraph Point." The case was similar

graph Point." The case was similar to the broken case produced. That case contained 24 13-oz. bottles of brandy. The case was placed in the store shed on the north-western corner. A case of wine, and six bags of sugar were placed on it. The box was still in the shed on Saturday, April 16th, and it was still intact. He saw it about noon, before closing. He closed the shed and locked it. His son, Eric, was with him. He saw that the other two entrances were bolted on the inside. His son left the shed the same time as himself. To his knowledge there were two keys that fitted the lock. He kept one, and his son the other. On Monday he was told something, and he went down to the shed at about 6.45 a.m. He opened the door and went in. He discovered that a case of brandy was missing. Nothing else was missing. He then reported the matter to the police. He made an examination of the door, and found that the board on the door to which the lock was attached was loose. It was hard to say what effect that would have on the opening of the door. On the 18th April he saw a boy named Murphy on the green in front of the hotel. That was about 40 yards from the shed. He picked up some boards on the green, and buried them in the sand. He went over to the boy and asked to have a look at the boards. After looking at them he took possession of them, and later handed them to the Sergeant. They were the same boards as those on

... were the same boards as those produced. On the 20th April he found a broken brandy bottle near the Company's wharf. It was a broken brandy bottle. He picked up the fragments, and later handed them to the Sergeant. Whilst the case of brandy was in the Company's shed it was the property of the Company. It was valued at £5/9/10. Saari was at one time an employee of the Company, and would have knowledge of the building. He was with the Company about two years, but was not at present in its employ. Witness said that he, as representative of the Company, did not give any person authority to take the brandy. The key had not been out of his possession from the Saturday, when he locked up, till Monday morning, when he went to the shed.

Replying to Mr. Elliot, witness said that he supposed there were one hundred people in Port Macquarie with just as good a knowledge of the shed as Saari. The boat came in on Thursday, but he was not sure whether he saw defendant on the wharf on Thursday or Friday. It was after the boat came in. He saw him only on the outer wharf.

Eric Ainsley Macquarie Smith, in the employ of the North Coast Steamship Navigation Company, said that he was present on the wharf on 14th April last, when the steamer Kinchela was unloaded. Amongst the articles unloaded he saw a case of brandy. He saw his father lock the front door

He saw his father lock the front door down when he went out. His father also examined the other doors before going out. He returned to the shed on Monday morning, the 18th April, about 5.15 a.m. After he had opened the door he found that the sugar had been moved, and that the case of brandy was missing. He then sent a message to his father.

William Hastings Lewis, a deck hand, gave evidence to the effect that he was in defendant's company on the 16th April. They were about the Royal Hotel all day. When he left the hotel he went to defendant's camp, and he stopped with him all night. He was also in defendant's company on and off on the 17th April. He was not in his company on Monday. He did not have any drink with him on the Sunday. He did not see the defendant have any. He knew Jiggy Phillips and Jim Latham. He was not drinking with those two men and Saari on the Sunday. He never saw any brandy.

William Clive Phillips, a fisherman, said he was known by the nick-name of Jiggy Phillips. On Sunday, 17th April, he saw defendant near the post office at about 5.30. He asked him if he would have a drink, and he said he would. Jack Atkins, Bill Lewis, and Frank Power were there. Defendant left the shed, and after he was away for about ten minutes he came back with three bottles of brandy. He opened one, and he thought that he had the first drink.

thought that he had the first drink. Defendant had a drink, but he did not know whether the others did. He stayed there for about an hour and a half, when defendant went away again. He did not notice which way he went. When he came back he had two bottles of brandy. He did not notice whether they were like the other bottles. He saw defendant again on Monday, the 18th April on the corner of Horton and Clarence Streets. They went to the Royal