

JURY RETIRES AS COURT ARGUES ON UTTERING

An interesting legal point introduced by Mr. C. B. Gibson brought an unexpected interruption to a case in the Criminal Court today.

The point may have interesting repercussions in its bearing upon hospital tax legislation.

The case before the Court was that in which Samuel Harold Grant was charged with having on or about September 29, 1937, at Perth, knowingly uttered as and for valid and uncanceled stamps, four hospital fund stamps which had already been used.

Defended by Mr. Gibson, with him Mr. H. A. Solomon (instructed by Mr. M. Crawcour), Grant pleaded not guilty.

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At the outset the jury were directed to leave the Court while Mr. Gibson submitted argument as to the manner in which the Crown should open its case, but his main point was submitted shortly before the lunch-hour adjournment, when Mr. Gibson and the Crown Prosecutor (Mr. S. H. Good), together with Mr. Justice Dwyer, figured in an interesting three-cornered argument as to the strictly legal interpretation of uttering in relation to the hospital tax Act.

The jury were again absent.

At its conclusion his Honor allowed Mr. Good opportunity to consider authorities quoted by Mr. Gibson and adjourned proceedings until the afternoon.

The Crown case as narrated by Mr. Good was that the charge related to four hospital fund stamps of 3d denomination. On September 28 last,

nomination. On September 28 last, he said, an inspector called upon Grant at the West End Ladies' Outfitters, Hay-street, and met Grant as manager. Books were examined and discussed.

The inspector, not being completely satisfied, went to the Taxation Department and obtained certain information.

A MISTAKE

Next day he returned to Grant and asked for his own wages book.

It was suggested by the Crown with reference to a certain stamp that it was of the 1931 issue and had been re-used.

Grant was questioned about the matter and said that it must have been due to pressure of business. To a detective subsequently he said it must have been the result of careless writing.

The four stamps in question were yellow, Mr. Good said, and it would be shown in evidence that that color had gone out of print in 1932, and none were issued by the State Treasury after June, 1933, when an orange color was in circulation.