

DIRECTION TO ACQUIT.

Uttering Case Ends Suddenly.

A jury in the Criminal Court yesterday was directed by Mr. Justice Dwyer to return a verdict of not guilty in a case in which a middle-aged shop-manager, Samuel Harold Grant, denied a charge of uttering.

The indictment against Grant was that on or about September 29, 1937, he knowingly uttered, as and for valid and uncancelled stamps, four hospital fund stamps which had already been used. The Crown Prosecutor (Mr. S. H. Good) conducted the prosecution, and Mr. C. B. Gibson and Mr. H. A. Solomon (instructed by Mr. M. Crawcour), appeared for the defence.

The Crown case set up that S. B. Mather, a stamp inspector, called at the West End Ladies' Outfitters shop in Hay-street on September 28 last, and saw the accused, who introduced himself as the manager of the establishment. Asked for the general wages book, he produced it, and an examination showed it to be substantially correct. As to certain other books, however, Grant gave an explanation which did not altogether satisfy the inspector, who in consequence visited the Taxation Department. Returning next day, Mather remarked that Grant had been manager of the shop for several years, and must have a book relating to his own wages. Grant said that he had such a book, and he produced it.

The Crown alleged that it was found that four yellow hospital fund stamps, which had been used in 1931, had again been used in 1936, the figures written in the cancellations having been altered from 1931 to 1936. Asked for an explanation of how the alterations had occurred, Grant told Mather that they must have

Grant told Mather that they must have arisen through pressure of business. Later on, he told Detective-Sergeant Cameron that the alterations must have been due to careless writing. The yellow 3d. stamps were of a kind which went out of print in 1932. No more of them were issued by the Treasury after June, 1933, when they were replaced by orange-coloured stamps.

"No Case for Jury."

At the conclusion of the Crown case Mr. Gibson strongly urged that there was no case for the jury. He based this contention on the grounds:—(1) That no proof had been adduced of any uttering on the part of the accused, within the meaning of the law or at all; (2) that if the stamps were in fact uttered there was no intention on the part of the accused that the stamp inspector should act on such uttering; (3) that there was no voluntary wrongful act on the accused's part, for the reason that the stamp inspector, under his statutory powers, called for the production of the wages book; and (4) that if there were uttering it was not uttering "as and for valid and uncancelled stamps."

After hearing argument, Mr. Justice Dwyer held that the evidence did not support the indictment. It appeared to him, he said, that there was evidence on which a penal charge could be laid, but not a charge of the present type. His difficulty was not lessened by the fact that there appeared to be nothing in the Hospital Fund Act regarding cancellation of stamps, nor in the general law relating to the use of stamps. And there appeared to be no regulations dealing with the matter. He intended, therefore, on the point of law, to direct the jury to bring in a verdict of not guilty. If he were wrong in this, the matter could be taken to the Court of Criminal Appeal. It was better that it should be decided definitely by that tribunal than that the jury

by that tribunal than that the jury should give it "a kind of half-baked consideration."

At the Judge's direction, the jury thereupon returned a verdict of not guilty. The accused, whose bail was renewed, was remanded for trial at the March sittings of the Court on a further and similar charge.
