

### TROUBLE OVER A FISHING CUTTER.

PORT PIRIE, July 20.—In the Police Court yesterday a case that excited considerable interest among local boatowners, was heard before Mr. D. C. Scott, S.M. Alexander Nicholas, a fisherman, was charged with the unlawful possession of a fishing cutter. The information was laid by Jack Limbek, labourer, of Risdon Park. Accused was arrested at Franklin Harbour. Mr. S. J. Warren appeared for the informant, and Mr. J. G. Sweeney for the defence. The informant stated that both he and defendant were Estonians. The boat was built by witness in 1914. The well had been enlarged, and the craft had been fitted with new masts and rigging, anchors, mainsail, staysail, and jib. He understood that there had also been an alteration to the keel. The ribs had been damaged, having been sawn off to the level of the deck. He had not tested the boat, and could not say whether the alterations had improved her or not. Witness and defendant were boarding together at Port Pirie West, and made it their business to build the boat together as partners. Witness paid for the timber and other material. He asked defendant to pay his share, but the latter refused, giving as his reason that the boat was no good. When he went to the war he told defendant to leave the craft on the beach, as he would not pay his share, but on his return from the war in 1919, the cutter was missing. On the previous Thursday witness went to Cowell, and saw defendant sailing in with the boat. He saw the police, and defendant was arrested. He then sailed the boat to Pirie—a distance of 90 miles. The value of the craft was £120. Prior to his enlistment defendant made no claim to part-ownership of the boat. In reply to Mr. Sweeney, witness said that if defendant had paid him half cost of the cutter, he would have been satisfied. He would be more than satisfied now if the defendant paid him half-share of the boat and half the profits he had made, as it would run into over £900. Evidence was given by John Jacobsen, Richard Bowden, and Arthur Denham. Mr. Sweeney asked for a dismissal on the ground that the prosecution had not discharged the onus thrown upon them of showing a reasonable suspicion that the boat had been unlawfully obtained. The

that the boat had been unlawfully obtained. The S.M. said he was with Mr. Sweeney in that contention. Mr. Sweeney further submitted that the parties were tenants in common, and had unity of possession. There were civil remedies for trespass or detention. He contended that there was no case to answer. Mr. Warren said the informant had made every effort to find the defendant, but had been unsuccessful. If there had been a partnership, it had been terminated by defendant not paying his share of the cost of the boat. The S.M. said the Court should not encourage the putting into operation of criminal proceedings when there was a remedy by civil action. One man had gone to the war and the other had taken the boat. Mr. Warren said that in the event of a dismissal, he should advise his client to take possession of the boat. The S.M. dismissed the case, with £2 2/ counsel fees.

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