

Alleged Two-up School

Case Against Occupier Dismissed.

Nellie Rosetta Barnes, of 12 Dickson Street, Sunshine, was charged at the local court on Tuesday with keeping a common gaming house. The charge was the outcome of a raid which took place at 9 p.m. on Tuesday, October 8.

In opening the case, Senior Constable Richards said the charge was under the section where an unlawful game was being played—two-up.

Constable McLintock said that, with other members of the Gaming Police, he went to premises situated at 12 Dickson Street, Sunshine. He entered the back door and saw Mrs. Barnes seated near a stove in the kitchen reading a book. The wireless was on and was very loud. Through an opening of about 7 feet into another room he saw a group of men around a table. He saw a man with a shaker in his hand (the dice and shaker were produced in court). On the table were two heaps of money—notes and silver. When questioned Mrs. Barnes admitted she was the occupant of the house. Her husband was away in the Army. She did not know the men were playing two-up. She thought they were playing cards. They were all friends of her husband and herself. She could not hear what the men were saying as the radio drowned the voices. She said that the men usually stayed until about 11 o'clock.

The constable added that he did not see any cards on the table, and in answer to the P.M. said that the men were about 15 feet from where Mrs. Barnes was sitting and she would have to turn her head to see them.

In answer to Mr. W. H. Jones, who appeared for Mrs. Barnes, McLintock admitted that defendant said the men had been coming for some time, but nothing about arranging dances, picnics, parties or fishing trips had been said to him.

To the P.M.: I would be nearer

said to him.

To the P.M.: I would be nearer to the table than Mrs. Barnes when I heard someone call out, "10/- on the head."

Constable Sheeder said that when he was going up the right-of-way alongside the house he heard a man's voice say, "Four bob the head," and another one, "Two bob the head." He entered the back door, which was unlocked, and saw Mrs. Barnes in the position as described by Constable McLintock. He saw the latter take the box and dice from one of the men around the table. From where defendant was sitting she had an unobstructed view of the men around the table. She was approximately 16 feet distant. The table was 5 feet 6 inches by 2 feet 6 inches wide, and there was a light directly above it. The wireless was in the kitchen about 3 feet away from Mrs. Barnes, and it was playing very loudly. She said she never paid any attention to what the men were saying and did not hear the jingle of money.

Constable O'Meara said he heard voices saying heads or tails.

All the above-named constables, together with Constables Minna and Carter, recited the excuses given by the 21 men found on the premises.

Mr. Jones contended that there was no evidence submitted that Mrs. Barnes had permitted the playing of an unlawful game. It would be impossible for her to know what was said on account of the noise of the wireless. It had to be proved beyond doubt that she knew the game was being played. The nearer anyone was to a wireless set the harder it was to hear anything taking place some distance away.

Senior Constable Richards: Yet one constable has sworn that he

heard distinctly from outside the building.

Mr. Jackson, P.M.: It must be remembered that she was the hostess and was in close proximity to the men.

Nellie Rosetta Barnes said she resided at 12 Dickson Street, Sunshine. The men were members of a party that met to discuss details of outings or social events, and they usually came on a Friday night and played

and they usually came on a Friday night and played cards. Her husband had been in the Army for about 18 months, and had been away from home for the last six months. She had also been in another State for some months, and only returned home a few days previously to the visit of the police. Often some of the men's wives came, but she was the only lady present that evening.

Mrs. Barnes was subjected to a long cross-examination from Senior Constable Richards, but she stuck to her plea of ignorance regarding her knowledge of what the men were saying or doing. She also gave details of the various social events arranged by her friends.

Mr. Jackson, P.M., said the Bench was satisfied there was not sufficient evidence against Mrs. Barnes and dismissed the case. He said it was a gaming house, and the following would be fined £2 each for being on the premises:—
M. Cinamon, T. Collins, A. Munro, R. Bult, A. Broadhead, J. R. McPherson, W. B. McPherson, D. Brien, P. Carmody, W. J. Neighbour, A. J. Guthrie, L. G. O'Brien, H. W. Hunter, J. P. O'Brien, S. C. Holden, A. W. Bruce, D. Roberts, A. McColl, A. W. Carter, S. W. Blackmore, L. R. Dooley.