

HARD SWEARING IN TWO-UP CASES.

There was a conflict of evidence when several men were charged by the local police with playing an unlawful game, to wit, two-up, at the rear of Crittal's factory, off Derby Road, at 6.10 p.m. on April 14th. All the defendants pleaded not guilty, and were defended by Mr. W. H. Jones. At the outset, Mr. Jones threw a spanner into the prosecution wheel by asking that all witnesses be ordered out of court. As the witnesses, Senior-Constable Mason and Constables Murphy and Power, were also the informants in the cases, a deadlock appeared as if it would set in. However, Senior-Constable Richards, of the Gaming Police, who was present at the Court in connection with other cases, came to the rescue and conducted the prosecution.

The defendants were Byron Gwatkin, Leslie Conrad Murphy, Alan Broadhead, Phillip Russell, John Pain, Reginald Bult, Donald Davidson and David Brown.

Constable Leonard Murphy said that at 6.10 p.m. on Saturday, April 14th, he went to the rear of Crittal's factory with Senior-Constable Mason and First-Constable Power. He saw a number of men in a circle and money thrown into the air. He pushed his way into the ring, and as he did so the men scattered in all directions. On the ground were a number of bank notes and silver in several positions. He saw Gwatkin in the centre of the ring with notes in his hand, but that defendant said he was only looking on. Davidson said he had only arrived just before he (Constable Murphy), and had lost most of his "dough" at the races, and now the rest was gone out of the ring. Russell denied playing, being there only as a spectator.

Constable Murphy: I saw the defendant, Pain in the ring, but he disappeared and returned a few minutes later and said, "How much money did you get out of the ring." I said: "What has that got to do with you." He said, "My money was there, and I want it." I replied that he could make a claim for it at the Court. He said, "My oath I will; it is a pity you can't catch the bookmakers instead

of catching a few playing two-up." Bult, who was in the circle, said he was not playing, and Brown said he had just come along to look on. Murphy said he was waiting to meet a man, and had no intention of playing.

In answer to Mr. Jones, the witness said the school would be 60 yards from the road. The men went in all directions when I made known my presence. I was beside the ring a few seconds before I was noticed. I was diving on the ground for the money, and so were they. I could not say the positions of the men in the circle. —I did not get there before the game started.—I saw the game being played half an hour earlier from a distance of 200 yards.—I could not describe the style of coins being thrown into the air. —The "nit keeper" had his back to us, that is why we got so close. —He may have been half asleep.—I saw Pain go through the fence into the timber yard.—I know Pain and Bult well by sight.

Senior-Constable Mason said he was with the previous witness and First-Constable Power. The men around the circle scattered when Constable Murphy was seen.

To Mr. Jones: I did not see Pain at first, but I saw him when he came back.

First-Constable David Power corroborated the evidence of the Senior-Constable, and in answer to Mr. Jones, said he did not see a "kip" in the ring or pennies. The pennies may have been among the five or six pounds that was picked up. He disagreed with the statement that a "kip" was essential to the playing of two-up.

That closed the case for the prosecution, and Mr. Jones submitted that there was no evidence against the defendants that they were playing an illegal game.

After the Bench had considered the point raised, Mr. Hill, P.M., said it had been decided that Paine, Gwatkin and Davidson had a case

to answer, but the charges against the others would be dismissed.

Mr. Jones then asked for costs against the police, but Senior-Constable Richards stated that the police were only doing a public duty and the men should thank

police were only doing a public duty, and the men should think themselves lucky they were not caught in the act.

Mr. Hill, P.M., said costs would not be allowed.

For the defence, John Pain, 75 Couch Street, Sunshine, employed at McKay's, said he took a short cut home after the hotel had shut, and walked passed the timber yard. He saw a number of men at the back of Crittal's. Constable Murphy saw him and said, "I want you for playing two-up." He had had a few drinks, and was annoyed at the accusation. He denied admitting that some of the money on the ground was his.

To Senior-Constable Richards: I was just going home. I have heard that two-up has been played there on occasions.—I could not say whether the police had manufactured the evidence against me.—I heard that one of my friends had been picked up and I went around to offer him advice.

Donald Davidson, slaughterman, 5 First Avenue, Sunshine, said he was on his way home. He walked over to the ring and had a bet, but the coins were not thrown. The police then arrived.

Matthew Cimanon, acid worker, 50 Benjamin Street, Sunshine, said he was with Pain at the hotel. When it closed they both took the short cut home. When they got through the fence, Constable Murphy spoke to Pain and accused him of playing two-up. That was not true, as he and Pain had been together for two hours. They went across to the ground as they had heard that the school had been raided.

Senior-Constable Richards: Were you drunk?

Witness: No. I had a few in.

Senior - Constable Richards: What does that mean?

Witness: I was neither drunk nor sober. (Laughter.)

The three defendants were convicted and each fined 10/-.