

L.-CPL. ROBERTSON ACQUITTED

(Continued from Page 12.)

Of his personal knowledge, Robertson's character was excellent. Witness admitted highly complimentary endorsements he had made on Robertson's papers and said that, so far as he was concerned, they held good to this day.

Chief-Inspector W. E. Fairbairn, Musketry Inspector of the S. M. P., said he had spent 17 of his 20 years with the police in giving musketry and pistol instruction. When Capt. Harvey's .38 pistol was shown to him it still had some "factory grease" on it. It had a brass striker, which was liable to jam, in which case the shots would go off as from a Maxim gun. Subsequently, he fired 12 rounds from the pistol without anything going wrong.

Witness demonstrated the mechanism of the pistol and showed how the trigger must be released and pressed for each shot. The pull was light.

Witness had seen Capt. Harvey's room since the shooting. There were three bullet-holes in different directions, and, considering the obstructions and the confined space, he would not say it was impossible for the empty cases to fall where they were found. All the shots could have been fired from the pantry without a man moving his feet, or from the hall, but in the latter case one shot would have been awkward for a right-handed man. It was very difficult for any man, especially when excited, to know how many shots he fired.

Supt. Peck, recalled, said he examined the door-jamb, which were white-painted, but he did not see any signs of burning or discoloration.

This concluded the case for the prosecution.

Defendant's Story

The prisoner gave his age as 27. He enlisted originally in 1918 in the Highland Light Infantry. After the Armistice, he was transferred to the Gordon Highlanders and his time expired in 1923. In 1925 he re-enlisted in the Scots Guards. About June or July, 1926, he was made batman to Capt. Harvey and came with him to Shanghai.

On December 2, witness carried out his usual duties. While Capt. Harvey was in the bath-room, witness went out for 10 minutes, in order to smoke a cigarette. Capt. Harvey left at 9.30 a.m., while witness was cleaning a pair of shoes. After this, he was putting away the cleaning kit, standing with his back to the passage, and reaching up to put the kit on a shelf.

While so engaged, he heard the boy behind him say:—"Master talk you clean pistol." Immediately, a shot went off, the bullet striking the wall directly in front of witness. The boy, who looked frightened, grasped the pistol with both hands and witness immediately grabbed at the weapon and pushed it away from himself. Then another shot went off and struck the door of the pantry. Witness at that time had hold of the pistol and was releasing the boy's fingers. After the second shot, witness pulled the pistol from the boy's hand and pushed him away. As he did that, another shot went off and the boy fell to the floor.

Witness continued:—"I was terrified, for I knew he had been shot, but I did not know where. I let the pistol fall to the floor and I picked up my cap and belt and went out. I went down in the lift and on to Amoy Road Gaol, where I was billeted. There I saw a sergeant and told him my boy was shot. I then went to my billet."

Alleged Shots Denied

Witness denied that the deceased shouted:—"Li! Li! Li!" It was only about a minute before witness left the flat after the shooting—just time for him to put on his cap and belt. He did not know how the pistol came to be loaded. He knew Capt. Harvey did not keep it loaded. Witness had cleaned it but never had loaded it. The boy had seen witness cleaning both the sporting gun and the pistols and had shown the greatest interest in the operation. He always asked how the gun was put together and how the pistols worked, but witness never had shown him.

Witness did not think the first shot was fired intentionally. After the incident, he was flushed, excited, and nervous, and he was not in a fit condition to make a statement. He appreciated that he had made a mistake when opening his statement and that was why he said afterwards that he did not know what happened after the first shot. Some time previously he had a trifling quarrel with the boy. The latter, during Capt. Harvey's absence, had used an electric iron and allowed the wire to burn, thus endangering the property in the flat. When witness remonstrated, the boy only laughed, so witness slapped his face. The boy later said he was sorry, promised to get a new wire and asked witness not to tell Capt. Harvey. Since then they had been good friends.

Mr. Harris—On your oath, did you intentionally shoot the boy? Prisoner—I did not, sir.

Cross Examination

The Crown Advocate subjected the prisoner to a lengthy cross-examination, in which he stuck to his story. He did not know the police telephone number, nor even Capt. Harvey's; he did not know where to find a doctor; and he thought the boys in the building would not understand him. That was why he went straight to his billets, in order to get a report through to Capt. Harvey. He thought the boy still was alive when he went out. He was not a teetotaler, but he did not frequently drink to excess.

He admitted that Capt. Harvey sent him home from St. Andrew's Ball, but the officer did not say why; witness had not had too much to drink on that occasion. Witness had heard whiskey had been missed from the flat and that fault had been found with the boy. The latter had complained to witness and suggested he had taken the liquor, but witness had not. If his actions after the tragedy were curious it was because of his excited state.

Witness, taking the pistol, demonstrated with the Crown Advocate exactly what he said happened between the boy and himself.

Answering the Judge, witness said that, when he left the flat, there was not anything across the body, as shown in a photograph. The stand was up-right and in it were golf clubs, walking-sticks and a sword. The boy had both hands up to his throat.

Robertson and Capt. Harvey both informed the Judge that they never had seen the boy the worse for drink.

Accused's Clean Sheet

Major James Jervis, D. A. P. M. of the North China Command, produced Robertson's regimental and company conduct sheets and said both were clean, there being no entry on either. His employment sheet showed endorsements "very hard-working, honest, sober, and a respectable man; entirely satisfactory and trustworthy." In all cases his military conduct was very good. Witness had known him since March last year, and his conduct was exemplary. Robertson had worked in witness's flat, so that he had seen a great deal of the man.

The Crown Advocate and Mr. Reader Harris briefly summed up their respective cases.

The Judge then addressed the jury. He reminded them that the life of a Chinese was of equal value to that of a person of any other nationality, and they must give just as much consideration to this case as if the deceased had been one of their own nationals. His experience had brought him in contact with juries in many countries and never had he failed to see them attach as much value to cases in which foreigners were concerned as they would to a case involving one of their own people. He only reminded them of this in case it should be said later that the matter had not been given the fullest attention, though he did not doubt but that they would give it the very fullest consideration. In some cases the evidence was so clear that it was easy to arrive at a determination. This case was not so clear; indeed, in many particulars it was shrouded in mystery. The word "mystery" had been used by counsel on both sides, and it was a fact that there was an element of mystery about the whole affair.

Not Guilty

His Lordship then dealt at some length with the various phases of the law as it concerned the taking of life, and summarized the evidence on both sides.

At a few minutes past 6 p.m., the jury were told to consider their verdict, but, without leaving the box, Mr. N. W. Hickling announced that their unanimous verdict was "not guilty."

The Judge—Robertson, the jury have found you not guilty and it is only right that I should say that I entirely agree with their verdict. Therefore, you are discharged and there is nothing whatever against your character.

His Lordship thanked the jury for their attention to the case and exempted them from further service for two years.

EGYPTIAN COTTON FOR RUSSIA

Second Purchase of 110,000 Kantars

Cairo, Jan. 16. It is understood that the Soviet cotton delegation which last November entered into an agreement with the Egyptian Government to purchase 110,000 kantars of cotton, is negotiating for a further purchase of Egyptian Government cotton.—Reuter.

PAOLINO UZCUDUN COMING ON

Fight Stopped in Second Round Because of Punishment Administered

Brooklyn, N.Y., Jan. 16. In a ten-round boxing contest here to-night Paolino Uzcudun beat the Bostonian, Ed Keely, by a technical knockout in the second round, the referee stopping the fight owing to the terrific punishment inflicted by the Spaniard.—Reuter.

Jack Delaney Busy

New York, Jan. 16. Jack Delaney, former light heavyweight boxing champion, is now aspiring to the heavyweight title. He opened his campaign by knocking out Sally Montgomery, the former football star, after 22 seconds in a bout here to-night.—Reuter.

BAD BUSINESS IN PEKING

Over Two Hundred Shops in Liquidation Since Jan. 1

Peking, Jan. 17. The "North China Standard" states that 221 shops have gone into voluntary liquidation since the foreign New Year. The Chamber of Commerce discussed the matter on Sunday, fearing a financial panic.—Reuter.

COUNCIL SUED BY CABARET

(Continued from Page 11.)

pointing out that his client took the numbers of 260 motor cars on one night which contained prospective patrons.

After Mr. Newman's short reference to the recent suit of the "China Courier" against the S.M.C., in which the Court of Consuls awarded nominal damages, Me. d'Auxion de Ruffe read from Article 479 of the French Penal Code, which, for a second conviction under a nuisance charge, prescribed five days' imprisonment as a penalty, with a similar sentence for each succeeding offence.

Mr. Newman called plaintiff into the box, who, after outlining his business and licence conditions, said that Insp. Foley had told him that neighbours had complained about the noise. Several days after this incident he reduced his band from eight musicians to five. On August 15, he received Captain Barrett's letter, which threatened picketing and cutting off of the lights, if he did not change the manner of conducting his business. He then consulted his lawyers. On August 26, his counsel wrote a letter of protest.

In reply to Mr. Newman, plaintiff said that he was ruined because of the action taken by the Council. His profits during the summer of 1926 amounted to \$14,000. He had hoped during 1927 to make even more than that. His receipts between August 1 and August 24 were \$6,756. His commitments, which he could not meet, amounted to about \$13,000. His creditors removed remaining stocks, etc. He reopened business on December 3, the day following restoration of lights. In January he informed the Revenue Department that he would not renew his licence, as he had no money. He pawned his typewriter and electric fans, and sold old bottles to obtain funds.

Motor Car Debts

Mr. Wright, in cross-examining, pointed to an item for motor cars in the list of debts payable, witness informing him that they were engaged to transport his dancing girls to their homes. Mr. Wright reiterated several times that the majority of the dancing partners were escorted away from the premises in motor cars by patrons of the café, all parties making considerable noise. Witness refused to affirm that he knew of this procedure in his own knowledge. Witness admitted to counsel that he knew it was wrong for him to remain open after 2 a.m., as he did. He also admitted that he received ample warning from the police regarding what would happen if he did not change his ways.

Mr. Wright—But you continually remained open until 6 a.m. Did your lawyers advise you to? (Mr. Newman objected.) Witness agreed with counsel that he (counsel) was not wrong when he suggested that he had flouted the authority of the Council. He intended to apply for an extension licence, but failed to do so.

He usually closed between 4.30 and 5 a.m., after he received the warning notice. He thought that was justifiable until the French Court settled the matter.

His lawyer, witness said, was too busy to get out an injunction against the Council between August 25 (the day when the barbed wire fence was erected) and October 12. He had had persons guide patrons from Keswick Road into the café, after the fence was up.

Mr. Wright—I suppose that you will allow people to enjoy a good night's rest in summer?—Not in my business.

Mr. Wright—Well, allow others who work all day?—Patrons of a café?

No, there are other people, decent people.

Mr. Wright—You know the Shanghai Defence Force came out here, or has that not penetrated your mind yet? Shouldn't they have a good night's rest, they who look after your life and property?—Why, certainly.

Witness admitted that he did not think that the S.M.C. had a personal grudge against him, and that there must have some justification for the complaints.

The hearing will be resumed in the United States Court this morning at 9.30 o'clock.

THOSE RIFLES FOR THE NORTH

Also An Armoured Car on Board the Str. Praga

Manila, Jan. 17. The Czechoslovakian str. Praga (1,799 tons; formerly the Henschel Fischer) sailed this afternoon for Newchwang with 90,000 rifles and one armoured car for Generalissimo Chang Tso-lin.

Six members of the crew deserted, but were arrested and shipped out on the Praga.—Reuter.

ENGLAND-AUSTRALIA FLIGHT TO PROCEED

Singapore, Jan. 16.

Captain Lancaster who, with Mrs. Keith Miller, was in the course of a flight to Australia from England in the Avro-Avian light aeroplane Red Rose when the plane crashed on January 10 as they were taking off from Muntok, in the Dutch East Indies, en route to Batavia, has decided to continue his flight.

The Red Rose, which was slightly damaged in the crash, arrived here to-day from Muntok and is being repaired.—Reuter.

THE CHINESE LOAN MYSTERY

Peking Brokers Unable to Account for Rise in Price at Home

Peking, Jan. 17.

Brokers and business men in Peking state that there is no explanation for the recent surprising rise in Vickers 8 per cent. Chinese Loan and the Marconi 8 per cent. Wireless Loan, as reported by the London "Observer" yesterday, except the paper's explanation that investors are mistakenly imagining that there is a connection between the ordinary shares of the two companies and their Chinese issues.

They declare that there is not the least likelihood of the Chinese Government at present paying the interest on these loans, which now is several years in arrears.

The rise in the value of other Chinese bonds in Europe is accounted for by the feeling in Europe that the expulsion of Soviet officials and Communists from China may lead to somewhat better conditions in this country.

Business men generally are of the opinion that the continued deplorable conditions of the railways, owing to the exactions of the military authorities, must mean that railway stock will continue to be a doubtful investment but, unless conditions become considerably worse, Chinese bonds secured on the Customs, such as the Reorganisation Loan, are considered an excellent investment at the present prices.—Reuter.

CORPL. DUNCAN AND LOCAL BOXING

Tribute to American Competitors and Spectators

London, Jan. 16.

"Americans made boxing a principal sport in Shanghai," said Corporal Donald Duncan, Royal Marines, welterweight champion of Shanghai, in an interview at his home near Bedford. He added: "In my seven fights against Americans, I found them good sports. Their crowds fell for me too."

Duncan described the crowds at his fights as "wonderful" and numbering thousands. "When an American won, the Americans went mad. But they always treated me jolly well."

Two things he appreciated above all others that happened in Shanghai: first, an article in a local paper on the keenness of his second fight with Braunstein and the absence of barracking by the vast international crowds; second, Major-General Sir John Duncan's smile and whispered word "namesakes" when he congratulated the corporal before he left.—Reuter.

MALAYAN RUBBER MERGER

Important Combination Contemplated in London

London, Jan. 16.

A new rubber merger is in prospect. The Anglo-Java Rubber and Produce Estates Ltd. contemplate amalgamation with a group of foreign-owned estates in Malaya, it was announced at a meeting of the Anglo-Java Estates to-day.

It is estimated that the productive capacity of the new estates will total 6,000,000 lb. of rubber. The value of the property is estimated at £2,560,000. The purchase price will be £1,860,000. It is intended to create £1,000,000 of seven per cent. convertible debentures and issue them simultaneously with 3,600,000 six-shilling shares.—Reuter.

THE INSTABILITY OF WUCHANG

Monthly Revenue Decreased and None Wanting Surtax Loan Bonds

Hankow, Jan. 15.

Probably owing to insufficiency of control over the troops stationed in various localities and other causes, the Hupeh Provincial Government, which had a monthly revenue of \$7,000,000 to \$8,000,000 in normal times, is at present obtaining only \$3,000,000 from the Hankow District.

The Chinese General Chamber of Commerce here has no more financial reserve, as it has already been forced by General Cheng Chien's Army to accommodate a loan of \$3,000,000. Owing to the unfavorable relations between the Nanking and Wu-Han parties, there is no body who underwrites the treasury bonds on the security of the 2½ per cent. Customs Surtax, which General Pei Chung-hsi has brought here for public subscription.

On account of the arbitrary acts of the soldiers, continual activity of bandits and the atrocious acts of Communists, the people in the province are in extreme distress.

The Provincial Government, of which Chang Chin-peng is the Chief Commissioner, is unpopular with the provincials, as its administration is bureaucratic.

Judging from the foregoing, it can hardly be said that the foundations of the Wu-Han Government are secure.—Toho.

AMERICAN MINE ACCIDENT

Nine Miners Entombed by Shaft Collapse

Shepton, Penn., Jan. 16.

Nine men have been entombed 400 feet underground at the Lehigh Valley Coal Company's mine through the shaft collapsing to-day.

Tappings by the buried men have been heard, but rescuers fear that it will take days to reach them.—Reuter.

Dr. Chung Wing-kwong, former President of the Canton Christian College, formally assumed his new appointment as Director of the Overseas Bureau for the Nationalist Government at the Bureau of Foreign Affairs on Monday, and Mr. Chen Han-so has taken up his position as acting Chief Judge in the Military Court attached to the Garrison Commissioner's yamen.

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ARRIVALS

Per str. Shanghai Maru, January 17. From Japan—Major and Mrs. D. G. Cheyne, Mr. and Mrs. J. S. Hyde, Mrs. Healey, Mr. and Mrs. R. Hunter, Miss Elya Dayson and two children, Mr. J. Blackburn, Mr. A. Ananich.

DEPARTURES

Per str. Loongwo, January 17.—For River Ports—Miss Medlenko, Mrs. Munro Faure and two children, Mr. MacEwan, Miss Raab, Miss Meeker, Miss Hanger, Mrs. Bialaizsky, Miss Goldfield, Mr. D. Roda, Mrs. J. C. Hutchison and child, Mr. H. Dorman, Mr. W. W. Achuck, Miss Seek, Miss Woodruff, Miss Gallaher, Mrs. Kemberley, Mr. Melloni, Mr. Glatzkou. Per str. Devanha, January 17.—For London—Mr. G. S. Barker, Mr. A. S. Blackmore, Mr. and Mrs. L. Bones, Mr. E. Bishop, Mrs. M. J. Cohen, Mr. C. F. Chapman, Mr. J. Dodsworth, Capt. D. T. Edwards, Mr. F. Gascoigne, Mr. F. H. Hill, Mr. E. Hogshead, Mr. C. D. Jackson, Mr. H. Komada, Miss D. Latimer, Mr. K. S. Malikhan, Mr. T. Nakamura, Mr. F. S. Lee, Mr. D. H. Buchanan, Mr. and Mrs. D. G. Scott, Mr. and Mrs. H. Vogel, Mr. W. H. Hoegger, Mr. and Mrs. E. Boucken.

Per str. Shanghai Maru, January 18. For Japan—Mr. E. Boschart, Mr. Mr. M. Perle, Mr. E. B. Stiles, Mr. Jacob Etzine, Miss K. Teagul, Miss W. F. Draper, Mr. and Mrs. H. Welch, Miss A. Finday, Miss E. L. Welch, Mr. Y. Y. Lin, Mr. S. Lee, Mr. D. H. Buchanan, Mr. and Mrs. D. G. Scott, Mr. and Mrs. H. Vogel, Mr. W. H. Hoegger, Mr. and Mrs. E. Boucken.

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