

Restaurant Man Not Guilty

Mr. S. J. Bliss, S.M., in the Licensing Court, yesterday dismissed a charge against David Bos, proprietor of the Black Tulip Restaurant, George Street, of selling liquor without a licence.

Mr. Bliss found a similar charge, preferred against a waitress at the restaurant, proved. He dismissed the information under Section 556A of the Crimes Act.

The police alleged that Bos illegally served a Sydney journalist, John Hungerford Green, of Lynesta Street, Bexley North, with two bottles of beer.

Constable C. Streatfield, of the Vice Squad, said he saw the waitress take a bottle of beer from the table at which Green said he sat.

When he told her to put it back she said that it had been ordered by a man named Orlov, who was with the party, and that the bottle was labelled.

Constable Streatfield said that the only label he could see on the bottle was the manufacturer's label.

He said he told Bos that the waitress would be charged with having sold liquor without a licence, and Bos would be charged with having allowed her to do it.

To Mr. W. R. Dovey, Q.C. (for Bos), Constable Streatfield said he did not hear Orlov say he had ordered the liquor earlier.

He had heard that Green occasionally borrowed money, and that he had paid it back as soon as possible.

He had heard several men at the C.I.B. say that Green was a "decent chap."

Green had been drinking

but was apparently sober.

Neil O'Reilly, a journalist, said he had not realised until yesterday that he was assisting to break the law by buying

yesterday that he was assisting to break the law by buying beer from the waitress.

In evidence on Monday O'Reilly said he bought two bottles of beer from the waitress.

O'Reilly said that he had had five middies of beer that day, but he was not drunk.

He said he was much more sober than Green.

Mr. Dovey: He was pretty drunk, wasn't he?

O'Reilly: Yes.

He said that Green had made some remark about being insulted because Bos would not cash a cheque. Green had said something about a "crook cheque."

Green also said something about "going to put Bos in."

Orlov had said: "Don't be such a . . . fool. Wait until we get a few more beers and then put him in."

Mr. Dovey: If he (Green) had had a few more beers he would have been inarticulate?

O'Reilly: I have never known him suffer from that.

When Mr. Dovey started to cross-examine O'Reilly about the number of times he had discussed the matter with Green, the police prosecutor, Sergeant J. Milne, objected.

"Mr. Dovey is endeavouring to mislead the witness," Sergeant Milne said.

Mr. Dovey: I think that should be withdrawn.

Sergeant J. Milne (the police prosecutor): I would like Mr. Dovey to sit down while I take an objection.

"I object to the way Mr. Dovey tried to mislead the witness," Sergeant Milne went on. "Mr. Dovey's memory is not too good."

Mr. Dovey: I entertain considerable respect for Sergeant Milne. I will not have him say I am endeavouring to mis-

say I am endeavouring to mislead. I am not like some police officers who make statements, knowing them to be untrue.

Sergeant Milne: And we are not like some barristers, including Queen's counsel!

At the conclusion of the case against Bos, Mr. Dovey submitted there was no presumption the waitress was selling the liquor for Bos.

The magistrate upheld Mr. Dovey's submissions on behalf of Bos, and dismissed the information.

He heard the case against the waitress, a first offender, behind closed doors, after the waitress had exercised her privilege to demand a closed court.