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7, 1963

IN THE PRIVY COUNCIL

No. 11 of 1962

ON APPEAL  
FROM THE SUPREME COURT OF BERMUDA  
(CRIMINAL JURISDICTION)

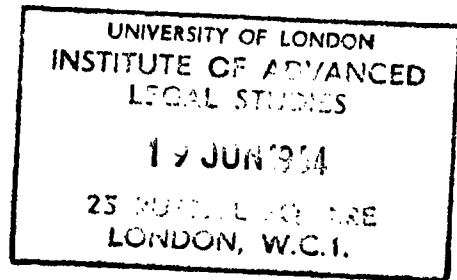
B E T W E E N

ALMON EUGENE HARDTMANN (Defendant)  
Appellant

- and -

THE QUEEN ... Respondent

R E C O R D    O F    P R O C E E D I N G S



74095

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IN THE PRIVY COUNCILNo. 11 of 1962

ON APPEAL  
 FROM THE SUPREME COURT OF BERMUDA  
 (CRIMINAL JURISDICTION)

B E T W E E N

AIMON EUGENE HARDTMANN (Defendant)  
Appellant

-- and --

THE QUEEN ... Respondent

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ON APPEAL  
FROM THE SUPREME COURT OF BERMUDA  
(CRIMINAL JURISDICTION)

B E T W E E N

ALMON EUGENE HARDTMANN (Defendant)  
Appellant

- and -

THE QUEEN ... Respondent

10

RECORD OF PROCEEDINGS

No. 1

INFORMATION AND PROCEEDINGS

INFORMATION FOR AN INDICTABLE OFFENCE

BERMUDA ISLANDS, }  
PARISH. } TO WIT.

In the  
Magistrate's  
Court

Proceedings as  
to the 7th and  
8th Counts of  
Indictment.

No. 1

Information and  
Proceedings.

22nd December,  
1960  
4th January,  
1961.

20

THE INFORMATION of George Taylor, (Sergeant of Police) of Devonshire parish in the said Islands taken this 22nd day of December, 1960 before me the undersigned one of Her Majesty's Justices of the Peace for the said Islands, who saith that ALMON EUGENE HARDTMANN of Smith's Hill, Pembroke East between the 20th/21st day of December, one thousand nine hundred and Sixty, in the City of Hamilton, being concerned with a juvenile, did break and enter Gosling Bros, Liquor Store, Reid Street and did steal therein £57.10.1<sup>3</sup>/<sub>4</sub> in sterling and U.S. currency (nominal value) and a 9 mm. automatic pistol valued at about £12, the property of one James Laing, also two cartons of cigarettes (Salem brand) valued at 42/-, eleven tins of Amstel and Carlings beer valued at 17/6, two pen knives valued at 8/- and a box of paper matches valued at 1/6, to the total value of £3.9.0, the property of Gosling Bros. Ltd., contrary to Section 353(a)(I) of the Criminal Code.

30

In the  
Magistrate's  
Court

Proceedings as  
to the 7th and  
8th Counts of  
Indictment.

No. 1

Information and  
Proceedings.

22nd December,  
1960.

4th January,  
1961

- continued.

2. At the same time and place, being concerned with a juvenile, did break and enter a bonded warehouse owned and occupied by Gosling Bros. Ltd., under license issued by the Colonial Treasurer for the custody of uncustomed goods, below Goslings Liquor Store, Reid Street, Hamilton, with intent to commit a felony therein, contrary to Section 354 (a) of the Criminal Code.

(Sgd.) G. Taylor, Sgt.

Sworn before me the day and )  
year first above mentioned )

10

Ronald Grey.  
J.P.

4.1.61. Evidence taken and accused committed in custody for trial in Supreme Court on charges as laid.

Remanded in custody:

GEORGE TAYLOR, Police Sergeant, for Police Prosecution.

ALMON EUGENE HARDTMANN, the accused, was not represented by Counsel.

20

(Signed) Ronald Grey J.P.  
Senior Magistrate.

Prosecution  
Evidence

No. 2

J. Laing.

4th January,  
1961.

Examination.

No. 2

J. LAING

This deponent JAMES LAING Having been duly sworn on oath, states as follows:-

I reside on the Middle Road, Devonshire Parish.

I am the Manager of the Gosling Brothers Reid Street Store in Hamilton.

30

About 6.30 p.m. on Tuesday the 20th December, 1960, I was in the store. Between 6.30 and 6.40 p.m. I was locking up. I was seeing that all the doors were secured and that there was no burning cigarettes and that all the windows were barred. The bar in this case is one which does downward and not across. I left the store at Twenty minutes

to seven, exactly. The store was secured at this time. The doors were tested as I went out. About 4.00 a.m. on Wednesday the 21st December, I received a message and as a result of this I was taken to the store by the Police.

10 On arrival at the store I found everything had been taken out of the safe which is kept open. This safe is kept in the middle of the store as one enters and can be seen from all angles. Cigars and cigarette papers were strewn about the floor. There was an envelope in the safe containing Two Pounds which had been left there that same day by a customer. The drawers of the cash register, which is kept in the centre of the counter, had been ransacked and missing from the drawer was a revolver.

The revolver now shown to me in court is the one. This revolver is kept licensed for the store.

20 I now say that this not a revolver but an automatic pistol.

I can identify it because it is my own property and also by the number which is 31999.

30 I then went into the back room where my office is, and where I keep my private papers and my coin collection. The place had also been ransacked. All the drawers were open, my stamp collection thrown on the floor, there was bag containing forty nine Anniversary Coins, there was a cardboard package with money which had cellophane paper over it which had all the coins in. There were some American Dollars. In the drawers there were some advertising penknives, two of these were missing. missing. In a bank bag there were notes and silver, amongst the silver were Victoria pieces silver three penny pieces and various other coins. The total amount of money was about Sixty Pounds, including rolls of pennies and rolls of silver.

40 There was a new 1961 Desk Pad wrapped in brown paper, one leaf for every day in the year, which had been torn open and strewn on the floor. All the monies now shown to me in court are very very similar to that which was missing from the store.

The automatic pistol is valued at about twelve pounds.

In the  
Magistrate's  
Court

---

Proceedings as  
to the 7th and  
8th Counts of  
Indictment.

---

Prosecution  
Evidence

---

No. 2

J. Laing.

4th January,  
1961.

Examination  
- continued.



In the  
Magistrate's  
Court

Proceedings as  
to the 7th and  
8th Counts of  
Indictment.

Prosecution  
Evidence

No. 2

J. Laing.  
4th January,  
1961.

Examination  
- continued.

Going into the back room which is on the left of the store as one enters, where the two refrigerators are kept, there were some beer, Amstel German Beer and Carlings Canadian Beer and one bottle of Coco Cola missing. I found the empty coco cola bottle. Under the counter in the front of the store from the cigarette counter were missing some cigarettes. Either two or three cartons of Salem Cigarettes, to the best of my knowledge, were missing. In the room where the refrigerators are kept, there were two cartons torn open and missing were some tins of Amstel Beer and a few tins of Carlings Canadian Beer. I would say there were about five or six Amstel and three or four Carlings missing.

10

The cigarettes, Amstel Beer, Carlings Beer, matches and penknives now shown to me in court, I would say are the property of Gosling Brothers.

We are the agents in Bermuda for Amstel and Carlings Beer, the matches were made for us and they bear our name, the knives were for advertising purposes. The cigarettes are valued at Two Pounds Two Shillings, the Beer at one and sixpence per tin and the knives about four shillings each and the box of matches at one and sixpence.

20

When I arrived, I found that the shutter of the window on the north side of the building had been forced open. The window leads into the store from the rear which gives access to the whole of the store.

30

Down the flight of stairs which leads to the Front Street Store which is always locked at 5.30 at night.

The second door which leads into the garden below, the window had been open.

On going down the stairs into the garden (there are two rooms below one being a Government Bond and the other a Store Room) to get to the Government Bond one must go through the Store Room which is heavily barred and locked. The door to the store room had been broken, hinges and screws taken off. The door to the Government Bond had been smashed.

40

The door to the Government was lying on its side where, what was left of the hinges, was holding it. I checked this room. It appeared to me that nothing had been touched.

No Cross-examination.

(Signed) JAMES LAING.

Taken and acknowledged this 4th day of January,  
1960, before me. (Signed) Ronald Grey, J.P.

50

CONSTABLE P. WILSON

In the  
Magistrate's  
Court

This deponent PETER WILSON Having been duly sworn on oath, states as follows:-

Proceedings as  
to the 7th and  
8th Counts of  
Indictment.

Prosecution  
Evidence

No. 3

Constable P.  
Wilson.

4th January,  
1961.

Examination.

10 I am a Constable in the Bermuda Police Force, Approximately 2.50 a.m. on Wednesday, 21st December, 1960, I was on duty at Nos. 6 and 7 sheds with Constable Sheehan. Constable Sheehan drew my attention to a group of people who were standing at the western end of Front Street outside Astwoods and Sons. There was a Policeman in the middle of this group and there appeared to be an argument in progress.

Accompanied by Constable Sheehan, I proceeded down Front Street, when I was approximately 100 yards from the B.O.A.C. offices, I saw a youth standing in an alleyway. He was dressed in a red shirt, sports coat and dark trousers. I did not recognize the person.

20 I told Constable Sheehan. When the youths saw us they turned and ran. I searched this alleyway, which leads from Front Street to Reid Street with negative results. When I got to Reid Street, Constable Sheehan heard a noise at Appleby, Spurling & Kempe's verandah. In searching this area, we found two youths hiding behind a wall. I now say that they were crouching behind a wall. One of these youths was dressed in red shirt, sports jacket and dark trousers. The accused in this  
30 case is one of them.

They were in possession of a bag and a canvas sack. The accused had the bag and the younger boy had the sack. They had them just down at their feet. The bag now shown to me in court is the one, and I now tender and produce it in evidence, Exhibit No. 1.

The sack now shown to me in court is the one, and I now tender and produce it in evidence, Exhibit No.2.

40 When I found this, I told both youths that I was arresting them on suspicion of committing a felony. They made no reply. I arrested them and took them to Hamilton Police Station.

They went to the station quietly,

They each brought the bag and sack which they had.

In the  
Magistrate's  
Court

Proceedings as  
to the 7th and  
8th Counts of  
Indictment.

Prosecution  
Evidence

No. 3

Constable P.  
Wilson.

4th January,  
1961.

Examination  
- continued.

On arrival at the Police Station, I then took the bag and sack. I searched these.

In the bag, I found a screw driver, hammer, hammer-head, torch and a blue silk glove.

The articles now shown to me in court are the ones, and I now tender and produce them in evidence, Exhibit No.3.

No. 3 The above-mentioned articles.

I also found in this bag, a gun.

The gun now shown to me in court is the one and I now tender and produce it in evidence, Exhibit No.4.

10

No.4 One Gun.

In this bag I also found a large bank bag containing money to the value of Forty four Pounds, fifteen shillings and one penny three farthings.

I now tender and produce this money in evidence Exhibit No.5.

No.5 The above-mentioned money.

20

I also made a search of the sack.

I found that the sack contained beer, cigarettes and matches.

There were two cartons of Salem Cigarettes, Eleven cans of Beer, two penknives and a box of paper matches.

The articles now shown to me in court are the ones.

I now tender and produce them in evidence, Exhibit No.6.

30

No.6 The above-mentioned articles.

On the inside pocket of the jacket of the accused, I found the sum of Nine Pounds Fifteen shillings and a further three pounds. I now tender and produce these notes in evidence, Exhibit No. 7

In the afternoon, about 3.00 p.m. of the same day, I again saw the accused and charged him with these offences. He made a statement which I took down and he signed after it had been read over to him. I now tender and produce this statement in evidence, Exhibit No. 8.

No. 8 Statement of accused.

No Cross-examination.

(Signed) PETER WILSON,  
P.C. 139.

10

This witness having been recalled, states:-

I now say, on Thursday the 22nd December, 1960, I charged the accused with these offences.

No Cross-examination.

(Signed) PETER WILSON,  
P.C. 139

Taken and acknowledged this 4th day of January, 1961, before me (Signed) Ronald Grey J.P.

No. 4

SERGEANT W.M. SMITH

20

This deponent WILLIAM MAURICE SMITH Having been duly sworn on oath, states as follows:-

I am a Detective Sergeant in the Bermuda Police Force.

Approximately 4.00 a.m. on December, 21st 1960, I carried out the investigations into the breaking and entering of Gosling's Liquor Store on Reid Street in the City of Hamilton.

I went to the store.

30

I was accompanied by Mr. James Laing, the Manager.

On arrival at the store, I could see papers scattered about the back of the counter.

In the  
Magistrate's  
Court

Proceedings as  
to the 7th and  
8th Counts of  
Indictment.

Prosecution  
Evidence

No. 3

Constable P.  
Wilson.

4th January,  
1961.

Examination  
- continued.

No. 4

Sergeant W.M.  
Smith.

4th January,  
1961.

Examination.

In the  
Magistrate's  
Court

The safe was open and there were some bank bags  
and papers outside the safe.

Proceedings as  
to the 7th and  
8th Counts of  
Indictment.

The window at the back of the store was open  
and the shutters of this window were open.

Prosecution  
Evidence

The shutters showed signs of something having  
been forced between them.

No. 4

I went into the back room, which is used as  
an office, and papers and other things on the desk  
were disarranged and scattered.

Sergeant W.M.  
Smith.

I also saw two doors leading into an alley,  
east of the building, open.

10

4th January,  
1961.

I was taken downstairs and at an outside por-  
tion of the building, there was a door open.

Examination  
- continued.

This door had been forced open, the hasp of  
the lock having been forced away from the door.

Inside this room, there was another door which  
had been opened by the screws being taken from the  
hinges.

At approximately 6.30 the same day, I saw the  
accused at the Hamilton Police Station.

20

I cautioned him, I wrote the caution down and  
he signed it. I then asked him if he wanted to  
make a statement concerning his actions regarding  
the allegations of breaking and entering Goslings,  
but he would not make a statement. He said, "I am  
not going to make a statement".

No Cross-examination.

(Signed) W.M. SMITH

Taken and acknowledged this 4th day of January,  
1961, before me.

30

(Signed) Ronald Grey J.P.

No. 5

INSPECTOR J. W. STARBUCK

This deponent JOHN WALLACE STARBUCK, having been duly sworn on oath, states as follows:-

I am a Detective Inspector in the Bermuda Police Force.

On Friday afternoon December 30th 1960, I went to the Senior Training School, St. Georges, where I saw the accused in the office and in the presence of the Principal Officer.

I went to see the accused in connection with another matter.

I cautioned him in the usual manner and he said to me, "What happened to my brother". I said, "He has been dealt with for breaking entering and stealing from Gosling's Store and sent to the Junior Training School. He replied, "He didn't break in, I was the one that broke in and he stayed outside". I had no further conversation with the accused.

I had on a previous occasion explained to the accused that I was an Inspector in the Bermuda Police Force.

No Cross-examination

(Signed) JOHN STARBUCK

Taken and acknowledged this 4th day of January, 1960, before me

(Signed) Ronald Grey J.P.

In the  
Magistrate's  
Court

Proceedings as  
to the 7th and  
8th Counts of  
Indictment.

Prosecution  
Evidence

No. 5

Inspector J.W.  
Starbuck.

4th January,  
1961.

Examination.

No. 6

W. G. HARDTMANN

WILLIAM GREEN HARDTMANN Having been duly sworn on oath, states as follows:-

I am at the Junior Training School, Paget Island, St. Georges.

On the 28th December, 1960, I was convicted

No. 6

W.G. Hardtmann.

4th January,  
1961.

Examination.

In the  
Magistrate's  
Court

Proceedings as  
to the 7th and  
8th Counts of  
Indictment

Prosecution  
Evidence

No. 6

W.G. Hardtmann.

4th January,  
1961.

Examination  
- continued.

by the Juvenile Court sitting in Hamilton for the offence of breaking and entering Gosling Brothers on the 20th/21st December, 1960. I was sentenced to undergo Corrective Training at the Junior Training School.

On the night of Tuesday the 20th December, 1960, I was at home, at Smith's Hill, Pembroke East.

My grandmother was there and my brother, the accused. He asked me to go down the road with him. We went to the movies together. After the movies we went home. When I got home I went to my bed. I spoke to my brother after I had gone to bed. He told me that he was going to do a job. 10

I left home about midnight and I went round by the Piggly Wiggly, I was with my brother. He told me that the place that he was going to pull was Gosling Brothers. Then me and him went round by Gosling Brothers. We jumped over the wall of Gosling Brothers on Reid Street and walked across the roof. He showed me a window and said that that was the window that I was to go in. Then he told me to pass him the hatchet. The hatchet now shown to me in court, part of Exhibit No.3 is the one. I passed him the hatchet and he was fighting trying to open the window for a hour or two hours. He opened up the window and went in. He told me to pass him the bag, Exhibit No.1 and he told me to come in, and I went across and went in. 20

When I went in he told me to go downstairs and search around. I went downstairs. There were a couple of doors down there and I went up and told him. The both of us went down there and broke upon the doors. After we broke up the doors we did not find anything. 30

Then we came back up stairs and he took the bag, and he found some money in the cash register and he looked in the safe and there was some change in the safe, he took the change out and put it in the bag. Then he searched around and he found a gun. He told me that he was going to take the gun. 40

The gun now shown to me in court is the one, Exhibit No.4.

Then he went inside and he told me to get a crocus bag, and he told me to put some cigarettes, beer and matches in it.

The bag now shown to me in court, Exhibit No.2 is the one.

I put the things in the bag.

The beer cans and cigarettes now shown to me in court are similar to the ones which I put in the bag.

Then he went inside and he drank a bottle of coke and he asked me if I wanted any, and I told him that I did not want anything.

10 Then he told me that it was time to go, then he broke open the back door and he jumped over the gate and told me to pass him the things over. I passed the things over then I jumped over, onto Reid Street.

20 We came down the road and we looked up towards the Police Station and there were a lot of Policemen and Detectives outside the Station. He said, "Lets go back down the other road". We went back down Reid Street and we came down by the alley leading to Front Street and we saw some "Cops", they were coming up through the alley. They spotted us and they started chasing us. We came back up the steps, and across from Gosling Brothers there is a big house and we ran up the steps. We went up the steps and "ducked" behind a wall.

They shone the light up there and they saw us.

They brought us up Police Station.

No Cross-examination

30 (Signed) WILLIAM HARDTMANN.

Taken and acknowledged this 4th day of January, 1961, before me.

(Signed) Ronald Grey J.P.

In the  
Magistrate's  
Court

---

Proceedings as  
to the 7th and  
8th Counts of  
Indictment

---

Prosecution  
Evidence

---

No. 6

W.G. Hardtmann.

4th January,  
1961.

Examination  
- continued.



In the  
Magistrate's  
Court

No. 7

STATEMENT OF THE ACCUSED.

Proceedings as  
to the 7th and  
8th Counts of  
Indictment

BERMUDA ISLAND,  
to wit  
PARISH.

No. 7

Statement of  
Accused.

4th January,  
1961.

The accused having been duly cautioned as prescribed in Section 11 (2) or in words to the like effect, and the nature of the charge having been duly explained to him, states as follows:-  
"No Sir".

(Signed) EUGENE HARDTMANN 10

Taken and acknowledged this 4th day of January, 1960, before me.

(Signed) Ronald Grey J.P.  
Senior Magistrate.

No. 8

No. 8

Committal.

C O M M I T T A L

4th January,  
1961.

ALMON EUGENE HARDTMANN, the accused, did not give evidence nor did he call any witnesses.

The accused was committed for trial in the Supreme Court on the charges as laid:- 20

1. That he between the 20th and 21st December, 1960, in the City of Hamilton, being concerned with a juvenile, did break and enter Gosling Bros. Liquor Store, Reid Street, and did steal therein £57.10.1 $\frac{3}{4}$  in sterling and U.S. Currency (Nominal Value) and a 9 m.m. automatic pistol valued at about £12, the property of one James Laing, also two cartons of cigarettes (Salem Brand) valued at 42/-, eleven tins of Amstel and Carlings beer valued at 17/-, two pen knives valued at 8/- and a box of paper matches valued at 1/6, to the total value of £3.9.0, the property of Gosling Bros. Ltd. contrary to Section 353(a)(1) of the Criminal Code. 30

2. At the same time and place, being concerned with a juvenile, did break and enter a Bonded Warehouse owned and occupied by Gosling Bros. Ltd., under license issued by the Colonial Treasurer for

the custody of uncustomed goods, below Goslings Liquor Store, Reid Street, Hamilton, with intent to commit a felony therein, contrary to Section 354(a) of the Criminal Code.

In the  
Magistrate's  
Court

The accused was remanded in custody to await his trial in the Supreme Court during the Assizes commencing on the 9th January, 1961.

Proceedings as  
to the 7th and  
8th Counts of  
Indictment

(Signed) Ronald Grey J.P.  
Senior Magistrate.

No. 8

10 4th January, 1961.

Committal.

4th January,  
1961  
- continued,

No. 9

INFORMATION FOR AN INDICTABLE OFFENCE

Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

BERMUDA ISLANDS, )  
                          ) To Wit  
PARISH                )

No. 9

Information  
and Proceedings.

4th and 10th  
January, 1961.

20 THE INFORMATION of George Taylor (Police Sgt.) of Devonshire Parish in the said Islands taken this 4th day of January 1961 before me the undersigned one of Her Majesty's Justices of the Peace for the said Islands who saith that Almon Eugene Hardtmann of Smith's Hill, Pembroke Parish between the 14th day of December, 1960 and 15th day of December One thousand nine hundred and 60, at Union Street, City of Hamilton, did break and enter The Ideal Furniture Store with intent to commit a felony therein, to wit, steal, contrary to Section 354(a) of The Criminal Code

30 (2) At the same time and place, did wilfully and unlawfully set fire to furniture within The Ideal Furniture Store, contrary to section 419(1)(c) of The Criminal Code.

(Sgd.) G. Taylor Sgt.

Sworn before me the day and )  
year first above mentioned.)

Ronald Grey J.P.

In the  
Magistrate's  
Court

4. 1.61

Remanded to 10.1.61 at 2.15 p.m.

Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

10.1.61

Evidence taken and accused committed for  
trial on the 2 charges as laid to the Supreme  
Court Assizes now sitting.

No. 9

Committed in custody.

Information  
and Proceedings.

(Sgd.) Ronald Grey  
10.1.61

4th and 10th  
January, 1961  
- continued.

GEORGE TAYLOR, Police Sergeant, for Police Prose-  
cution.

10

ALMON EUGENE HARDTMANN, the accused, was not  
represented by Counsel.

(Signed) Ronald Grey J.P.  
Senior Magistrate.

Prosecution  
Evidence

No. 10

INSPECTOR J.F. MULLAN

No. 10

Inspector J.F.  
Mullan.

This deponent JOHN FRANCIS MULLAN Having been  
duly sworn on oath, states as follows:-

10th January,  
1961.

I am a Detective Inspector in the Bermuda  
Police Force attached to the Fingerprint and  
Photographic Department.

20

Examination.

At about 5.45 a.m. on the morning of the 15th  
December, 1960, I attended the scene of a Fire at  
the Ideal Furniture Company on Union and Dundonald  
Street in the City of Hamilton.

There I took a series of photographs, later  
developed and made enlargements from the unretouch-  
ed negatives.

These are the enlargements which I now tender  
and produce in evidence, Exhibit No. 1.

30

I have numbered the pictures 1 to 10.

No. 1 is a view of a window on the northern side of the premises, taken from inside the building.

No. 2 is a view of the same window taken from Dundonald Street.

No. 3 shows a safe in the main office.

No. 4 is a view of one of the upstairs offices.

No. 5 is another view of an upstairs office.

No. 6 is also a view of an upstairs office.

10 No. 7 shows where an attempt had been made to light a fire in the northern section of the main building.

No. 8 shows a slashed mattress in the basement of the Main Store.

No. 9 shows a slashed chair in the staff room.

No.10 is a general view of the damage to the central section of the store.

No Cross-examination:

(Signed) JOHN F. MULLAN

20 Taken and acknowledged this 10th day of January, 1961, before me.

(Signed) Ronald Grey J.P.

No. 11

W.R. MAYNE

This deponent WILLIAM RODERICK MAYNE Having been duly sworn on oath, states as follows:-

I reside at Cobb's Hill, Warwick Parish.

I am a part owner of the Ideal Furniture Company on Union and Dundonald Streets in Hamilton.

30 At about 6.10 p.m. on the 14th December, 1960, I was leaving the Ideal Furniture Company.

Prior to leaving I turned out the lights,

In the  
Magistrate's  
Court

Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

Prosecution  
Evidence

No. 10

Inspector J.F.  
Mullan.

10th January,  
1961.

Examination  
- continued.

No. 11

W.R. Mayne.

10th January,  
1961.

Examination.

In the  
Magistrate's  
Court

Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

Prosecution  
Evidence

No. 11

W.R. Mayne.  
10th January,  
1961.

Examination  
- continued.

pulled the electric light plugs, this would be in shop No.1, on the balcony in the back.

Our Main Office is on this balcony. This is where we keep all of the company records and the safe is also kept there.

I also locked the door at the foot of the stairs which is the only entrance to the office. I put my books in the safe and locked it. On top of the desk I left two pounds in cash, two pounds, ten shillings in cheque, behind my desk I had a five pound note. After locking the office I came downstairs spoke to Mr. Essner and then left with a Mr. Scupham.

10

The sale floor was open and Mr. Essner was there at the time.

About 4.45 a.m. on the 15th December, 1960, as a result of certain information given to me, I went to the Ideal Furniture Store. On arrival I saw that the building was gutted by fire. I tried to get into the building but the firemen prevented me from doing so. After the fire was over I was permitted to enter the office, there I examined my desk. The money was missing and papers were all upset. The papers which I had left on the desk had been scattered about the floor. The safe had been tampered with, the dial had been smashed and the hinges were removed. The safe was still secure.

20

Photographs Nos. 4, 5 and 6 of Exhibit No. 1 shows the condition of the office as I saw it that morning. Photograph No.3 shows the damage to the safe as I have described it.

30

Shop No.2 was completely burnt flat, Photograph No.10 shows this.

In Shop No.1 the furniture was badly scorched and some of the furniture had been cut. Photographs Nos.8 and 9 shows furniture which was in the basement and was in the condition as shown on the photographs.

Forty-seven Thousand, Five Hundred Pounds worth of damage was caused by the fire.

40

This figure is only for the furniture and not for the building.

The building is owned by Waites Brothers of England.

No Cross-examination:

(Signed) W.R. MAYNE.

Taken and acknowledged this 10th day of January, 1961, before me.

(Signed) Ronald Grey J.P.

No. 12

S. ESSNER

In the  
Magistrate's  
Court

This deponent SAMUEL ESSNER Having been duly sworn on oath, states as follows:-

Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

I reside at Lane Hill House, Pembroke Parish.

I am the Sales Manager of the Ideal Furniture Company on Union Street.

Prosecution  
Evidence

During the evening of the 14th December, 1960, I was at the store.

No. 12

10 About 9.45 p.m. I first went downstairs and closed all the lights to the basement showroom, came upstairs locked and bolted the south wing doors closed the lights, went into the north wing and closed the lights then proceeded by Mrs. Johnson, I went out and locked the door behind me.

S. Essner.  
10th January,  
1961.

Examination.

To the best of my knowledge no one was left in the store at this time.

Photographs Nos. 1 and 2 are of a window.

20 It is one of a series of windows on the north side of the shop.

When I left the windows were left open as they appear on the photograph.

They were always left in this position.

There is an insect screen on all the windows in this series, and when I left they were all solid and intact.

No Cross-examination:

(Signed) SAMUEL ESSNER.

30 Taken and acknowledged this 10th day of January, 1961, before me.

(Signed) Ronald Grey J.P.

-----

In the  
Magistrate's  
Court

No. 13

M.A. (or M.E.) GRIMES

Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

This deponent MARTIN - GRIMES Having been  
duly sworn on oath, states as follows :-

Prosecution  
Evidence

I am the Fire Commissioner for the City of  
Hamilton.

About 4.30 a.m. on Thursday the 15th December,  
1960, I attended a Fire at the Ideal Furniture  
Company on Union Street.

No. 13

On arrival I found the south section of the  
Ideal Furniture Premises seriously involved in a  
fire.

10

M.A. Grimes.

10th January,  
1961

Immediate action was taken to prevent the  
spread of the fire to adjoining property and the  
fire was eventually extinguished in about one hour  
and a half. A Total of nine pieces of fire appa-  
rus was used.

Examination.

After the fire had been extinguished, I in-  
spected the premises I formed the opinion that the  
fire started in the rear of an opening between the  
south and north sections of the premises and I  
could find no evidence of accidental cause.

20

From my examination I discovered that there  
were two separate fires which did not appear to be  
connected through normal spread of fire.

In view of this I came to the conclusion the  
fire had been deliberately started.

I have given evidence as an expert in Criminal  
Cases in the United Kingdom. Prior to my appoint-  
ment in Bermuda, I was the Senior Fire Protection  
Officer for the County of Surrey. I have been in  
Fire Service since 1941.

30

I studied at the Home Office Fire Service  
College and Qualified in four subjects there.

Photograph No.10 is a view looking to the  
east from the front of the premises and in the  
left foreground can be seen the point at which I  
had estimated the fire to have started.

Photograph No.7 in the north section is the  
scene of the other fire which in my opinion was  
not connected with the main fire.

40

No Cross-examination:

(Signed) M.E. GRIMES.

Taken and acknowledged this 10th day of January,  
1961, before me.

(Signed) Ronald Grey J.P.  
Senior Magistrate.

No. 14

SERGEANT F.M. DUERDEN

In the  
Magistrate's  
Court

This deponent FLOYD MAXWELL DUERDEN Having been  
duly sworn on oath, states as follows:-

Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

I am a Detective Sergeant in the Bermuda  
Police Force.

Prosecution  
Evidence

10

On the morning of December, 15th 1960, at  
approximately 3.30 a.m. I was on King Street in  
the City of Hamilton. About 4.20 a.m. I was on  
patrol in a police car with Detective Constable  
Holmes, when we were passing the Ideal Furniture  
Company, I saw that there was a fire right at the  
Front Display Window.

No. 14

Sergeant F.M.  
Duerden.

The Fire Brigade were informed and they  
arrived shortly after.

10th January,  
1961.

No Cross-examination:

Examination.

(Signed) F.M. DUERDEN D.S.

Taken and acknowledged this 10th day of January,  
1961, before me.

20

(Signed) Ronald Grey J.P.

No. 15

SERGEANT W.M. SMITH

No. 15

Sergeant W.M.  
Smith.

This deponent WILLIAM MAURICE SMITH Having been  
duly sworn on oath, states as follows :-

10th January,  
1961.

I am a Detective Sergeant in the Bermuda  
Police Force.

Examination.

On the morning of December, 21st 1960, I saw  
the accused at Hamilton Police Station.

30

I had a conversation with him and after which  
I asked him if he had any knowledge of the Ideal  
Furniture Company fire. I cautioned him.

The accused said, "I went into the Ideal too.  
I went in the window like they said in the papers.  
I used a screwdriver to pry the door to the office.



In the  
Magistrate's  
Court

When I didn't find any money I set fire at the back of the part that burnt down. I've told you what I did, but I am not going to make any statement".

Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

No Cross-examination:

(Signed) W. M. SMITH.

Prosecution  
Evidence

Taken and acknowledged this 10th day of January, 1961, before me.

No. 15

(Signed) Ronald Grey J.P.

Sergeant W.M.  
Smith.

10th January,  
1961.

Examination  
- continued.

No. 16

No. 16

10

Inspector J.W.  
Starbuck.

INSPECTOR J.W. STARBUCK

10th January,  
1961.

This deponent JOHN WALLACE STARBUCK Having been duly sworn on oath, states as follows:-

Examination.

I am a Detective Inspector in the Bermuda Police Force.

As a result of a telephone call at my residence at about 4.40 a.m. on Thursday the 15th December, 1960, I went to the Ideal Furniture Store on Union Street, where I met other Police Officers.

20

I found the Ideal Furniture Company premises on fire.

The fire brigade was in attendance.

I saw the southern section of the premises had been gutted by fire and the roof had fallen in.

The northern section of the premises were so full of smoke and heat that it was not possible to enter at this stage. I examined the outside of the premises.

30

On the northern side of the building, I saw a window. The window shown in Photograph No.1 of Exhibit No. 1 is the one. This window was approximately eight to ten feet from the sidewalk.

I saw that the outside wire screen on this window had been torn and the right hand corner of this screen was bent inwards. This window was open. Photograph No. 1 is a photograph of this window taken from inside the store and Photograph No.2 is of the same window taken from the outside.

10 On examination of the wall below the window, I saw that there were markings on the wall which could have been made by the boot or shoe of some one climbing up to the window.

When I was able to enter this section of the building, I examined this window from the inside.

I saw a small picture resting on the end of a settee, below the window, and a similar picture on the floor immediately below the window.

There were indications that these two pictures had at one time hung on the wall below the window.

20 I then was taken to the offices in the Mezzanine.

These offices are approached by a flight of stairs.

At the bottom of the stairs there is a door fitted with a Yale lock.

I examined the lock and I could see no evidence of any forceable entry to the door, but on the face of the lock, the latch fitting into the other part of the lock, I saw faint scratch marks.

30 The first office on the mezzanine that I entered, I saw a window looking into the back yard of occupied premises.

Covering this window were some cushions that had been removed from a settee over which had been draped a plastic raincoat.

40 I saw a safe in this room. The safe had been tampered with. Photograph No.3 of Exhibit No. 1 shows this safe. The dial had been damaged with some heavy instrument. The two knobs had been removed from the hinges, one rested near the safe on the carpeting and the other was on the floor across the room. The safe was still locked.

I then went into an adjoining office where I found many papers, charred and blackened, strewn all over the floor. Desk drawers had been pulled out. Photograph No.4 of Exhibit No. 1 shows one of the open drawers.

In the  
Magistrate's  
Court

Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

Prosecution  
Evidence

No. 16

Inspector J.W.  
Starbuck.

10th January,  
1961.

Examination.  
- continued.

In the  
Magistrate's  
Court

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Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

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Prosecution  
Evidence

---

No. 16

Inspector J.W.  
Starbuck.

10th January,  
1961.

Examination  
- continued.

A centre drawer had been removed from one of the desks and rested on top of the desk. Photograph No.6 shows this. The majority of papers and files were charred through smoke and heat.

I later returned to the ground floor and in between two settees, I saw where cushions had been piled between the settees, ignited, but had burnt out. The cushions were not completely burnt.

Photograph No.7 shows the burnt cushions.

In another office, facing the stairway, I saw two chairs, the seat of one had been slashed. 10

Photograph No.9 shows these chairs.

I examined the southern section of the premises, which had been gutted but due to so much rubble, I was unable to come to any conclusion as to where any fires may have been set there.

Photograph No.10 shows the southern section of these premises.

I was then taken to the basement, there I saw rolls of carpeting and saw where the edges of some of the carpeting had been burnt. 20

I saw several beds complete with mattresses. About 7 or 8 of the mattresses on these beds had been slashed. I saw a corridor leading from the basement to the upper floor, along this corridor were shelves that had contained merchandise. This corridor had been gutted by fire.

Water was about two to three feet high in the corridor.

On Wednesday morning, the 21st December, 1960, shortly after 8.00 a.m. I saw the accused Hardtmann in Hamilton Central Station where he was being detained. 30

He was later brought to my office.

I said to him, "I am Detective Inspector Starbuck of Hamilton C.I.D. I understand you know why you have been arrested, you have already been seen by Detective Sergeant Smith and as a result of what you have already told Detective Sergeant Smith I now wish to see you". 40

I then cautioned him and said to him, "Do you wish to tell me what you have already told Detective Sergeant Smith". He said, "I would tell you but I am not signing any statement". I then wrote out the caution and wrote down what he said. Certain questions were put to him which I recorded

together with the answers he made. This statement was then read over to him and he refused to sign it. I now tender and produce this in evidence, Exhibit No.2.

No.2. Statement of accused.

At 12 noon on Wednesday the 4th January, 1961, I saw the accused in Central Station, Hamilton.

10 I charged him with these offences. I cautioned him and he made a statement which I took down in writing and he signed after it had been read over to him. I now tender and produce this statement in evidence Exhibit No.3.

No.3 Statement of accused.

No Cross-examination:

(Signed) JOHN W. STARBUCK.

Taken and acknowledged this 10th day of January, 1961, before me.

(Signed) Ronald Grey J.P.

In the  
Magistrate's  
Court

Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

Prosecution  
Evidence

No. 16

Inspector J.W.  
Starbuck.

10th January,  
1961.

Examination  
- continued.

No. 17

STATEMENT OF THE ACCUSED

20

BERMUDA ISLANDS

to wit

PARISH

The accused having been duly cautioned as prescribed in Section 11 (2) or in words to the like effect, and the nature of the charge having been duly explained to him, states as follows:-

"No Sir"

(Signed) A. EUGENE HARDTMANN

30

Taken and acknowledged this 10th day of January, 1961, before me.

(Signed) Ronald Grey J.P.  
Senior Magistrate.

No. 17

Statement of  
Accused.

10th January,  
1961.

In the  
Magistrate's  
Court

No. 18

C O M M I T T A L

Proceedings as  
to the 3rd and  
4th Counts of  
Indictment

ALMON EUGENE HARDTMANN, the accused, did not give evidence nor did he call any witnesses.

The accused was committed for trial in the Supreme Court on the charges as laid :-

No. 18  
Committal.  
10th January,  
1961.

1. That he between the 14th day of December, 1960 and the 15th day of December, 1960, at Union Street, City of Hamilton, did break and enter The Ideal Furniture Store with intent to commit a felony therein, to wit, to steal, contrary to Section 354 (a) of the Criminal Code .....

10

2. At the same time and place, did wilfully and unlawfully set fire to furniture within The Ideal Furniture Store, contrary to Section 419 (1) (c) of the Criminal Code.

The accused was remanded in custody in The Senior Training School, to appear at the Supreme Court to stand his trial at the Assizes now in session.

20

(Signed) Ronald Grey J.P.  
Senior Magistrate.

10th January, 1961.

Proceedings as  
to the 5th and  
6th Counts of  
Indictment.

No. 19

INFORMATION AND PROCEEDINGS

INFORMATION FOR AN INDICTABLE OFFENCE

No. 19  
Information and  
Proceedings.  
4th and 13th  
January, 1961.

BERMUDA ISLANDS, )  
                          ) to wit.  
PARISH. )

THE INFORMATION of George Taylor (Police Sgt.) of Devonshire Parish in the said Islands taken this 4th day of January 1961 before me the undersigned one of Her Majesty's Justices of the Peace for the said Islands, who saith that Almon Eugene Hardtmann of Smith's Hill, Pembroke Parish

30

between the 18th day of December, 1960 and the 19th day of December One thousand nine hundred and 60 at King Street, City of Hamilton, did break and enter The T.C. Electric Shop with intent to commit a felony therein, to wit, steal, contrary to section 354(a) of The Criminal Code

In the  
Magistrate's  
Court

Proceedings as  
to the 5th and  
6th Counts of  
Indictment

No. 19

10

(2) At the same time and place, did wilfully and unlawfully set fire to a blanket and paper situated in The T.C. Electric Shop contrary to section 419(1)(c) of The Criminal Code.

(Signed)

Sgt.

Information and  
Proceedings.

4th and 13th  
January, 1961  
- continued.

Sworn before me the day and )  
year first above mentioned. )

Ronald Grey J.P.

4.1.61

Remanded to 13.1.61 at 11 a.m.

13.1.61

Evidence taken and accused committed in custody on charges as laid to the Assizes at present sitting in the Supreme Court.

20

13.1.61.

GEORGE TAYLOR, Police Sergeant, for Police Prosecution.

ALMON EUGENE HARDTMANN, the accused, was not represented by Counsel.

(Signed) Ronald Grey J.P.  
Senior Magistrate.

Prosecution  
Evidence

No. 20

CONSTABLE M. L. WOOD

No. 20

30

This deponent MICHAEL LAWRENCE WOOD Having been duly sworn on oath, states as follows :-

Constable M.L.  
Wood.

13th January,  
1961.

I am a Detective Constable in the Bermuda Police Force, attached to the Fingerprint and Photographic Department.

Examination.

In the  
Magistrate's  
Court

---

Proceedings as  
to the 5th and  
6th Counts of  
Indictment

---

Prosecution  
Evidence

---

No. 20

Constable M.L.  
Wood.

13th January,  
1961.

Examination  
- continued.

At about 9.00 a.m. on Monday the 19th December, 1960, I went to the T.C. Electric Showrooms where there had been a fire earlier that day. There I took a series of Photographs, I then returned to Police Headquarters and developed the film and from the unretouched negatives later made photographic positive enlargements.

No. 1 shows a general view of the T.C. Electric Building.

No.2 shows a broken pane in a window on the south side of the building. 10

No.3 is taken from the inside of the main showroom and shows the inside of the window featured in No.2.

No.4 is a picture of the inside of the showroom looking north. It shows in the background a cash register which is resting on a burnt out counter.

No.5 shows a close up of the burnt out counter looking towards the front. 20

No. 6 is a picture of a burnt out chair which was standing adjacent to the burnt out counter.

I now tender and produce these Photographs in evidence, Exhibit No.1.

No.1 The above described Photographs.

No Cross-examination:

(Signed) MICHAEL L. WOOD

Taken and acknowledged this 13th day of January, 1961, before me.

(Signed) Ronald Grey J.P. 30

No. 21

Constable T.V.  
Harper.

13th January,  
1961.

Examination.

No. 21

CONSTABLE T.V. HARPER

This deponent TERANCE VINCENT HARPER Having been duly sworn on oath, states as follows:-

I am a Constable in the Bermuda Police Force.

At 12.02 a.m. on the 19th December, 1960, I was on patrol in King Street in the City of Hamilton.

I was checking property and I checked the T.C. Electric. I found the front doors and windows all secured.

The premises were well lit and there were no persons on the premises or in the vicinity.

One was able to see through the main windows into the building and I could see no persons on the premises.

No Cross-examination:

10 (Signed) TERANCE V. HARPER

Taken and acknowledged this 13th day of January, 1961, before me.

(Signed) Ronald Grey J.P.

No. 22

Q.A. TACKLYN

This deponent QUINLAND ARNOLD TACKLYN Having been duly sworn on oath, states as follows:-

I reside at Spring Hill, Warwick Parish.

20 At 12.25 a.m. on Monday the 19th December, 1960, I was in a taxi on Queen Street in the City of Hamilton.

I was a passenger in the taxi, travelling to the South. I was looking at the Display Window and admiring how well he had been decorated. I noticed some smoke or vapour forming around the window.

30 As I approached the Stop Sign, I noticed a fire inside. This was just on an angle from the door.

I did not see any persons in the area.

I drove to Church Street and reported this to Two Detectives whom we met.

I told them there was a Fire at the T.C. Electric.

No Cross-examination:

(Signed) QUINLAND TACKLYN

Taken and acknowledged this 13th day of January, 1961, before me.

40 (Signed) Ronald Grey J.P.

In the  
Magistrate's  
Court

Proceedings as  
to the 5th and  
6th Counts of  
Indictment

Prosecution  
Evidence

No. 21

Constable T.V.  
Harper.

13th January,  
1961.

Examination  
- continued.

No. 22

Q.A. Tacklyn.

13th January,  
1961.

Examination.



In the  
Magistrate's  
Court

No. 23

S.R. TUNGATE

Proceedings as  
to the 5th and  
6th Counts of  
Indictment

This deponent STEPHEN RANDALL TUNGATE Having been  
duly sworn on oath, states as follows:-

Prosecution  
Evidence

I reside at Harbour Road, Paget Parish.

I am a part owner of the business known as  
T.C. Electric Company, and I own the building  
which houses this business.

No. 23

At 6.00 p.m. on Saturday the 17th December,  
1960, I was at the T.C. Electric on King Street, I  
closed the shop at this time. I secured the win-  
dows, there being only three windows in the shop.  
These were secured and the doors were secured.  
Then we left the building, leaving on the night  
lights.

10

S.R. Tungate.  
13th January,  
1961.

Examination.

I think One pound was left in the cash regis-  
ter when I left.

About 8.00 on December, 18th 1960, I was at  
the T.C. Electric again. I was in the back part  
in the office, this is the only part of the shop  
that I went into that night.

20

I left there between 9.00 p.m. and 9.30 p.m.

When I left I secured the back door through  
which I had entered and I just looked at the Shop  
when I went by the window. The shop seemed to be  
the same as when I had left it on the Saturday  
evening.

On Monday the 19th December, at about 12.25  
p.m. I was at home. I heard the fire siren and it  
was four blasts, and for every four blasts fire I  
generally come into Town anyway. When I came into  
Town I saw that the fire was at the T.C. Electric.  
When I got there I was prevented from entering the  
building by the Fire Department because of the  
smoke, but after the smoke cleared, I entered the  
building. When I entered, I saw that the main  
counter had been burnt. This is shown in Photo-  
graph No.5. I saw that a chair had been set afire  
and there was an electric blanket underneath this  
chair and this appeared to have been sent on fire  
too.

30

40

Photograph No. 6 shows this.

I noticed that the south window had been

broken. Photograph No.2 is a photograph of this window. I noticed that this window had been broken and forced open. On Sunday the 18th, when I saw this window, the only thing I can say about it at that time was that it was closed.

Quite a lot of damage was done due to the heat and smoke. I examined the Cash register and found that it had been damaged by heat, and it could not be opened.

10 We estimate the total damage, the building and contents, to be about Three thousand Pounds.

I found some of the doors of cupboards within the building, some of the drawers and cupboards were open, when I went into the building.

No Cross-examination:

(Signed) S. RANDALL TUNGATE.

Taken and acknowledged this 13th day of January, 1961, before me.

20 (Signed) Ronald Grey J.P.  
Senior Magistrate.

No. 24

MARTIN ELDON GRIMES

MARTIN ELDON GRIMES Having been duly sworn on oath, states as follows:

I am the Fire Commissioner for the City of Hamilton.

I have been in Fire Service for 19 years.

I have been the Senior Fire Protection Officer for the County of Surrey.

30 I studied and qualified at the Fire Service College and obtained diplomas in four subjects.

In the early hours of Monday the 19th December, 1960, I was called to the scene of a fire at the T.C. Electric.

The first floor was involved in fire and issuing dense smoke.

In the  
Magistrate's  
Court

Proceedings as  
to the 5th and  
6th Counts of  
Indictment

Prosecution  
Evidence

No. 23

S.R. Tungate.  
13th January,  
1961.

Examination  
- continued.

No. 24

M.E. Grimes.  
13th January,  
1961.

Examination.

In the  
Magistrate's  
Court

An entry was made by firemen and after some difficulty, owing to intense heat a fire involving the counter and a chair nearby, was extinguished.

Proceedings as  
to the 5th and  
6th Counts of  
Indictment

No. 5, shows the counter where the main fire occurred.

No. 6 shows the chair where another fire, which had also involved an electric blanket had occurred.

Prosecution  
Evidence

In my opinion the fires were not related.

After we had extinguished the fire, I examined the seat of the fire and could find no evidence that it had been caused accidentally. 10

No. 24

The presence of the two separate fires indicated that they had been deliberately started.

M.E. Grimes.  
13th January,  
1961.

No Cross-examination:

Examination  
- continued.

(Signed) M.E. GRIMES

Taken and acknowledged this 13th day of January, 1961, before me.

(Signed) Ronald Grey J.P.

No. 25

No. 25

20

Sergeant W.M.  
Smith.

SERGEANT W.M. SMITH

This deponent WILLIAM MAURICE SMITH Having been duly sworn on oath, states as follows:-

13th January,  
1961.

I am a Detective Sergeant in the Bermuda Police Force.

Examination.

At approximately 12.10 a.m. on Monday the 19th December, 1960, I was on patrol in a police car with Detective Constable Frederick Bean.

I was travelling west on Happy Valley Road, Pembroke East. When at about 50 yards from the junction of King Street, we met the accused, who was walking east. At this time he was carrying a brown bag which was the size and shape of an Air-line bag. 30

We continued on patrol and at approximately 12.20 a.m. we were stopped on Church Street by a taxi, which was carrying one Quinlan Tacklyn as a Passenger. As a consequence of what we were told,

we went to the T.C. Electric on King Street. On arrival I found the plate glass window in the front of the building "smoked-up" on the inside and hot to the touch. There were also two dim lights burning inside the building. I could also see flames in the north-east corner of the building. I radioed for the assistance of the Fire Department.

10 I then made an examination of the exterior of the building. I found a window to the south of the building open about one foot from the bottom. The window shown in photograph No.2 of Exhibit No.1 shows this window, open, in the position in which I found it. At the same time, I noticed that one of the bottom panes of the top sash of the window had a small hole in it. This was right next to the window lock.

20 There were also two long screws, fastened through the top of the bottom sash and there were marks where they had been forced out of the bottom of the top sash by the window being opened.

These screws were bent at this time, and the bottom of the top sash was broken in two places where these screws had come from. I broke open the front door of this building and could see that flames in a wooden part of the building, this appeared to be counter.

There was a cash register on the top.

Photograph No.5 of Exhibit No.5 shows this.

30 Soon the Fire Department arrived and the fire was extinguished.

I later made a tour of the interior of the building with the owner a Mr. Tungate. I saw that there had been a small fire near the north wall of the building, under a wooden frame chair which had plastic webbing.

Under this chair was a pink blanket which had its top burnt and the majority of the seat of the chair had been burnt.

40 Photograph No.6 of Exhibit No.1 is a view of this chair as I saw it.

I also saw that a larger flame had burnt out a portion of counter under the cash register and on the floor next to the counter, there was a wooden drawer which appeared to have come from this counter and had been placed on the floor.

Part of this drawer and contents were burnt also.

In the  
Magistrate's  
Court

Proceedings as  
to the 5th and  
6th Counts of  
Indictment

Prosecution  
Evidence

No. 25

Sergeant W.M.  
Smith.

13th January,  
1961.

Examination  
- continued.

In the  
Magistrate's  
Court

Proceedings as  
to the 5th and  
6th Counts of  
Indictment

Prosecution  
Evidence

No. 25

Sergeant W.M.  
Smith.

13th January,  
1961.

Examination  
- continued.

I also saw drawers pulled open in the counters and show cases and doors of cupboards open.

On Wednesday the 21st December, I saw the accused at Hamilton Police Station.

At this time I also saw, at the Police Station a brown bag which appeared to be the same shape and size to the one I had seen the accused carrying early Monday morning. I had a conversation with the accused and then asked him if he knew anything about the fire at the T.C. Electric and cautioned him. He replied, "I am not going to make any written statement, but I broke in that Electric place on King Street. I broke in the window and when I didn't find any money I set fire to a blanket and to the counter under the cash register". I later tried to obtain a written statement, but the accused refused to give one.

10

No Cross-examination:

(Signed) W.M. SMITH

Taken and acknowledged this 13th day of January, 1961, before me.

20

(Signed) Ronald Grey J.P.

No. 26

Inspector W.M.  
Starbuck.

13th January,  
1961.

Examination.

No. 26

INSPECTOR W. M. STARBUCK

This deponent JOHN WALLACE STARBUCK Having been duly sworn on oath, states as follows:-

I am a Detective Inspector in the Bermuda Police Force.

At about 12.30 a.m. on Monday the 19th December, 1960, as a result of a telephone call made to my residence, I came to the T.C. Electric Store at the junction of Church and King Streets.

30

I found that there had been a fire on the premises.

The Fire Brigade was present.

The fire had practically been put out by the time I arrived.

I made certain investigations by examining the inside and the outside of the premises.

On Wednesday morning, the 21st December, 1960, at about 11.00 a.m. I interviewed the accused Hardtmann.

This was in my office in Hamilton.

I interviewed him in the presence of Detective Sergeant Smith.

10 I said to Hardtmann, "I am Detective Inspector Starbuck of the C.I.D. You know why you have been arrested, you have already been seen by Detective Sergeant Smith and as a result of what you have told Detective Sergeant Smith, I now wish to see you".

I then cautioned him.

I wrote out the caution and invited him to sign.

He signed the caution.

He then made a statement which I took down in writing and he signed after it had been read over to him.

20 I now tender and produce this statement in evidence as Exhibit No.2.

No.2 Statement of accused.

Just after 12 noon on Wednesday the 4th January, 1961, I charged the accused with these offences and after being cautioned, he made a statement which I took down in writing and he refused to sign after it had been read over to him. I now tender and produce this statement in evidence, Exhibit No.3.

30 No.3 Statement of accused after being charged.

No Cross-examination:

(Signed) JOHN W. STARBUCK.

Taken and acknowledged this 13th day of January, 1961, before me.

(Signed) Ronald Grey J.P.

In the  
Magistrate's  
Court

Proceedings as  
to the 5th and  
6th Counts of  
Indictment

Prosecution  
Evidence

No. 26

Inspector W.M.  
Starbuck.

13th January,  
1961.

Examination  
- continued.

In the  
Magistrate's  
Court

No. 27

STATEMENT OF ACCUSED

Proceedings as  
to the 5th and  
6th Counts of  
Indictment

BERMUDA ISLANDS,  
  
PARISH.

to wit

No. 27

Statement of  
Accused.

13th January,  
1961.

The accused having been duly cautioned as prescribed in Section 11 (2) or in words to the like effect, and the nature of the charge having been duly explained to him, states as follows :-

"No Sir"

10

(Signed) EUGENE HARDTMANN

Taken and acknowledged this 13th day of January, 1961, before me.

(Signed) Ronald Grey J.P.  
Senior Magistrate.

No. 28

No. 28

Committal.

C O M M I T T A L

13th January,  
1961.

ALMON EUGENE HARDTMANN, the accused, did not give evidence, nor did he call any witnesses.

The accused was committed for trial in the Supreme Court on the charges as laid:-

20

1. That he between the 18th day of December, 1960 and the 19th day of December, 1960, at King Street, City of Hamilton, did break and enter the T.C. Electric Shop with intent to commit a felony therein, to wit, steal, contrary to Section 354(a) of the Criminal Code.

2. At the same time and place, did wilfully and unlawfully set fire to a blanket and paper situated in the T.C. Electric Shop, contrary to Section 419 (1)(c) of the Criminal Code.

30

The accused was remanded in Custody to the Senior Training School to appear at the Supreme Court to stand his trial during the Assizes now sitting.

(Signed) Ronald Grey J.P.  
Senior Magistrate.

13th January, 1961.

I N D I C T M E N T

IN THE SUPREME COURT OF BERMUDA

Indictment.

HILARY TERM, 1961

Place of trial:  
Bermuda  
Islands.

First Count

10 The Attorney-General for our Lady the Queen charges that ALMON EUGENE HARDTMANN, on or about the 13th day of December, 1960, in the City of Hamilton, attempted to break and enter the offices of the British American Insurance Company with intent to steal therein, contrary to sections 354(a) and 32(1) of the Criminal Code and against the peace of our Lady the Queen her Crown and Dignity.

Second Count

20 The Attorney-General further charges that ALMON EUGENE HARDTMANN, on the date and at the place aforesaid, at the time of committing the offence specified in the first count hereof, had in his possession an imitation firearm, contrary to section 222(1) of the Criminal Code and against the peace of our Lady the Queen her Crown and Dignity.

Third Count

30 The Attorney-General further charges that ALMON EUGENE HARDTMANN, on or about the 14th day of December, 1960, in the City of Hamilton, broke and entered a store known as the Ideal Furniture Store with intent to steal therein, contrary to section 354(a) of the Criminal Code and against the peace of our Lady the Queen her Crown and Dignity.

Fourth Count

40 The Attorney-General further charges that ALMON EUGENE HARDTMANN, on the date and at the place specified in the third count hereof, wilfully and unlawfully set fire to a building known as the Ideal Furniture Store, contrary to section 419(1)(a) of the Criminal Code and against the peace of our Lady the Queen her Crown and Dignity.



In the  
Supreme Court

Fifth Count

No. 29

Indictment.

- continued.

The Attorney-General further charges that ALMON EUGENE HARDTMANN, on or about the 18th day of December, 1960, in the City of Hamilton, broke and entered the shop known as the T.C. Electric Shop with intent to steal therein, contrary to section 354(a) of the Criminal Code and against the peace of our Lady the Queen her Crown and Dignity.

Sixth Count

The Attorney-General further charges that ALMON EUGENE HARDTMANN, on the date and at the place specified in the fifth count hereof, willfully and unlawfully set fire to furniture and furnishings so situated that the building in which the T.C. Electric Shop is located was likely to catch fire therefrom, contrary to section 419 (1)(c) of the Criminal Code and against the peace of our Lady the Queen her Crown and Dignity.

10

Seventh Count

The Attorney-General further charges that ALMON EUGENE HARDTMANN, on or about the 20th day of December, 1960, in the City of Hamilton, being concerned with William Green Hardtmann, broke and entered the store known as Gosling Bros. Liquor Store, and therein stole cash in Bermuda and United States currency to the nominal value of approximately £57.10.0 one 9 m.m. automatic pistol, all the property of James Laing, two pen-knives and a quantity of cigarettes and beer, the property of Gosling Bros. Limited, contrary to section 353(a) (i) of the Criminal Code and against the peace of our Lady the Queen her Crown and Dignity.

20

30

Eighth Count

The Attorney-General further charges that ALMON EUGENE HARDTMANN, on the date and at the place specified in the seventh count hereof, being concerned with William Green Hardtmann, broke and entered a bonded warehouse owned and occupied by Gosling Bros. Limited, with intent to steal therein, contrary to section 354(a) of the Criminal Code and against the peace of our Lady the Queen her Crown and Dignity.

40

(Signed) W.T. ANGELO-THOMSON  
Registrar of the Supreme Court.

No. 30

NOTICE OF NOLLE PROSEQUI

IN THE SUPREME COURT OF BERMUDA

CRIMINAL JURISDICTION

R. v. ALMON EUGENE HARDTMANN

TAKE NOTICE that the Attorney-General will not proceed further with the first and second counts of the indictment preferred against the above-named person, such counts being laid respectively under section 354(a) and 32(1) and 222(1) of the Criminal Code.

10

(Signed) H. BARCILON  
S.G.

For Attorney-General.

6th February, 1961.

To The Registrar of the Supreme Court.

No. 31

JUDGE'S NOTES  
(TRIAL, CONVICTIONS AND SENTENCES.

20

IN THE SUPREME COURT OF BERMUDA

HILARY ASSIZE

1961

Monday, 6th February, 1961.

R. v. ALMON EUGENE HARDTMANN

30

- |    |   |  |
|----|---|--|
| 1. | Attempted breaking and entering with intent |  |
| 2. | Possession of firearm.                      |  |
| 3. | Breaking and entering with intent           |  |
| 4. | Arson.                                      |  |

Plea

N.G.

N.G.

G.

G.

In the  
Supreme Court

No. 30

Notice of Nolle  
Prosequi.

6th February,  
1961.

No. 31

Judge's Notes.  
(Trial, Convictions and Sentences).

6th and 8th  
February, 1961.

In the  
Supreme Court

No. 31

Judge's Notes.  
(Trial, Convic-  
tions and  
Sentences).

6th and 8th  
February, 1961  
- continued.

	<u>Plea</u>
5. Breaking and entering with intent	G.
6. Arson.	G.
7. Breaking and entering and stealing	G.
8. Breaking and entering with intent.	G.

Solicitor-General for the Crown.

Mr. C. Williams for the accused.

Conviction recorded against the accused on counts  
3 - 8.

S.G. will enter N.P. on counts 1 and 2.

10

Sgt. Doyle (sworn):

Accused has one previous conviction. Stealing  
cycle. Sentenced to undergo corrective training.  
Then a juvenile. Accused now 17 years old.

No cross-examination.

Allocutus:- Says nothing.

Mr. Williams asks for time to get information about  
the accused.

Court: Adjourned to Wednesday, 8th February, for  
sentence.

20

Wednesday, 8th February, 1961.

R. v. AIMON EUGENE HARDTMANN  
(continuing):-

Mr. C. Williams: Hardtmann has made a girl preg-  
nant and wants to marry her. Earning £13.10.0 a  
week. Wanted more money and broke in to get more  
money. As to setting fire: he said he did not  
know why he had set fire to Ideal Furniture; he  
set fire to T.C. Electric because he did not find  
any money there.

30

He escaped from custody because he heard that  
his mother was in hospital with a fractured skull  
from a cycle accident. He concluded that she had  
had a blackout from worrying about him. He escaped  
so that he could see and help his mother.

He cannot read or write very well. He is the oldest of seven. Each has a different father. He lives at Smith's Hill. He contributes to family support. His mother is not living with her husband. The accused was working on the Board of Trade tug. I heard that he was a good workman there and gave no trouble.

In the  
Supreme Court

No. 31

Judge's Notes.  
(Trial, Convictions and Sentences).

6th and 8th  
February, 1961  
- continued.

Young Offenders Act. See 6(2) (Vol.1 page 607) Submits that imprisonment is not the answer. Emphasis should be on his reform.

10

SENTENCE:

3rd Count: 3 years imprisonment )  
4th Count: 7 years imprisonment ) The two to run concurrently.

5th Count: 3 years imprisonment )  
6th Count: 7 years imprisonment ) Concurrent with one another but consecutive with counts 3 and 4

7th Count: 3 years imprisonment )  
8th Count: 3 years imprisonment ) Concurrent with one another but consecutive with sentences in the previous four counts.

20

Sentence to be served in prison.

Restitution Order in respect of count 7.

No. 32

No. 32

CERTIFICATE OF CONVICTIONS

Certificate of Convictions.

REGISTRY OF THE SUPREME COURT  
HAMILTON  
BERMUDA.

8th February, 1961.

30

I, WILLIAM T. ANGELO-THOMSON, Registrar of the Supreme Court of Bermuda hereby certify that ALMON EUGENE HARDTMANN was tried in the said Court for the offences of

- Count 3. Breaking and entering with intent.
- Count 4. Arson.
- Count 5. Breaking and entering with intent.
- Count 6. Arson.
- Count 7. Breaking, entering and stealing.
- Count 8. Breaking and entering with intent

40

In the  
Supreme Court

No. 32

Certificate of  
Convictions.

8th February,  
1961

- continued.

and was convicted on his own confession and was on the date hereof sentenced by the said Court to

- |          |                      |  |              |  |
|----------|----------------------|--|--------------|--|
| Count 3. | 3 years imprisonment | } to run<br>concurrent-<br>ly with<br>each other | } 7<br>years |  |
| Count 4. | 7 years imprisonment |  |              |  |
| Count 5. | 3 years imprisonment | } to run con-<br>currently<br>with each<br>other | } 7<br>years |  |
| Count 6. | 7 years imprisonment |  |              |  |
| Count 7. | 3 years imprisonment | } to run con-<br>currently<br>with each<br>other | } 3<br>years |  |
| Count 8. | 3 years imprisonment |  |              |  |

10

such concurrent sentences to run consecutively making a Total of 17 years imprisonment.

The above sentence to be served in prison.

(SEAL) IN WITNESS WHEREOF I have hereto set my hand and the seal of the Supreme Court this 8th day of February, One thousand nine hundred and sixty-one.

20

(Signed) W.T. ANGELO-THOMSON  
REGISTRAR.

In the  
Privy Council

No. 33

Order in  
Council for  
Special Leave  
to Appeal.

25th January,  
1962.

No. 33

ORDER IN COUNCIL FOR SPECIAL LEAVE TO APPEAL

AT THE COURT AT SANDRINGHAM

The 25th day of January, 1962

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

MR. WOOD

30

LORD JOHN HOPE

SIR JOCELYN SIMON

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 17th day of January 1962 in the words following viz.:-

"WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition of Almon Eugene Hardtmann in the matter of an Appeal from the Supreme Court of Bermuda between the Petitioner and Your Majesty Respondent setting forth that the Petitioner prays for special leave to appeal to Your Majesty in Council from the Order of the Supreme Court of Bermuda dated the 8th day of February 1961 whereby he was convicted upon 6 counts of an Indictment charging breaking and entering and arson and was sentenced to terms of imprisonment totalling 17 years in all: And humbly praying Your Majesty in Council to grant the Petitioner special leave to appeal to Your Majesty in Council from the Order of the Supreme Court of Bermuda dated the 8th day of February 1961 and to make such further or other Order as to Your Majesty in Council may seem just:

"THE LORDS OF THE COMMITTEE in obedience to His late Majesty's said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof Counsel for the Respondent not opposing Their Lordships do this day agree humbly to report to Your Majesty as their opinion that leave ought to be granted to the Petitioner to enter and prosecute his Appeal against the Order of the Supreme Court of Bermuda dated the 8th day of February 1961:

"And Their Lordships do further report to Your Majesty that the proper officer of the said Supreme Court ought to be directed to transmit to the Registrar of the Privy Council without delay an authenticated copy under seal of the Record proper to be laid before Your Majesty on the hearing of the Appeal upon payment by the Petitioner of the usual fees for the same."

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

Whereof the Governor-General or Officer administering the Government of the Bermudas or Somers Islands for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed) E. N. LANDALE

In the  
Privy Council

No. 33

Order in  
Council for  
Special Leave  
to Appeal.

25th January,  
1962

- continued.

In the  
Supreme Court

No. 34

No. 34

PARTICULARS OF CONVICTIONSCONVICTIONS AGAINST

Particulars of  
Convictions.

28th March,  
1962.

Surname	Hardtmann	
Christian Name	Almon Eugene	
Age	d.o.b. 30.1.43	
Sex	M	
Colour	C	
Nationality	Bermudian	
Address	Pembroke East	10
Occupation	-	
File No.	--	
Date brought before Magistrate	2.2.55	
Charge	Stealing a cycle valued at £12	
Where Committed	Hamilton	
When Committed	20.11.54	
Person Charging	C.O.P.	
Witnesses	P.C. Smith P.C. Darrell	20
Magistrate	L.M. Minty and Panel	
Date Committed for Trial	-	
Final Disposition		
Date	2.2.55	
Sentence	Corrective Training J.T.S.	

NOTE: ONLY THE ONE CONVICTION ABOVE THE RED LINE  
WAS PREVIOUS TO THE COURT HEARING IN RESPECT  
OF THE THREE LATTER CONVICTIONS SHEWN ABOVE  
WHICH ARE THE SUBJECT OF THIS APPEAL.

30

28th March, 1962.

Registrar

(NOTE. The red line and the convictions recorded  
below the red line, being those the sen-  
tences on which are the subject of this  
appeal, are not reproduced in this Record).

EXHIBITSEXHIBIT 8 - CHARGES and STATEMENT by ACCUSED

ALMON EUGENE HARDTMANN, Col. Ber. 17, Born January, 30th 1943, Fireman on the Tug Bermudian, residing at Smith's Hill, Pembroke East.

Charged,

10 1. That you between 6.30 p.m. Tuesday, 20th and 2.50 a.m. Wednesday 21st December, 1960, in the City of Hamilton, being concerned with a juvenile did break and enter Gosling Bros. Liquor Store, Reid Street, Hamilton and did steal therefrom £57.10.1 $\frac{3}{4}$  in Sterling and U.S. currency (nominal value) and a 9 m.m. automatic pistol valued at about £12, the property of one James Laing, also two (2) cartons of cigarettes (Salem Brand) valued at 42/-, eleven (11) tins of Amstel & Carlins beer valued at 17/6, two (2) pen knives valued at 8/- and a box of paper matches valued at 1/6 to the total value of £3.9. the property of  
20 Gosling Bros. Ltd. contrary to Section 353 (a)(i) of the Criminal Code.

2. Being concerned with a juvenile, during the above times and dates mentioned, did break and enter a bonded warehouse owned and occupied by Gosling Bros. Ltd. under license issued by the Colonial Treasurer for the custody of uncustomed goods, below Goslings Liquor Store, Reid Street, Hamilton, with intent to commit a felony therein, contrary to Section 354 (a) of the Criminal Code.

30 3. Did have in your possession when apprehended a firearm, contrary to Section 222 s.s.2 (G) of the Criminal Code.

4. Did have in your possession a firearm whilst not holding a firearm license, contrary to Section 2(1) of the Firearms Act, 1930.

40 5. Did have in your possession by night without lawful excuse the proof of which is upon you instruments of housebreaking to wit, a zipper bag containing a hatchet, claw hammer, screwdriver, dinner knife, one hammer-head, one masked torch, one red and chrome torch, two pairs ladies nylon gloves, contrary to Section 356 (1) of the Criminal Code.

Exhibits

Exhibit relating to 7th and 8th Counts.

8.

Charges and Statement by Accused.

22nd December, 1960.



Exhibits

Exhibit relating to 7th and 8th Counts.

Almon Eugene Hardtmann, do you wish to say anything in answer to the charges, you are not obliged to say anything unless you wish to do so, but whatever you do say will be taken down in writing and may be given in evidence.

8.

(Signed) EUGENE HARDTMANN.

Charges and Statement by Accused.

Did not wish to make any reply.

22nd December, 1960  
- continued.

(Signed) Peter Wilson P.C.139

(Witness) K. P.C.175.

Exhibit relating to 3rd and 4th Counts.

EXHIBIT 2 -- STATEMENT by ACCUSED

10

2.

ALMON EUGENE HARDTMANN, Col. Ber. 17, Fireman on Tug Bermudiana, residing Smith's Hill, Pembroke East.

Statement by Accused.

I have been informed of the nature of the enquiries being made by the Police, I have been cautioned that I need not say anything unless I wish to do so but whatever I do say will be taken down in writing and may be given in evidence.

21st December, 1960.

I did the Ideal job first, I was alone. I went in through a window. It was a window not on the Mid-Ocean side.

20

Ques: What happened then?

Ans: I went to the office, I tried to open the safe I heard two clicks but not the third. I couldn't open the safe I knocked the dial with a hammer. I took the tops of the hinges but I couldn't get it open. I searched the drawers but did not get any money. I also went downstairs, I slashed some chairs I think I also slashed some mattresses. I started the fire. Nobody was with me. I left the building by the front door.

30

Ques: What I have now read out to you is that correct and true?

Ans: Yes Sir, but I do not wish to sign any statement.

This statement was read over to Hardtmann after being taken in the presence of D. S. Smith. Hardtmann declined to sign.

(Signed) J.W. Starbuck, D.I.

(Witness) W.M. Smith.

10.45 a.m. 21/12/60.

Exhibits

Exhibit relating to 3rd and 4th Counts.

2.

Statement by Accused.

21st December, 1960

- continued.

EXHIBIT 3 - CHARGES and STATEMENT of ACCUSED

Almon Eugene Hardtmann, 17 C.B., Fireman, residing Smith's Hill, Pembroke East.

3.

- 10 Charged:- That you between the 14th and 15th day of December, 1960 in Pembroke Parish,
1. Did break and enter the Ideal Furniture Store with intent to commit a felony, to wit, steal, contrary to Section 354 (a) of the Criminal Code.
  2. At the same time and place, did wilfully and unlawfully set fire to furniture within the Ideal Furniture Store, contrary to Section 419(1)(c) of the Criminal Code.
- 20

Charges and Statement of Accused.

4th January, 1961.

Do you wish to say anything in answer to the charges, you are not obliged to say anything unless you wish to do so but whatever you do say will be taken down in writing and may be given in evidence.

Replied, "No Sir".

Charged by me at Central Station, Hamilton at 12 noon on Wednesday, January 4th 1961.

(Signed) JOHN W. STARBUCK,  
Det. Insp.

30

Exhibits

EXHIBIT 2 - STATEMENT by ACCUSED

Exhibit relating to 5th and 6th Counts.

Almon Eugene Hardtmann, Col. Ber. 17, Fireman on Tug Bermadiana, residing Smith's Hill, Pembroke East.

2.

Statement by Accused.

I have been informed of the nature of the enquiries being made by the Police.

21st December, 1960.

I have been cautioned that I need not say anything unless I wish to do so but whatever I do say will be taken down in writing and may be given in evidence.

10

(Signed) Eugene Hardtmann.

I did the T.C. Electric, I got in through a side window, I looked for money and tried the cash register it was open when I first went in, there was no money in it, I closed it. I pulled out a lot of drawers looked in them, nothing was there that I wanted. I then decided as I got nothing to set it on fire since I got nothing I decided to give him something.

The first fire I set over by the chair with a blanket and paper then the next one was set under the cash register with paper, as I climbed out of the window I saw two policemen. They were walking up Church Street towards the Stop and Shop. Then I went home.

20

This statement has been read over to me by Det. Insp. Starbuck in Det. Sgt. Smith's presence. It is true and I will sign this one.

(Signed) EUGENE HARDTMANN

(Witness) W.M. Smith, D/Sgt.

30

Recorded at 11.00 a.m. 21/12/60.

(Signed) John W. Starbuck, D.I.



EXHIBIT 3 - CHARGES and STATEMENT of ACCUSED

Exhibits

Almon Eugene Hardtmann, 17, Col. Ber. Fireman,  
residing Smith's Hill, Pembroke East.

Exhibit relat-  
ing to 5th and  
6th Counts.

Charged,

3.

That you between the 18th day of December,  
and the 19th day of December, 1960, in  
Pembroke Parish,

Charges and  
Statement of  
Accused.

- 1, Did break and enter the T.C. Electric Shop  
on King St. with intent to commit a felony  
therein, to wit, steal, contrary to sec-  
tion 354 (a) of the Criminal Code.

4th January,  
1961.

10

- 2. At the same time and place, did wilfully  
and unlawfully set fire to a blanket and  
paper situated in the T.C. Electric Shop,  
contrary to Section 419 (1) (c) of the  
Criminal Code.

Do you wish to say anything in answer to  
the charges, you are not obliged to say  
anything unless you wish to do so, but  
whatever you do say will be taken down in  
writing and may be given in evidence.

20

Replied: "No Sir"

Charged by me at 12.04 p.m. on Wednesday, January  
4th, 1961 at the Central Station, Hamilton.

(Signed) John W. Starbuck,  
Det. Insp.

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ON APPEAL  
FROM THE SUPREME COURT OF BERMUDA  
(CRIMINAL JURISDICTION)

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B E T W E E N

ALMON EUGENE HARDTMANN (Defendant)  
Appellant

- and -

THE QUEEN ... Respondent

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R E C O R D    O F    P R O C E E D I N G S

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A.L. BRYDEN & WILLIAMS  
53, Victoria Street,  
London, S.W.1.  
Solicitors and Agents  
for Appellant.

CHARLES RUSSELL & CO.,  
37, Norfolk Street,  
London, W.C.2.  
Solicitors and Agents  
for Respondent.