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## JUDGES' RULES VIOLATED, SAYS TRAIN CASE COUNSEL

### OBJECTION TO REPORTS OF DETECTIVE'S EVIDENCE

DAILY TELEGRAPH REPORTER

A BARRISTER threatened newspapers with possible contempt proceedings if they published evidence given in open court during the £21 million Great Train Robbery hearing at Aylesbury, Bucks, yesterday.

Mr. Geoffrey Leach appearing for two of the men accused of taking part in the robbery issued the warning after making two unsuccessful attempts to have certain evidence of conversations between detectives and the two men taken in private.

After Det. Sgt. John Pritchard of Scotland Yard had given evidence of conversations recorded between Det. Supt. M. Fewtrell head of Buckinghamshire CID and Det. Insp. G. McArthur of Scotland Yard with Roger John Corderey, 42, and William Gerard Boal, 50, Mr. Leach intervened.

He said he had consulted with Mr. Wilfrid Fordham, representing four of the other accused, who agreed with him that a greater part of the sergeant's evidence was in flat contravention of the Judges' Rules.

The evidence might well be held to be inadmissible at the trial. In view of the Bench's decision not to hear evidence in camera, Mr. Leach added:

"I am left with no alternative but to state that if any part of this officer's evidence is reported in the Press, BBC or television, my instructing solicitor will not hesitate to report it to the Attorney-General to see if he thinks fit to bring proceedings for contempt of court."

#### A GRAVE MATTER Effect on trial

Mr. FORDHAM, the senior member of the bar present, said: "I am sure defendants in custody no doubt being questioned by police officers on the subject matter of the charge, not merely to remove ambiguity, but questions plainly in the nature of cross-examination. 'If we are wrong no harm will be done, but if we are right and this matter is given publicity, it would be a grave matter. It would affect the defendants' trial and make it impossible to be fair.'"

#### "ESSENTIALS ONLY," REQUEST BENCH CHAIRMAN

WHEN Det. Sgt. JOHN PRITCHARD was called to give evidence, Mr. WALTER H. LEACH, the chairman of the Magistrates, asked the Press to be considerate, "only reporting what is absolutely necessary."

Earlier Mr. GEOFFREY LEACH, who appears for a number of defendants, had submitted that the Press should be asked to exercise great discretion in reporting the detective's evidence "in view of the fact that it might prejudice their fair trial."

There was no objection to this request from Mr. Howard Sabin, leading counsel for the prosecution.

Mr. GEOFFREY LEACH said that the magistrate taking any summary case would appreciate that if two men were tried together and one pleaded guilty to some charge, the evidence he gave to the police was not before the magistrate.

#### DEFENCE "NOT SCARED" Police station questions

This was not because anything was kept back but because it would be most unfair to prejudice the magistrates' mind since there was no opportunity for the other man to cross-examine.

In the circumstances he did not ask the magistrates to apply the conditions of Section 4 of the Magistrates' Court Act and keep the Press and public from this hearing.

"It is no part of the defence that they are scared to have the hearing in public. But the matter is that there is a grave question of admissibility which always arises on trial of questions which have taken place in the police station."

Mr. Leach submitted that the prosecution, in putting its police witnesses before the court, should limit them to saying that they had had a series of conversations with a defendant and that these conversations were embodied in a statement and then producing the statement.

The magistrates could read it and later the prosecution could serve a notice of additional evidence. It was unfair and prejudicial of the prosecution to persist in its objection to his request that the police giving evidence should leave aside the verbal statements and give to the magistrates the written statements, the substance of which had been opened to the magistrates.

#### "MOST UNFAIR" Unchallenged evidence

After referring to examples of the reporting of cases in the courts, Mr. LEACH continued:

"One does not want to be pressed by the prosecution into the position of asking for a secret trial at this stage because then it appears to the general public that the defence have something to fear. They have not."

"But it is most unfair that evidence completely unchallenged should be given and reported and yet the question of admissibility has not been ruled upon."

Mr. SABIN said that what Mr. Leach was seeking to do was not to ask for a secret trial but to exclude large portions of the prosecution's evidence against his clients. "I must resist this application very strongly indeed," he said.

One had to be as fair as one possibly could, but again and again in this country the prosecution produced evidence of what happened in conversation with police officers.

Very often it was prejudicial to the accused in the sense that it was against the accused. "What I am concerned with is to have all the evidence before this court."

#### THE ACCUSED

Nine of the accused men are charged with being concerned in the actual robbery. They are:

- ROGER JOHN CORDEREY, 42, of Hurd Road, East Molesey, Surrey;
- WILLIAM GERARD BOAL, 50, of Burnthwaite Road, Fulham;
- CHARLES FREDERICK WILSON, 31, bookmaker, of Crescent Lane, Clapham;
- RONALD ARTHUR BIGGS, 34, carpenter, of Alpine Road, Redhill, Surrey;
- JAMES HUSSEY, 30, painter and decorator, of Eridge House, Dog Kennel Hill, East Dulwich;
- THOMAS WILLIAM WISBEY, 33, bookmaker, of Aytton House, Camberwell;
- LEONARD DENNIS FIELD, 31, merchant seaman, of Green Lanes, N.
- BRIAN ARTHUR FIELD, 29, managing clerk of Kabri House, Bridle Road, Whitechurch Hill, Oxfordshire;
- DOUGLAS GORDON GOODY, 33, hairdresser, of Commercial Road, Putney.

#### Receiving charges

Three other men and three women were charged with receiving only. They are:

- ROBERT PELHAM, 26, motor mechanic, of Lonsdale Road, Notting Hill;
- MARY KAZIM MANSON, 42, of Wimbledon Close, The Downs, Wimbledon;
- ALFRED PILGIM, 52, florist, of Bridge Road, East Molesey, and his wife;
- MARY FLORENCE PILGIM, 49;
- RENEE BOAL, 52, Burnthwaite Road, Fulham;
- MARTIN HARVEY, 28, driver, of Michaelson House, Boweven Drive, Dulwich.

"A good deal of the evidence that relates to conspiracy, for example, and the fact these two men were in the robbery, bears to some extent to answers they gave to police officers when they were investigating the matter in Bournemouth."

In the past there has been very few cases when magistrates had sat in camera. There was the very important principle, particularly in a case which had been very much in the public eye, when justice should be seen to be done.

Mr. LEACH said it would be wrong for full publicity to be given to evidence which had not yet been ruled upon by a judge as to admissibility. He did not ask for camera because there was anything which any of the defendants feared.

The Bench rejected the application.

#### 3 DETECTIVES AT INTERVIEW SERGEANTS' NOTES

Det. Sgt. JOHN PRITCHARD said that at 5.50 a.m. on August 15 he saw Corderey in the presence of Det. Supt. McArthur, of Scotland Yard, and Det. Supt. Fewtrell, of Buckinghamshire Constabulary. He made notes of the officers' inquiries.

Supt. McArthur said they were inquiring into the robbery of the Glasgow to Euston travelling Post Office in Buckinghamshire a week ago, and continued:

"I understand that you were detained the night in Bournemouth with another man, and that a car which has been traced to your possession contained a large sum of money estimated at £60,000 which appears to have come from that job."

Supt. McArthur was going on to say "I also understand..." when he was interrupted by Corderey who said: "Well, to be honest the money does come from the mail job but I was not on the track."

#### ASKED FOR ADVICE "A few thousand" offer

Det. Sgt. Pritchard said that Supt. McArthur asked "What do you mean by that?" Corderey replied: "Well, I was asked for my advice. I was told it was the mail train to Euston and was asked if it could be stopped."

"I was offered a few thousand and as I could do with it, I told them what to do."

Det. Supt. McArthur then cautioned Corderey. He added "What advice did you give, and was it used?"

Corderey replied: "I told them what to do about the signals. The next thing I knew I was put up as a front man to get rid of the money."

Mr. Fewtrell said to him: "By whom?" and Corderey replied: "Mr. F." Mr. Fewtrell carried on "What is his name?" Corderey replied: "I do not know it. I only knew him as Fred."

Mr. Fewtrell asked: "Where does he come from?" to which Corderey replied: "I cannot tell you. I would be topped."

Mr. McArthur then said to him: "When did you meet him?" and Corderey's reply was "On a race-course but I am not going to tell you anything about him."

#### HOLD-UP NIGHT "Wandering in Brighton"

Mr. McArthur said: "The train was held up just after 3 a.m. on Thursday, August 8. Where were you that night?" Corderey replied: "I have had a lot of trouble with my wife and she left me and I was wandering about Brighton looking for her."

Mr. McArthur asked, "where abouts in Brighton?" Corderey replied: "I looked in one or two clubs. I did not stay. I just poked my head round the door."



Mr. Fewtrell said: "Name some of them."

At this point Mr. LEACH said he had no record that he took formal objection to this evidence having regard to the obvious breach of Judges' Rules.

"I know the Press will understand what that means so far as admissibility at trial. I object to the whole of this verbal evidence being a breach of Judges' Rules. There is an old rule officers must not cross-examine people who are in custody."

Det. Sgt. PRITCHARD, continuing, said Corderey was questioned about clubs he had visited and he said he had been to Jokers, Sids's, Ronnie's. Mr. McArthur asked him if he saw anyone he knew there and Corderey replied: "No, I only poked my head round the door."

#### SLEPT ON SEAFRONT Breakfast in café

Asked if he could give the names of anyone who could confirm he was in Brighton on the night of the train robbery, Corderey pondered a few moments and said: "No, I slept on the seafront."

He said he had breakfasted in a café somewhere but they would not remember him going in. He said he stayed in Brighton most of the morning and then went to London.

Asked by Mr. McArthur if he could tell him any house or place he stayed at or had a meal at between Bank Holiday Monday (August 5) and August 9, Corderey hesitated and finally said:

"I can tell you this. On Tuesday I collected my boy from Brighton and took him to the fair at Hampton Court. We spent that night at my parents' home."

"On Wednesday I looked for my wife in Brighton. I couldn't find her and I slept on the seafront. I went up to London on Thursday but got off at Croydon and looked around there for her."

Asked where he spent the night, Corderey said he just walked around London. He could not name anyone who saw him or spoke to him that night. He just went around drinking clubs. He could not remember the names of them.

Questioned about what happened on Friday, he said he took his bicycle with him to Oxford.



Mr. Geoffrey Leach (left), who is defending two of the accused men at the train robbery hearing at Aylesbury, Bucks, and Det. Sgt. John Pritchard, who gave evidence yesterday.

#### "UP TO MY NECK IN TROUBLE" ACCUSED'S TEARS

Sgt. PRITCHARD said that the same day he and Mr. McArthur saw Boal at Bournemouth police station and told him they were making inquiries about a large amount of money that he and Corderey had been found in possession of.

Boal replied: "I know, governor. I am up to my neck in trouble." He began crying.

After a few moments, he said: "I did not know the money was from the railway job. I did not know he had any money until we were arrested and the room was searched."

Mr. McArthur said to him: "Surely that is not true. I understand that since you have been in Bournemouth you have bought two motor vehicles." to which Boal replied: "He did, but I did not know the money came from the railway job."

#### "I HATE HIM" Told what to do

Det. Sgt. PRITCHARD continued: "Mr. McArthur said to him: 'Where did you think it came from,' and Boal replied 'I just don't know. You can never tell with him.'"

"Mr. McArthur said to him: 'Surely he can't make you do things against your will?' To which Boal replied: 'He has a hold over me. He tells me what to do and I have got to do it. Sometimes I hate him. He seems to hypnotise me.'"

Mr. SABIN: "Did Mr. McArthur say 'Did you take part in the robbery?'"

Det. Sgt. PRITCHARD: "Yes." Boal replied: "No sir, I was at home and did not meet him until the Friday or Saturday. I forget which day now."

Mr. SABIN: "Was he then asked if he knew when the robbery was committed?"

Det. Sgt. PRITCHARD: "Yes, and he replied: 'I read it in the papers. It was after that I met him.'"

Mr. SABIN: "Was he cautioned again? Yes, by Mr. McArthur." (Continued on P. 25, Col. 3)



At 9.00 p.m. on Wednesday 14th August an intense fire broke out in one of the trim stores of the Vauxhall factory at Luton. Colt fire ventilators—part of the comprehensive fire protection arrangements—opened releasing smoke, heat and fumes, so permitting the firemen to come to grips with the fire at close range straight away and without recourse to breathing apparatus.

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