

LAW.

SYDNEY QUARTER SESSIONS.
MONDAY.

A COURT of Quarter Sessions was held at the Darlinghurst Court-house, presided over by his Honor Mr. District Court Judge SIMPSON. Mr. W. J. Foster prosecuted for the Crown.

STEALING.

Samuel Johnson pleaded guilty to two charges—on the charge of stealing a silver watch, of the value of £9, from the person of Stephen Williamson; and the other of stealing a coat, vest, and other articles, of the value of five guineas, from Martin Ryan. Prisoner was remanded for sentence.

John Roger pleaded guilty to a charge of having stolen a piece of Crimean shirting, of the value of £2 8s., the property of W. J. Tickle, and was remanded for sentence.

STEALING FROM THE PERSON.

Thomas Donohoe was charged with having stolen £2 10s. from the person of William Coghlan. It appeared from the evidence that Coghlan, on the night on which the offence was committed, went on to the racecourse, and there fell asleep, having the money in his pockets. When he awoke he found his pockets had been searched and the money abstracted. Prisoner had been seen near Coghlan, and was apprehended and charged with having committed the theft. The only circumstance that tended to implicate prisoner was one of suspicion merely. The jury, without leaving the box, returned a verdict of not guilty, and prisoner was discharged.

ATTEMPTING TO COMMIT SUICIDE.

Charles Cottrell was charged with having, at Sydney, on the 26th instant, unlawfully attempted to commit self-murder by cutting his throat with a razor. The offence was committed at the house of his daughter-in-law, Eva Corran, with whom he had been staying for some time, he having separated from his wife; on the day in question he came home in a very excited state, and evidently under the influence of drink; a razor, which Mrs. Corran had borrowed from a neighbour to cut burnions, was lying on the table; he took the razor up, when his daughter-in-law became alarmed lest he should do something wrong with it, and endeavoured to persuade him to put it down; he was apparently quite unconscious of what she said, and paid no heed to her request; she turned her head to call her husband, and on again looking towards prisoner, saw blood running down his shirt; he dropped the razor on the ground; she immediately sent for Dr. Walker, and at his recommendation sent for a constable; prisoner was conveyed to the Infirmary by police sergeant McKeogh. Dr. Johnson, house surgeon at the Sydney Infirmary, described the wound as being about an inch in depth, but not such a one as would of itself prove fatal; at the time prisoner was taken to the Infirmary he was in such an excited state from drink, or other causes, that the doctor did not consider the man accountable for his actions. The jury returned a verdict of not guilty, and prisoner was discharged. Mr. Hellyer appeared for prisoner.

OBTAINING GOODS BY FALSE PRETENCES.

Henry Russell was charged with having obtained goods by means of false pretences. He pleaded guilty, and was remanded for sentence.

UNLAWFULLY WOUNDING.

John William Brown was indicted for having, at Sydney, on Sunday, 23rd January, unlawfully wounded one Harry Curry. The information contained two counts—the first, unlawfully wounding; the second, assault occasioning actual bodily harm. From the evidence of Curry, and other witnesses, it appeared that on the Sunday evening both prisoner and Curry were drinking together at the house of the latter, in Kent-street. They went across to a public-house and had some more drink, after which they returned home. Prisoner was so drunk that he lay down on the floor. Curry went into the house of a neighbour named Rose, but had not been there long before he was followed by prisoner, who caught hold of him, pulled him down on the floor, and put his foot on his chest. Several persons were in the room. On prisoner removing his foot from Curry's chest Curry got up, and struck prisoner, and they closed in together. Mrs. Rose ordered them out of her house, and they were in the act of going into the street to continue

together. Mrs. Rose ordered them out of her house, and they were in the act of going into the street to continue the fight when prisoner struck Curry a blow on the head with an iron bar. The bar was one used by Mrs. Curry in the fireplace, and Curry swore that it was lying in the fireplace at the time he left home to go to Rose's; the fight was continued in the street, and police constable Smith came up and took both parties into custody; he took Curry to the Infirmary, where the wound was dressed. Dr. Johnson, house-surgeon of the Infirmary, described the wound as being a very severe one, but not dangerous; prisoner had an ugly wound on his upper lip, which he alleged had been inflicted by Curry biting him when they were fighting together; but Curry stated that the wound was inflicted through prisoner's falling against the kerbstones. From prisoner's statement to the jury, it would appear that Curry was the aggressor, and that he (prisoner) used the iron bar in self-defence.

The jury, having been absent about an hour, returned into Court with a verdict of not guilty, and prisoner was discharged.

LARCENY.

Samuel Oliver was charged with having, on the 16th of December last, stolen a quantity of bedding, wearing apparel, and various articles of household furniture, the property of one John Poulton, of Penrith.

Prisoner pleaded not guilty, and was defended by Mr. Hellyer.

Senior-constable James Thompson deposed to having apprehended prisoner on the morning of the 17th December last, by virtue of a warrant, in which he was charged with having stolen a quantity of jewellery, bedding, and wearing apparel, the property of one John Poulton, of Penrith; on searching the prisoner at the watch-house, he found in his possession five £1 notes, one sovereign, and a passage order per steamship Dandenong, for Melbourne; the order was made out in the name of Mr. and Mrs. Watson; prisoner spoke of a box; this box was subsequently brought to the police station by prosecutor; he produced the box in Court. [The articles it contained were emptied out; they consisted of three pillows, a blanket, two pairs sheets, a quantity of women's wearing apparel, a purse containing a certificate of marriage, articles belonging to a child's dress, knives, forks, smoothing irons, crockeryware, teapot, and sundry other household requisites.] The box also contained a tent, two shirts, a gurnsey, pair trousers, pair socks, two pocket handkerchiefs, and a measure—all of which prisoner at the watch-house claimed as his property; these articles were mixed up with the others which prisoner said belonged to Mrs. Poulton; they were not all together in one part of the box.

By Mr. Hellyer: He got the key of the box from Mrs. Poulton.

John Poulton deposed that he was a farmer and resided at Penrith; prisoner was lately employed at work on the Nepean Bridge, and lodged in his (witness's) house; he was a married man, and had one child, a daughter, who was about ten years of age; his wife lived with him up to the 15th of December last; she had been in the habit of getting up about 5 o'clock every morning and making coffee for prisoner before he went to work; she got up at the usual time on the morning of the 16th December; he (witness) did not get up until half-past 5, or later; prisoner had gone away to work as he supposed, before he (witness) got up; he noticed nothing unusual in the appearance of the house, nor did he observe that anything had been taken away; he went to work about half-past 7 o'clock by the clock in his house; he afterwards discovered that the clock had been put on half an hour fast by some one; he had to go to work near the place where prisoner was employed; he did not see prisoner at work, and from something which he heard, he was induced to return home; the first thing he did on getting home was, to go to the box where prisoner kept his clothing to see if he had taken it away, as he owed him for six or seven weeks' board and lodging; his wife was not at home, but he did not think much of that circumstance as, before he left home, she told him she was going to spend the day at a friend's; he found that not only were prisoner's things taken away, but also a quantity of other things which were kept in the same box; the box was a large one, and belonged to him; he found that all his wife's wearing apparel had been taken away, besides three pillows, some bedding, crockery, and various other things; he made inquiries, and, from information he obtained, he had reason to believe that his wife had gone

he made inquiries, and, from information he obtained, he had reason to believe that his wife had gone with prisoner to Sydney by the train which left Penrith about 7.45; he came to Sydney by the next train, which left Penrith about 4.20 in the afternoon; he had some idea that they intended going to Brisbane, and so soon as he reached Sydney he made his way down towards the wharf from which the Brisbane steamers started; on getting near the wharf, he found prisoner sitting on the kerbstone outside the Blue Bell Inn; he tapped him on the shoulder, and said, "What is this little game you are up to?" on that, prisoner got up and asked what he meant; he told prisoner he did not believe he could have been guilty of such a thing; prisoner asked him what the ——— he meant; he said, "You came away without paying for the seven weeks' board and lodging for which you owe me; and you have seduced my wife and child away from home—you would have been the last man I should have suspected of doing such a thing,—where are they? Prisoner, in answer, said he did not know anything about them; he said to prisoner that he might as well tell him where his wife and child were, as he wanted to see them; prisoner told him to go inside the inn, as perhaps they might be there; he went inside, but he did not see them there, and he came out and told prisoner they were not there; prisoner then asked him to go up the street to see if they could meet with them; he went a little way up the street with prisoner, but seeing nothing of his wife or child he refused to go any further and returned to the Blue Bell; in consequence of something which the landlord told him after his return, he went round the corner of the street, when he saw his wife and child getting into a patent safety; he hailed the driver, and he pulled up at once; this was a little before dark; he took his wife and child to where the prisoner was, and told him he would give him into the hands of the police; having obtained his wife and child, he then demanded his box containing the things which had been taken away from his house at Penrith; prisoner said it was his ——— box, and dared him to touch it; he told prisoner it was not his box, and that, to save further trouble, he had better give it up; prisoner then took him to a warehouse connected with the wharf, and told him it was there, but that he could not get it as the warehouse was locked up; he took his wife and child to his sisters, at Redfern; prisoner followed them and kept shouting after them the whole of the way for his wife to give him into custody for protection; on the following morning, his wife expressed a willingness to return home; on going outside his sister's house they again met prisoner; prisoner kept abusing him all down the street, and wanted him to fight; they went down to the Blue Bell Inn; on their way down, prisoner said he had been to a lawyer about it, but could make nothing of it; prisoner also said that he (witness) might have his things if he would give him his; they went inside the Blue Bell and had something

to drink; prisoner had something to drink, but he did not give it him, nor did he pay for it; prisoner became so violent in his behaviour that he had to send for the police and have him arrested; prisoner said to his (witness's) wife, "Let him take the things to Penrith, and go with him, and the first thing you do when you get there go to the police and swear you dare not live with him; in the meantime I will go and get work and then come and fetch you." (Prisoner identified many of the articles in the box produced as his property.)

Cross-examined by Mr. Hellyer: He had been living at Penrith for some years; his wife had never had occasion to apply for protection in consequence of his ill treatment; he always supplied her with whatever she required; she went home with him from Sydney; he was present at the police-station when the box was opened in presence of prisoner; prisoner claimed some of the things it contained as his own; prisoner lodged with him off and on for nearly two years, when at the Blue Bell, prisoner told him he did not owe him anything, that he had paid his wife; on the morning after coming to Sydney he went into the Blue Bell with his wife; prisoner followed them in; he did not pay for any drink for him; he kept as far away from him as he could, as he con-

sidered them in; he did not pay for any drink for him; he kept as far away from him as he could, as he considered him a dangerous man; some time during the present month he had been bound over to keep the peace towards his wife.

John Barlow deposed that he kept a store at Penrith; on Wednesday evening, on or about the 15th of December, prisoner called at his house just as he was going to bed, and brought a box with him; the box was like the one produced in Court; prisoner asked him if he would take the box to the station for him on the following morning in time to go down by the quarter to 8 train; he took the box, and prisoner gave him half a crown; his store was situated about halfway between Poulton's and the railway station; Poulton lives about half a mile from the railway station.

By Mr. Hellyer: At prisoner's request, he gave him an envelope, which prisoner addressed and put on the box, knowing that prisoner had been working at the Nepean bridge, he asked him where he was going; he believed prisoner said he was going to Queensland.

James Callaghan, storekeeper at Struth's Wharf, deposed that the box produced in Court was taken down to the wharf by a man like prisoner; by the man's instructions he put a label on the box, in the name of "Mrs. W. Watson, for Melbourne, per Dandenong;" the Melbourne steamer generally leaves on Thursday; on this occasion it was put off until Friday, and the box was put into the warehouse for the night.

This closed the evidence for the prosecution. For the defence Mr. Hellyer called

Elizabeth Penlton, who deposed that she was the wife of prosecutor; she had before seen the box produced in the Court; on the evening of the 15th of December last she asked prisoner if he would be kind enough to take it to Barlow's store, at Penrith, and look it for Sydney; it was then about twenty yards outside her husband's house, having been carried out by herself and her daughter; she corded the box up herself; prisoner knew nothing about its contents; she put the things into it herself, and kept the key in her own possession; she put some of prisoner's clothing in it, but not at his request; after she locked it at her husband's house it was not opened again until it was taken to the Central Police Station in Sydney; she recollected her husband coming to Sydney and seeing her and her child together in a cab; her husband said to prisoner, "You owe me 10, but if you pay it you may go;" prisoner had already paid the money over to her, but paid her husband again; she went with her husband to his sister's at Redfern that night; on the following day she went down with him to the Blue Bell Hotel; prisoner followed them; they all had drinks at the bar; her husband treated prisoner to some drink; her husband paid for drinks all round first, and then prisoner paid for drinks all round; it was arranged between prisoner and her husband that prisoner should give up the things, and that she should go back with her husband to Penrith; she said she would not go back, but that she would stick to the one she was going with, and that he would stick to her; after that her husband sent for a policeman, and gave prisoner in charge; no improper intercourse had ever taken place between herself and prisoner; her husband had been a regular tyrant to her; she would have left him years ago, if she could have got money enough to have paid her travelling expenses and those of her child; at the time she did leave him she had managed to get a few pounds in hand, and she left him in consequence of his ill treatment.

By Mr. Foster: When she said she would stick to the one she was going with she meant the prisoner at the bar; she had known him for three or four years; it was her intention to go and live with him instead of living with her husband; that was not her intention before she left home; when she left her husband's house her only intention was to get away from him with her child; she would swear that she made no previous arrangement with prisoner; she put prisoner's trousers and other things in the box because she knew he was going to Sydney; he did not come to Sydney with her; she found him in Sydney when she got here; she could not explain how it was that prisoner's clothing was mixed up with her own in the box—how it was they were not put all together in one place; she did not know when the Dandenong was to sail; she did not know that the usual day for the steamer sailing was the day on which she (witness) came to Sydney; she made her own arrangements for coming down; her intention was to go by the first steamer that left Sydney; the box was taken from the rail-

for coming down; her intention was to go by the first steamer that left Sydney; the box was taken from the railway station to the wharf in a patent safety; the wharf was the first place she went to after getting to Sydney; prisoner was not at the wharf at the time she got there; she first saw the prisoner in Sydney near the wharf; on getting down to the wharf, and seeing prisoner there, she delivered the box over to him to go and get it booked for Melbourne; she did not know how prisoner got to Sydney; she supposed he had as much right to go to Sydney as she had; she knew he had finished his job at the Nepean Bridge, and had been paid off; she paid £3 10s. for a ticket for the three of them—prisoner, herself, and her child; prisoner happened to be going to Melbourne in the same boat; she first made up her mind to go and live with prisoner when she used the words at the wharf that "She would stick to him if he would stick to her;" two days before that she had made arrangements to go to Melbourne with prisoner; she did not know where she was going to stop when she got there, nor where prisoner was going to stop; she had arranged to meet him at the wharf; may have spoken to prisoner about coming to Sydney a month before she did come; she paid for the ticket for the steamer; prisoner gave her some money in Sydney; it was in answer to her application at the booking office at the wharf that she received the ticket produced, on which was written—"For Mr. and Mrs. Watson and child, to Melbourne."

In answer to a question by Mr. Hellyer, witness stated that two days before she left home she made arrangements with prisoner to live as his wife.

Mr. HELLYER and Mr. FOSTER having addressed the jury, his HONOR summed up the main points of the evidence.

The jury retired about a quarter-past 5. Not having agreed at a quarter-past 6, they were locked up until 9 o'clock; at that hour they were again brought into Court, when the foreman stated that they had not agreed, and that there was no probability of their agreeing. They were accordingly locked up until 10 o'clock on the following morning.