

Law Gazette.

METROPOLITAN QUARTER SESSIONS.

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

STEALING.

Samuel Johnson pleaded guilty to two charges—one of stealing a black watch of the value of £5. 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 Crimson shirting, of the value of £2 8s., the property of W. J. Tickle, and was remanded for sentence.

STEALING FROM THE PERSON.

Thomas Donahoe 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 racetrack, 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 lunions, 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 M'Keogh. 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 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 next was

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 kerbstone. 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.

LAWCENY.

Samuel Oliver was charged with having, on the 10th 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, crockery ware, trivet, 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 6 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 6, 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 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

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 estety; 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 Rodfern; prisoner followed them and kept shouting after them the whole of the way for his wife to give him into custody for prosecution; 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 removed; 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 care 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.]

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.

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 Poulton, who deposed that she was the wife of prosecutor; she had before seen the box produced in the Court; on the evening of the 16th of December last she asked prisoner if he would be kind enough to take it to Barlow's store, at Penrith, and hook 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

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 20, 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 Rodfern 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.

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.

Subsequently his HONOR discharged the jury.

The prisoner was removed in custody. He was afterwards brought back into court, and discharged on his own recognizance.

ASSAULT WITH INTENT TO ROB.

Robert Jones (a young man of about 18 years) was placed in the box to stand his trial for having, on the 17th day of January last, at Sydney, assaulted a young woman, named Mary Donohoe, with intent to rob her.

Mr. W. T. Foster conducted the case for the prosecution. The prisoner was undefended.

The case for the crown was as follows: A young woman named Mary Donohoe (one of the unfortunate class) complained to senior-constable Timothy M'Evoy in William-street, at about half-past twelve o'clock on the night of the 17th instant, that three men had, just before, attempted to rob her in Stanley-street. M'Evoy proceeded with the woman towards the spot she indicated to him, and near it found three men making a noise. One of the three men was the prisoner. Prisoner ran away, and M'Evoy chased him and caught him. The woman gave the prisoner in charge as one of the three who had ill-used her and tried to rob her of her purse. He was the man who tore her dress in his endeavour to get his hand into her pocket. The other two men got away when the constable took Jones.

The evidence of the woman was clear and positive. She identified the prisoner, and swore to all the particulars of the robbery. A cabman named Clancy corroborated much of the evidence of the prosecutrix. He had seen the woman Donohoe being ill-used by one of three men, and on his interference in her behalf had been struck at by the prisoner.

The jury, without retiring from the box, returned a verdict of guilty.

Sergeant Sutton (being called upon by the prisoner for a character) said that the prisoner was well connected, and that he was not an associate of thieves. The prisoner was a man who used to drink sometimes, and when he got drunk he did not know what he did.

Senior-constable M'Evoy's character of the prisoner was not quite so favourable.

Sentence: Twelve months' imprisonment in Darlinghurst goal, with hard labour.

STEALING.

James Bridle, alias Stewart, was charged with having, on the 8th November, at Sydney, stolen one watch and chain from the person of William Smith.

Mr. Foster conducted the case for the Crown. Mr. Richard Driver appeared for the prisoner.

The evidence of the Crown went to show that the prisoner and Smith (the man robbed of his watch) were drinking together at a public-house in Pitt-street, late on the night between the 17th and 18th instant. Smith was seen drunk on that night, and was turned out of the

the night between the 17th and 18th instant. Smith was very drunk on that night, and was turned out of the public-house. He remembered the publican and the prisoner pulling him out into the street. He felt prisoner taking off his ring at that time. At the same time he missed his watch, and accused the prisoner of taking it. Several females were present, and prisoner was talkative to them. A constable came up and took the prisoner into custody. Subsequently, on the 20th instant, a man pawned the watch said to have been stolen. Prisoner was, after that, again apprehended by detective-constable Howard. The pawnbroker (Mr. Heilborn) would not positively identify the prisoner, as he had only seen him once; still he believed that he was the man who pawned the watch. He would not swear positively to any man whom he only saw for a minute. The prisoner gave the name of Stewart when he pawned the watch.

For the defence, the publican (Mr. M. J. Brown) deposed that the prisoner and Smith were in his house on the night referred to; Smith then appeared to be recovering from a fit of drunkenness; when turned out, witness heard Smith accuse prisoner of having stolen his watch; prisoner indignantly denied it, and said, "If you think so, search me;" prisoner stripped off his coat when so accused; he said, "How dare you accuse me of such a thing?" and offered to fight him; witness then shut up his house; on the following day Smith called at his house and asked about his watch, which he had lost; he previously asked if he had been drinking there. The evidence of the barmaid also seemed to lead to the inference that the witness Smith was by no means quite clear as to where he had lost his watch.

The advocate for the prisoner contended that the case for the Crown rested wholly on the evidence of the pawnbroker, who would not swear positively to the prisoner as being the person who had pawned the watch at his establishment.

Mr. FOSTER having replied,
His HONOR summed up.

The jury retired to deliberate, and, on their reappearance, returned a verdict of guilty.

On inquiry, it appeared that there were no previous convictions.

His HONOR said that the offence of which the prisoner had been found guilty was an aggravated one. The sentence of the Court was, that the prisoner be imprisoned in Darlinghurst gaol, and there kept to hard labour, for fifteen months.

SENTENCES.

Samuel Johnson, convicted of two cases of larceny, was brought up for sentence.

The sentence of the Court was eighteen months' imprisonment in Darlinghurst gaol, with hard labour.

Henry Russell, convicted of obtaining money under false pretences, was brought up for sentence.

Sentence: To be imprisoned in Darlinghurst gaol, and kept to hard labour, for eighteen months.

John Rogers, convicted of larceny, was brought up for sentence.

Sentence: Nine months' imprisonment in Darlinghurst gaol, with hard labour.

ASSAULT.

George Munro and Michael Carroll were charged with having, on the 12th day of December last, at Sydney, unlawfully and wilfully inflicted grievous bodily harm on one Joseph Ifland. There was a separate count for an assault, occasioning grievous bodily harm to the said Ifland.

Mr. W. T. Foster conducted the case for the Crown. Mr. R. B. Smith appeared for the defendant Carroll; Munro was undefended.

Sergeant M'Keogh deposed that he had arrested both Munro and Carroll on the charge now preferred against them; Carroll said he had not assaulted Ifland, but that he had been present at the assault of Ifland by Munro.

Eliza F. Ifland deposed to all the particulars of the assault on the 12th of December; it was on a Sunday afternoon when the assault took place, she at the time was attending to a sick child; Ifland was in the same room as Munro and Carroll; she heard two heavy falls, and went to see what it was; she found Munro on the top of her husband, her husband being down on the ground; Carroll was close to them, stretching over them; she interposed, and was thrown off (much bad language being used) by Carroll; in her presence her

husband was knocked down by Munro twice; Carroll told her (with oaths) that she was not to interfere; Munro knocked Ifland down, and kicked him when he was down; she heard Munro say that her husband would not lend him a shilling—that he had refused to do so; Ifland was knocked

Munro say that her husband would not lend him a shilling—that he had refused to do so; Ifland was knocked down, kicked afterwards, and also stamped upon; Carroll said that he had only hit her husband once; this was when Ifland was insensible, and was thought to be dead; Ifland was covered with blood, after he had been so assaulted; he was very ill afterwards, and was attended by two doctors; the sick child witness was attending in the other room when the row commenced died shortly after it took place. This appeared to be the substance of this witness's evidence, which was given under manifestations of a most intense excitement; the narrative being profusely garbled with the awful execrations and foul language stated to have been used.

On cross-examination by Mr. Smith, it was made to appear that the evidence of this witness, as given before the Court, varied materially from that given at the Police Court.

Joseph Ifland described how the affair began. Carroll hit him first, and then Munro pitched into him, continuing to hit him savagely whenever he tried to rise. He was beaten and kicked until he became insensible. This witness's evidence, on the whole, bore out that already given by his wife—part of whose evidence, however, he had seemingly managed to hear.

Dr. Kumpf described the very serious nature of the injuries which had been inflicted upon Ifland. Ifland was left dangerously ill after it for some considerable time. Witness had declined to take the sole responsibility of the case, and so Dr. Grey was called in and consulted with by him. Ifland said that both the men had assaulted him, and one had used his feet. The effect of the injuries were aggravated by previous disease and "heavy drinks."

Dr. William Grey also described the nature of the injuries which had been received by Ifland. He had received bruises and injuries from blows, or hurts from feet. The man was not well when Dr. Kumpf and witness had ceased to attend on him.

This closed the case for the Crown.

Margaret Fogarty, formerly a barmaid, deposed that Joseph Ifland was drunk and quarrelsome on the 12th of December last. Carroll was also drunk, and so were the two men who were with them. Witness went to Ifland's house to have Ifland taken away home. Witness, whilst stopping at Ifland's, had heard Ifland say that Mrs. Ifland had perjured herself about Carroll; that it was her perjury that had caused Carroll to be committed. This was when Ifland and his wife were quarrelling, as they frequently did; they were both drunk at the time.

Thomas Cox, draper, deposed that he had, on that very day, heard Ifland say that he would "swear different" at this Court—the Court of Quarter Sessions—to what he had sworn before. Ifland had been in Court during part of the time when his wife was giving evidence.

Sergeant M'Keogh deposed that he had taken Ifland out of the Court when his wife began to give evidence. He had not seen him in the Court afterwards.

Joseph Ifland (being recalled) denied most of the statements of Margaret Fogarty.

Mr. Smith addressed the jury on behalf of Carroll.

Mr. FOSTER replied.

His HONOR summed up.

The jury retired to deliberate, and, on their reappearance in Court at fourteen minutes to 5 o'clock, returned a verdict of guilty against Munro of inflicting grievous bodily harm. Verdict against Carroll was guilty of common assault.

The sentence of the Court on Carroll (against whom there was a previous conviction) was, that he be imprisoned in Darlinghurst gaol six calendar months.

The sentence of the Court on Munro was, that he be imprisoned in Parramatta gaol for two years.

BREAK AND ENTRY.

John Russell was charged for that he did, on the 6th of January last, feloniously break and enter the dwelling-house of one Cornelius Scully, and did steal one blanket from the said house, the property of the said Scully.

The case was sustained for the Crown by the evidence of the apprehending constable Smith, of Mrs. Margaret Scully, Jane West, and Mr. Madden, a pawnbroker, with whom the blanket was pawned.

Verdict: Not guilty.

The prisoner was admonished and discharged.

STEALING.

Valentine Caste was charged with having, at Sydney, on the 28th of December last, stolen a cornopoea, the property of one Anne Byrne.

The case was sustained for the Crown by Thomas Macguboeny, Mrs. Anne Byrne, Mr. Madden, and Mr. Henry Benjamin. The prisoner had pawned Mrs. Byrne's cornopoea, and was not able to redeem it.

BENJAMIN. The prisoner was charged with having, at Sydney, on the 3rd day of January last, stolen six pounds six shillings, the property of one Francis Griffiths.

Verdict: Not guilty.
The prisoner was discharged.

STEALING.

John Robinson Mercer was charged for having, at Sydney, on the 3rd day of January last, stolen six pounds six shillings, the property of one Francis Griffiths.

The main facts of the case were these: The prisoner and Griffiths (two seafaring men who were mates) were lodging together in a coffee-house in King-street. One Monday afternoon they both went up stairs and lay down in the room they occupied, in which there were three beds. Griffiths (a lad of respectable appearance) fell fast asleep, and found, when he woke up about two hours and a half afterwards, that the man Mercer was gone and that he had been robbed. His carpet-bag had evidently been opened; the things in it tumbled about, and a five pound-note, a one pound-note, and some shillings, stolen out of it. He missed also his discharge. When Griffiths saw Mercer, shortly after he woke up, he complained that he had been robbed. Mercer said he knew nothing about it. Griffiths complained heavily about losing his discharge, and Mercer suggested that he would do well to look for it under the bed. Griffiths did look there, and there he found the discharge. Both parties went down to tea, but Griffiths could not eat. On speaking to the landlady she said that if the lad had been robbed, he must have been robbed by his mate, because nobody else had gone up stairs. Mercer and Griffiths went out together, and returned to the coffee-house. On their return Griffiths went up stairs to his room. Prisoner remained down below, as he had said he would. But on Griffiths looking out of the window, he, with the landlady, saw Mercer walking very fast away from the house. Mercer was subsequently arrested for the robbery by Sergeant John Donahoe, of the Water Police force, Newcastle. The evidence of the lodging-house keeper and of her servant corroborated the evidence of Griffiths as to the suspicious circumstances against the prisoner; prisoner was seen in the room. A draper named John Rowley also deposed that he had sold several articles of clothing to Mercer on the 3rd of January last. These things were bought by the prisoner on the 3rd of January, the day that the money was taken, and on which prisoner also made a payment to the landlady. The prisoner protested his innocence; he urged that others had access to the room besides himself; he did not believe that Griffiths had had so much money as he now said he had. The prisoner also laid great stress upon the fact that at Newcastle he might easily have got away from the country.

The jury retired to deliberate, and made their reappearance in Court after a short interval. On their names being called over it was found that one of the jurymen named "Henry Kelly," had answered to the name of "Henry Keltt," had been sworn in by that name, and had contentedly served as a jurymen under that name. The Judge said that a question had been hereby opened up as to whether this circumstance ought not vitiate the trial. He should feel it his duty to reserve the point.

The foreman of the jury then—on being questioned by the clerk of the peace, in the usual form—returned a verdict of guilty.

The prisoner was sentenced by his Honor to eighteen months imprisonment in Darlinghurst gaol with hard labour.

UNLAWFUL WOUNDING.

Henry Fuller was charged with having, at Sydney, on the 9th of December last, unlawfully wounded one James Dillon. There was a second count for unlawfully inflicting grievous bodily harm. The third count charged the prisoner with assaulting a constable in the execution of his duty.

This case was proved for the Crown by the evidence of Nicholas Larkins, James Dillon, and Dr. Egan. It appeared that James Dillon, a constable in the execution of his duty, was attempting to arrest the prisoner on a charge of felony, when Fuller (as he ran away) stooped down and swung a heavy stone at Dillon's head, and struck the unfortunate man on the head with great force. Dillon's head was cut open by the blow so received three quarters of an inch deep. After being so struck Dillon still gave chase, and other stones were flung at him, in a similar way, by the prisoner, but he was not hit. Dillon seized on Fuller and held him as long as he could till he fainted. The wounded man was conveyed to the hospital and was there attended to by Dr. Miles Egan. According to the evidence of the doctor the scalp of constable Dillon was cut through; the wound being three quarters of an inch deep.

The jury, without leaving the box, returned a verdict of guilty on the first count.

His Honor pointed out to the prisoner the grievous offence of which he had been guilty. Constable Dillon

pointed out to the prisoner the grievous offence of which he had been guilty. Constable Dillon deserved very great credit for the way that he had followed up Fuller, and exerted himself to secure his apprehension. He should always take care to punish with due severity all persons convicted before him of having violently assaulted the police in the execution of their duty.

Sentence: To be imprisoned in Parramatta gaol for three years with hard labour.

DEJECTION OF CHILD.

Anne Beginney (a woman with an infant in her arms) was charged with having, at Sydney, on the 30th of December last, unlawfully deserted her child, James Beginney, a little boy aged about four years.

The case was sustained for the Crown by the evidence of the apprehending constable Edmund Lawless, Mr. H. H. Lee, Mrs. Davis, and Mrs. Sparkes. The facts as stated in evidence seemed to disclose a case of heartless desertion on the part of the mother. The two female witnesses, on two occasions, charitably took the child into their houses, when they saw it, late in the evening, lying without shelter in the street. The child had frequently been ill-used by the mother, who was a married woman, in the receipt of 12s. 6d. per week. Her husband was away at sea. By the police the lad had eventually been placed in the Benevolent Asylum.

The jury did not consider the case of desertion to have been fully made out, and therefore acquitted the prisoner.

The woman, who was discharged from custody, applied to the Court for her son (James Beginney), but the boy steadily refused to go with her. The police said that the woman had no home to go to. Mr. Uhr (the Deputy Sheriff) and Mr. Kingsborough (one of the jurymen), considering it a pity that so promising a child should be lost by being again handed over to the charge of such a person, as the mother, declared their intention of contributing towards the poor boy's support at the Asylum, should it be required. Of this intention his Honor heartily approved, expressing his willingness also to bear part in any expense

that might be necessary. In this Mr. G. E. Kelly and other gentlemen of the jury likewise concurred.

The little boy was accordingly taken away by one of the policemen to the Benevolent Asylum.

STRALING FROM THE ZEPHYRUS.

Patrick Malone alias Callon, William Parsons alias Walker, George Ryan alias Hogan, were severally charged with having, at Sydney, on the 9th of January last, stolen a pipe, a knife, a £1-note, 10s., and two handkerchiefs, from a man named John Campbell.

It appeared that a seaman, named John Campbell, fell asleep in the waiting-house on the Erskine-street Wharf, the night between the 8th and 9th of January. At day-break he was woke up by a sharp cut on his thumb. He found his pocket had been cut open, and that he had been robbed of the contents of his pocket. He saw Malone and Parsons near him. He started up and attacked the tallest (Parsons), upon which the other helped Parsons against him. The third man (believed by witness to be Ryan) also rushed to the assistance of the other two prisoners. A watchman from the neighbouring wharf came up to Campbell's assistance. The prisoners ran away, but were subsequently captured by the police, and identified by Campbell. The prisoner Parsons (the eldest of the three, aged about 26) bravely cross-examined the witness Campbell at a very great length. In the course of this cross-examination he distinctly admitted that he was at the waiting-house on the wharf, when Campbell attacked him. Campbell positively identified Ryan alias Hogan (the third prisoner) as the party who came round and struck him with a stone or a bone on the eye, as he (Campbell) was struggling with the other two prisoners. He was the man that came round to their assistance when they called out "Finn, Finn," or something like that. John Long, the watchman of the Victoria Wharf, corroborated the testimony of Campbell. He distinctly identified the prisoners Malone alias Callon, and Parsons alias Walker. In the company of Campbell, Long followed Malone and Parsons, until they lost them both somewhere on the Commercial Wharf. This witness identified Parsons and Malone when in custody, on the following day. At the time that Long first saw Malone and Parsons (on the 9th), they were picking up stones out in the street near the waiting-house. William Quale, the watchman at Struth's Wharf, identified Parsons as the man he had seen on the Commercial Wharf, on the 9th of January, with stones in his hand, talking to Long and threatening him; believed the other man then with Parsons was Malone, but could not be certain. This witness told Parsons not to come in over the fence, and as

with Parsons was Malone, but could not be certain. This witness told Parsons not to come in over the fence, and as Parsons persisted, witness struck him a blow on the left arm with a "spoke." The landlady of the Bush Tavern swore that she saw all three of the prisoners together on that Sunday morning, between 8 and 9 o'clock.

The jury retired at the close of the case to deliberate, and, on their re-appearance in Court, returned a verdict of guilty against all the prisoners.

There were several convictions against Malone and Parsons, but Ryan, alias Hogan, was not known to the gaul authorities. Detective officer Powell, however, deposed that he knew Ryan alias Hogan as a reputed thief. He had arrested him for stealing on the Racecourse. Ryan was one of the band known as the "Forty Thieves." Senior-constable Larkins corroborated the evidence of Mr. Powell as to the character of Ryan and the other two prisoners.

The sentence of the Court passed on the prisoners was as follows: Patrick Malone alias Cullen, two years' imprisonment in Goulburn gaol, with hard labour; William Parsons alias Walker, two years' imprisonment in Maitland gaol, with hard labour; George Ryan alias Hogan, eighteen months' imprisonment in Parramatta gaol, with hard labour.

STEALING.

A Chinaman, named John Davison, was charged with having, at Sydney, on the 21st of January last, stolen a watch, the property of one William Patterson.

It appeared that the prosecutor Patterson and the prisoner were drinking together. Patterson drank too much, so that he had to lie down. Davison was with him when he lay down, and was away when he woke up. He saw the prisoner afterwards, at about 11 o'clock, in George-street. He then asked the prisoner if he had his watch, and prisoner said he knew nothing of it. The Chinaman denied to the detective officer that he had ever pawned the watch. The pawnbroker proved that the Chinaman had pawned the watch under the name of Charley. The evidence of a boy fixed the prisoner, Davison, with the possession of the pawn ticket.

The substance of prisoner's defence was that Patterson had given him the watch to pawn, to buy drink for him. He gave Patterson the money he got for pawning the watch. Patterson owed him money—30s.

The jury returned a verdict of guilty, but recommended him to mercy.

The prisoner, before this occurrence, was not known to the police to have been other than an honest labouring man.

Sentence: To be imprisoned in Darlinghurst gaol, and kept there for six months.

BREK AND ENTRY.

John Edwards, alias Smith, alias Spence, and John Kelly, were arraigned for having at Sydney, on the 27th of December last, broken into and entered the dwelling-house of William John Baker, and stolen therefrom a chair, a lock, a pencil case, a brooch, and some money.

The facts of the case were these: Mr. William John Baker and Mrs. Baker left their house in Arthur-street, Surry Hills, on the 27th December last, for some hours, to visit the sea-side. On their return to their residence they found that their cottage (which had been left by them fully secured) had been broken open, and the house robbed. A pane of glass had been broken, and one of the windows opened, through which thieves had entered. Mrs. Baker's drawer in her bedroom was found to have been opened and the articles mentioned in the indictment stolen. Everything was left tumbled about. The taller of the men (Edwards, alias Smith or Spence), had previously been to Mrs. Baker's on the pretence of selling pictures. On the first occasion of his coming there he came right into Mrs. Baker's house in a sudden and unexpected way. When he called a second time, Mrs. Baker, taking compassion upon the man on account of the story he told of his great poverty, purchased a little picture frame of him, for the payment of which she went to the drawer afterwards robbed. The articles stolen were pledged with Mr. Benjamin, the pawnbroker, who positively identified the prisoner Edwards as the man that had pawned at his establishment the articles above-mentioned. At the time Edwards pawned the things, he showed an impatience at being closely observed by the pawnbroker, who, before dealing with the man, wished to see clearly who he was, and satisfy himself that he had honestly come by what he proposed to pawn. Camplin, the detective, and sergeant Lee got upon the track of Edwards and his accomplice, supposed to be Kelly, and so both were arrested. In that house the policeman found a skeleton key. Edwards was found in Kelly's house, Kelly being also there with him. Kelly had been seen going about in company with Edwards at

Kelly's house, Kelly being also there with him. Kelly had been seen going about in company with Edwards by a policeman, named Heavy. He went about with him, selling little picture frames. Mrs. Baker saw another (shorter) man with Edwards when he came to her house, but could not swear that that man was Kelly. Kelly protested his innocence, and that he only knew Edwards as a man who worked with him, making and selling picture frames. Edwards complained of the circumstances under which he had been first identified by Benjamin. He considered that he had been shown to the pawnbroker in such a manner as led to the inference that he was the party accused.

The jury retired to deliberate, and, on their re-appearance in Court, returned a verdict of guilty against Edwards, and not guilty as regarded Kelly.

There were several previous convictions against the prisoner Edwards.

The sentence of the Court was that the prisoner be imprisoned and kept to hard labour on the public works of the colony for five years.

LARCENY.

Edward Duncan Ward Parker was arraigned for having, on the 13th of November, 1869, at Sydney, stolen a piano-forte, the property of William Henry Paling.

This was not an ordinary case of larceny, but a case presumed by the Crown to amount to a case of larceny by a bailee. Mr. Starling, the manager for Mr. Paling, the original owner of the piano, deposed to the hire of the piano, and to the payment for the first month's hire in advance. On cross-examination it was elicited that an offer had been made to return the piano after proceedings had been commenced at the Police-office, which offer prisoner had refused to accept. A man, named Richard Batters, deposed that prisoner had requested him to advance him money on the piano—that now produced in Court—but that witness had declined to do so. Batters purchased the whole of Parker's furniture and the piano for £21. A few days afterwards, Batters went to prisoner's house with a bailiff, and the next day took away the whole of the articles in prisoner's absence. On the same day prisoner saw witness, who told him he could have the things returned on paying the amount of the purchase money. Prisoner made arrangements to that effect, and subsequently did again remove the things. On cross-examination by the prisoner's counsel (Mr. Windeyer) the witness Batters admitted that the sale made was purely a conditional one, the terms of the sale being that the prisoner should have back the piano and the other things, at some future time, should Parker pay Batters back what Batters had given for the piano and the other articles.

Mr. W. T. Foster, on the part of the Crown, here intimated his willingness to receive a verdict of not guilty.

The jury returned a verdict of not guilty accordingly.

ILLEGALLY PAWNING.

Edward Duncan Ward Parker was tried for illegally pawning a piano, the property of William Henry Paling. The facts of the case were nearly the same as those of the preceding case—except that Parker had pawned the piano, after getting it back from Batters, to a man named Cantor. Verdict, guilty. The learned counsel (Mr. Windeyer) addressed the Court in mitigation of the terms of punishment. He urged that the evidence shewed that Parker had really only pawned the piano to Cantor to secure it from Batters. Sentence, to be imprisoned in Darlinghurst gaol for one week.

UNLAWFULLY WOUNDING.

Michael Noonan and James McPherson were arraigned for having at Sydney, on the 29th of December last, inflicted grievous bodily harm upon one Mary Sutton. There was a separate count for an assault occasioning bodily harm.

The evidence in this case was that of constable Nicholas Larkins, Thomas Mulquhenny, Mary Sutton, and a cabman named St. Ledger.

The Judge said there was no case for the jury against Noonan and McPherson. The woman Sutton had clearly been grossly ill-used, but there was no evidence against the prisoners because the woman declined to swear to the facts on the same terms as she had done at the Police Office.

The jury returned a verdict of "Not guilty," and the prisoners were discharged. Both earnestly protested their innocence.

STEALING.

William Thompson was placed in the dock to stand his trial for stealing. On the case being called on, it was found Hugh Downey (arraigned with Thompson for the

trial for stealing. On the case being called on, it was found Hugh Downey (arraigned with Thompson for the same offence) was not present, being out on bail. He was called on his recognisances, and, not appearing, his recognisances were estreated. The witnesses were bound over to appear and prosecute at the next Court of Quarter Sessions.

RECOGNISANCES ESTREATED.

Elizabeth Finn, charged with stealing from the person, was called on her recognisances. Not appearing, the recognisances were estreated.

This terminating the business of the Sessions, the Court rose.