

SENTENCES.

TUESDAY, FEBRUARY 6, 1894.

(His Honor took his seat on the Bench at 9 o'clock.)

John Sambrook and George Hobbs, pleaded guilty to breaking and entering.

The lads said they had nothing to say.

Sergeant Morris said Hobbs had recently returned from the training ship. Sambrook had always lived in Bathurst, but frequent complaints had been made against his conduct.

His Honor said that it was a difficult matter to decide what was the proper course to pursue in such cases as these lads had commenced the life of criminals at such an early age. Hobbs should have known better as he had had previous experience, and he was sorry to see that he was going back again. He hoped that in the future he would try and lead an honest life, or most assuredly if he continued his present course he would be convicted, in the end of some capital offence. As to Sambrook, the sooner he was sent away from his present surroundings the better, but he was too old to send to the training ship. Both boys were too old to allow them to be discharged on the recognizance of some other person. It would be well if Hobbs thought of his former life occasionally. The best thing he could do was to pass a light sentence of separate treatment as a warning to them in the future. The sentence of the court was three months hard labor in Bathurst Gaol with separate treatment.

Ab Kin, found guilty of inflicting grievous bodily harm. Nine months hard labor in Bathurst Gaol.

Egbert Tridinnick Roberts pleaded guilty to larceny.

Prisoner handed in a long statement with testimonials.

Mr. Edgley was called, and said that prisoner had been engaged through a Sydney House.

His Honor said that one strange thing in prisoner's case was that, although he had a number of high testimonials, they showed that he had not stopped long at any one place, thus being at Anthony Hordern's for 13 months. His offence was a serious one, and proved that day after day he had been robbing his master until he had taken £250 worth with the intention of opening a store on his own account. This showed that the offence was a very deliberate one, and his character was gone, if ever he had one. In his letter to the Bench he said he had been connected with some Christian Association, but he failed to see what good that had done him and he could not have learned the ten commandments. He had

learned the ten commandments. He had played for large stakes and lost. He could pass a sentence of five years penal servitude, but he would not so. He hoped the sentence he passed would act as a deterrent to him in the future. Sentence: two years hard labor in Bathurst gaol.

For escaping from custody Roberts was sentenced to six months hard labor in Bathurst gaol. Sentence to be concurrent.

William Ashe, pleaded guilty to larceny.

The lad's father appeared, and agreed to become surety for his son after he had served his sentence.

His Honor said that this was the saddest case that had come before him. The lad was the son of respectable parents, and not only had he brought trouble and distress on them but had ruined his prospects in life, and all this for the sake of a few shillings. He had been allowed pocket money, and on the day after this offence was committed he was to have been raised and would have received 20/- a week. The appointment actually had been made. He had committed the offence in a bad way, and had sought to throw suspicion on someone else. He had no doubt that the consequence of his offence would be sufficient punishment, but it would be necessary for him to award him further punishment to act as a deterrent to others. Out of consideration for his youth and character he would pass a light sentence, and if he committed any crime after his discharge his father would be held responsible and would have to pay the amount of the surety. Sentence: Six months hard labor in Bathurst Gaol.

His father was then bound over as surety for his son's good behaviour for two years after his discharge.

Thomas Evisstone, found guilty of false pretences.

Mr. Butterworth said that he did not know whether it would affect the case or not, but he would mention that there were some peculiarly painful circumstances surrounding the case. The prisoner, who was not yet 21, had married a young woman of respectable parents, aged 18 years. All these business dealings were unknown to his girl-wife or her parents, and they were naturally distressed.

Up to this time prisoner had borne a good character. He could call witnesses, and produce letters and testimonials.

His Honor said that he would not need to hear witnesses, as he had read the testimonials. In his statement to the Bench he had asked to be bound over as he could get sureties of good behaviour in the future. He made all sorts of promises to refund the

He made all sorts of promises to refund the amount due to Connell and Co., but his past conduct proved what value could be placed on his promises. He would not take the course suggested by prisoner but would pass a sentence upon him. His advocates had asked for a light sentence because of his young wife. This was one of the worst features in the case. He had, by fraud procured a quantity of goods after which he had married a young girl and blasted her life. This proved how little consideration he had for others, and entirely did away with the professions he had made, or the good character he might have had. To the world he appeared to have had a good character, and one had testified that he was more of a fool than a rogue. His Honor found by some documents which had been handed in, but which were not admitted in evidence, that, although he had no account in the bank, he had been in the habit of drawing cheques since July last, and had drawn for large amounts. A letter from him, dated December, he wrote to an accountant and said that as he was not yet 21 years the amount could not be recovered. He was anxious to meet his liabilities, but the different creditors were taking out their accounts in stock, and if this went on he would be left in a bigger hole than ever. He then offered £1 per week and would pay all in time. He had been told that he would have been all right but for the pro. note for £62 which he had endorsed, and if he had known the law relating to infants he could have escaped, but did not do so. His Honor went on to remark that this letter showed the prisoner's condition and the chance he had of paying it. He was sorry to see a young man in this position, and would make the punishment as light as possible. He hoped that it would be sufficient to stop the wrong course upon which he had entered, and that he would again become an honest man.

Sentence: 12 months' hard labor in Bathurst Gaol.

The Crown Prosecutor said the goods had been sold by an auctioneer, who still held the money.

Mr. Thompson, acting as agent for the solicitors of Connell and Co., said that the day after prisoner's committal he was admitted to bail, and thereupon instructed E. H. Taylor to sell the goods. While the sale was proceeding he served a notice on the auctioneer to hold the money on behalf of Connell and Co. Mr. Swift was present and identified the trade mark of the goods sold. He applied for the amount of the proceeds of the sale.

Mr. Butterworth did not think this application could be granted. He spoke on behalf of other creditors, amongst whom the proceeds should be divided.

His Honor said that goods obtained by means of false pretences were the same as

His Honor said that goods obtained by means of false pretences were the same as stolen property, and must be handed back to the owner. He granted the application.

BEASTIALITY.

James Johnson was indicted for committing an unnatural offence at Cumnock.

The Crown Prosecutor said that the Crown was not prepared to proceed, and asked for a postponement.

His Honor granted the application and remanded the prisoner until next Quarter Sessions; bail allowed, prisoner in £200 and two sureties of £100 each.

ALLEGED PIG STEALING.

John Kessey was indicted for that he, on the 22nd December, 1893, at Kangaroo Swamp, did steal nine pigs the property of Maria McPhee.

Plea: Not Guilty.

Prisoner was defended by Mr. Thompson.

The facts of this case were published at length in the *Free Press* a few days ago, and briefly stated went to show that Mrs. McPhee, who is the owner of certain pigs, missed nine in December. These were subsequently found in possession of farmers in the neighborhood, who swore that they had purchased them from prisoner on the 22nd December. The pigs were sworn to by Mrs. McPhee and her son.

For the defence—

Thomas Kessey deposed: Am a son of accused; my age is 27; have always lived with my father, who has kept pigs all my lifetime; he sometimes has as many as 40 pigs; he earmarks his pigs a swallow tail out of one ear and the other slit; was not at home in November; saw the constable bringing in some pigs; they are my father's pigs; I know this by their appearance and earmarks; one of the sows always hangs its tongue out of its mouth; father has been dealing with pigs often; some have different earmarks.

To his Honor: The pigs with the swallow-tail mark were bred by father.

To Mr. Wade: Was not present at the police court at the trial; was out at my mother's place; think mother owns the property; she has pigs, but does not deal in them; she has about 40 pigs now, some of are earmarked; have been living at home the last six months; cannot say what earmarks mother's pigs have; they run around close to the house as a rule; they mix up with father's pigs; can recognise the pigs apart from their earmarks; they are mostly black; the spotted sow I knew ever since she was a sucker, over 12 months ago; within the last six months have noticed she had something the matter with her tongue; saw the pigs with the cropped ears; can't say what color they were, or what earmarks they have; the pigs that have earmarks

they have; the pigs that have earmarks amongst my mother's pigs are the ones she bought; was not at home when Constable Rex went to our place; am not sure on which side of the sow the tongue hangs out; it might be on the near side.

To his Honor: All the pigs ran together; father had his pigs ear-marked so that he would know them; my brother has pigs also but not running with the others; there are 50 or 60 running about the place.

To Mr. Thompson: Heard of my father's arrest a day or so before his committal.

Accused, on being sworn, said: I live about four miles from McPhee's; have sometimes as many as 50 pigs; my wife has also some pigs there; my pigs generally run in Mr. Durack's paddocks; my wife has 40 or 50 pigs with no ear-marks; mine are mostly marked with a swallow-tail and slit; others have different marks, the top cut off the ear

of some and a piece out of others; this was to distinguish one lot from another; one lot had been trespassing and I wanted to know them; these would not have the usual brand, as they were only six months old; remember bringing two lots of pigs to O'Connell; there were all my own; eight of them had the swallow mark; sold these pigs; there was a spotted sow amongst them; she was my own property; have not the least doubt of this, as I bred her; she is about 14 months old; saw Burns in early part of November; spoke to him about selling him some pigs which I wanted to get rid of, as they used to trespass on Mr. Durack's land.

To Mr. Wade: Mr. Durack had ordered his overseer to shoot the pigs; I meant to sell them because of this; the pigs which trespassed before May I marked by cutting off the top of the ear; these were only young pigs; if anybody had stolen these pigs I could not have recognized them; these pigs used occasionally to come in near the house; my wife's pigs have no earmarks; they sometimes stray away from our place; do not know what caused the sow's tongue to hang out; have all colors of pigs on the place; Mrs. McPhee's tenant bought some pigs from me; these were Berkshire pigs, which I brought from O'Connell; this might be six or seven years ago; the tenant was named McGrath.

To his Honor: Have been using the swallow and slit mark for over 30 years; my neighbors' pigs are marked all round; Mrs. McPhee might have used the same earmark as mine for a longer time than I did; nine pigs were bespoken.

Thomas Kessy (re-called) deposed: Have a brother named Phillip; he could not come to the trial, as his wife was ill.

His Honor summed up, and the jury retired at 1.15 o'clock.

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The jury returned at 2.55 o'clock with a verdict of guilty.

Remanded for sentence.

ALLEGED EMBEZZLEMENT.

Edward Melvor was indicted on three counts of embezzling money, the property of Hepworth Company, Limited, as follows:— On December 9th, £2 15s; on December 23rd, £3; and on January 2nd, 1894, £2 2s.

Mr. Butterworth, instructed by McIntosh, appeared for accused, who pleaded "Not guilty." Prisoner challenged five jurymen, and the Crown one.

(Case proceeding)