

CIRCUIT COURT, BEECHWORTH.

Thursday, April 13.

(Before His Honor Judge Barry.)

The Circuit Court commenced its sittings on Thursday morning, the 13th April, in the small and inconvenient Mining Board room, the new Court House not having been as yet completed. His Honor Sir Redmond Barry took his seat precisely at 10 o'clock.

Mr C. A. Smyth acted as Crown Prosecutor; and Mr Normoyle as Crown Solicitor.

After the whole panel had been sworn, the Court commenced with the following case:—

CATTLE STEALING.

Wm. Harris was charged with stealing a cow near Violet Town, on the 4th of November last.

Mr G. M. Stephen appeared for prisoner.

The Crown Prosecutor stated the case.

The arresting Constable proved that, from information he received, he went to prisoner about a cow that he was reported to have sold, and which had been stolen from Mr Furlong's station. He said he had sold the cow, but said first that he had bought it out of the Pound, and afterwards that he purchased it at Violet Town. When asked if he had any writing, he said here is the receipt. My wife tore it up, and it was torn in three pieces, as produced. Went to Mr Mullins, a butcher,

in return in self defence.

His Honor summed up, very carefully weighing the balance of the testimony, and the statement of the prisoner.

The jury returned a verdict of Not Guilty, and the prisoner was discharged.

HORSE-STEALING.

William Lover, *alias* Graham, a boy of about fifteen years of age, was charged with stealing a horse, the property of William Morgan, and on a second count for receiving the horse..

Plea, Not Guilty.

The Crown Prosecutor stated the case.

William Morgan, laborer, residing at Wangaratta, sworn : Saw the mare for the last time on the 25th February, feeding at the stack.. Missed the mare on the following day. Searched for her, but could not find her anywhere. From information received, gave intelligence. The mare is branded DHE.

To the prisoner : Never sold the mare or gave it to Thomas Knight for wages. Don't think you knew the mare was my property:

John Moore, farmer, Ovens River, deposed that he had known prisoner for some time. Saw the mare in question on the 25th February. Prisoner was then riding her. Prisoner and two others were riding in the bush when he saw them, they afterwards came out on the main road. Prisoner has been living in and about Wangaratta for the last two years.

Constable Connell deposed that he was stationed at Corowa, New South Wales. From information received

Wales. From information received he found the mare at Mr Gray's station, about twelve miles from Corowa.. Found the mare hobbled with the stirrup leather. Watched her the whole of the day but no one came to take her.. Took the mare and handed her over to the Victorian Police, and then went on to the Billabong. Found the prisoner encamped with two others in the bush. Arrested the prisoner. He said, ' You would not have caught me if you were in uniform, that I came out like a "snake to arrest him.' The prisoner told him that he had received the mare from Thomas Knight.

The prisoner stated that he was employed by a man to drive bullocks, and the mare was only left in his charge to take care of.

His Honor summed up, and the jury retired to deliberate upon their verdict.

The jury returned a verdict of guilty of 'having the mare in his possession, knowing it to be stolen,' but recommended him to mercy on account of his youth.

His Honor said they could not find the prisoner guilty of possession, because a man might be in possession perfectly innocently although he knew the property to be stolen. For instance, he might have actually seen the horse stolen, and the thief might have asked him to hold the bridle for some purpose. He would then be in possession, but innocently. He would ask the jury to reconsider their verdict.

The jury accordingly retired to do so.

The jury after a short consideration

The jury, after a short consideration, returned with the verdict of receiving the mare, knowing her to be stolen, but recommended him to mercy on account his youth.

His Honor addressed him in very striking terms. He said he had no doubt that he, prisoner had heard of the tragical but merited end of the bushranger Morgan in that district. That unfortunate man had probably commenced his career of crime at about the same age as prisoner, and very much in the same manner. He was sorry to see that the prisoner also commenced life with an *alias*. He hoped prisoner would see the full particulars of that man's career, and how, as soon as he had the audacity to come into this district, defying order, and braving the peaceful orderly inhabitants, the people showed him that here, at all events, they appreciated the blessings of order, by shooting him down, thus anticipating the felon's doom, that at some time must have overtaken him. This wretched man, although apparently lost to all sense of human feeling, had evidently had his heartburnings, and moments of anguish. He mentioned this in the hope that prisoner would consider what would be the result, if he persisted in the course of crime he had so early commenced. He was as yet scarcely a man, and His Excellency the Governor had the power, and would, no doubt, attend to His Honor's recommendation, by not carrying out the sentence, as he must pronounce it. He would not like to see

nounce it. He would not like to see him among hardened criminals, but in a place more appropriate to his age, and where he would receive proper discipline and instruction. He would, therefore, recommend the Governor that he be sent to an Asylum for young men, where he would have an opportunity of considering the effect of his conduct. He had seen that prisoner was not much effected, either by the shocking position in which he stood, or the terrible sentence which was impending over him. He would, therefore, sentence him to five years' hard labor on the public roads.

PERJURY.

Janet Fisher was charged with perjury.

The Crown Prosecutor stated the case, from which it appeared that at the Police Court at Wangaratta on the 14th December, prisoner swore that a Mr McKenna, storekeeper, had damaged her house by breaking open the door with an axe. She had seen him do it, as she was lying in bed. Mr McKenna proved that he was with one Meyer at the time, and handed in a summons to prisoner through the door, and did not do any violence at all. Prisoner had also charged Mr McKenna with committing a rape on her.

A. L. Ely, clerk of the bench, pro-

duced the depositions made in the police court at Wangaratta.

In reply to the prisoner, Mr Ely said she seemed sober, but was so violent