

# LAW INTELLIGENCE.

## SUPREME COURT.—CRIMINAL SIDE.

Monday, August 7, 1837.—Before Mr. Justice Burton and a Military Jury.

Michael Powers and Terence Byrnes were indicted for stealing a cow, the property of John Gosper, at Branch Creek, near Windsor, on the 1st of March. It was clearly proved that the calf which the prisoners killed, and were alleged to

have been stolen from Gosper, came into their possession honestly, having purchased it from a person who bought it from Gosper.—Not Guilty.

John Boodle, a native of the Colony, was indicted for stealing a horse, the property of John Morris Townsend, at Windsor, on the 12th December.

The prosecutor in this case, who resided at Windsor, turned a horse into a paddock on the day laid in the indictment, and on the following morning it could not be found. About three months since, a party of the mounted police were entrusted with a warrant for the apprehension of Boodle, on a charge of cattle-stealing, and from information they received, they proceeded towards a place called Bungarawang, about eighty miles from Windsor, where they found a stockyard in the bush. They hid themselves until nine o'clock in the evening, when the prisoner and a man named Matthew Brown, both on stolen horses, drove a herd of cattle into the yard, and as soon as they had done so, were apprehended by the policemen. The horse on which Boodle was mounted was identified by Mr. Townsend as having been stolen from him. In his defence the prisoner merely observed that there was no proof that he had taken the horse to steal it; he might merely have taken it for the purpose of riding after some cattle, or to keep out of the way of the police. The Jury without retiring from the box returned a verdict of Guilty. The Attorney-General informed the Court that there were other indictments against the prisoner. His Honor said that the circumstance of the stockyard in the bush shewed that the prisoner was a systematic cattle-stealer, and was one of those persons who it was necessary should be sent out of the Colony.—To be transported for life.

Richard Prendergrass was indicted for stealing two £10 notes from the person of Michael Casey, on the high seas, between Sydney and Newcastle, on the 10th July. The prosecutor is a resident at Paterson's River, and the prisoner is assigned to the Australian Agricultural Company. On the day laid in the indictment, they were proceeding to Newcastle in the *Sophia Jane* steamer, and the prosecutor finding that the prisoner came from a part of Ireland that he knew, told him not to want for anything as he had plenty of money, at the same time shewing a roll of notes, containing two £10 notes and seven or eight £1 notes. The prosecutor then got drunk, and in the morning found that £24 of the money had been stolen. The next morning the prisoner changed a £10 note of the Bank of New South Wales at a public-house in Newcastle, and when asked where he had got it from, said he had brought it from Ireland with him. Guilty.—To be imprisoned one day and receive a corporal punishment of seventy-five lashes.

Before Mr. Justice Kinchela and a Military Jury.

Edward Kelly was indicted for cutting and wounding James Dawe with a chisel, with intent to kill and murder him, and Bridget Dawe was indicted for assisting the said Edward Kelly.—Not Guilty.

Matthew Brown was indicted for stealing a horse, the property of Alexander M'Leod, at Windsor, on the 1st September. The circumstances of this case are the same as Boodle's. Guilty.—Transportation for life.

Patrick Gallagher was indicted for burglariously entering the dwelling-house of Robert West, at

Patrick Gallagher was indicted for burglariously entering the dwelling-house of Robert West, at Sydney, on the 20th July. The prosecutor in this case is a night watchman, and his wife consequently is left alone of a night. On the night laid in the indictment, she saw a man in her bedroom and two men standing at the window. She jumped out of bed and laid hold of the man, who she was confident was the prisoner, when with a horrid imprecation he compelled her to let go of him, and he made his escape. Guilty.—Remanded.

Tuesday.—Before Mr. Justice Burton and a Civil Jury.

William Parrott, assigned to Mr. Underwood, was indicted for burglariously entering the dwelling-house of Andrew Liddell, at Sydney, on the 14th June, and stealing therefrom sundry articles. Guilty of larceny.—To be worked in irons for two years.

Patrick Nagle was indicted for stealing two cows, the property of T. W. M. Winder, at Liverpool Plains, on the 10th February. A second count laid the cattle as belonging to Mr. Wentworth.

The prisoner in company with two men named Boodle and Murphy, since convicted of cattle-stealing, sold seventeen head of cattle to a butcher named Cullen, residing at Windsor, which were positively identified by one of Mr. Winder's over-

stolen from a station at Liverpool Plains. Guilty.—Transportation for life.

Jonathan Harris was indicted for stealing three bullocks, the property of Edmund Lockyer, at Lockyer's, on the 1st May. Not Guilty.

Before Mr. Justice Kinchela and a Military Jury.

Daniel Casew was indicted for breaking into the dwelling-house of George Peacock, at Penrith, on the 5th July, with intent to steal. Guilty.—To be transported for seven years.

William Shields was indicted for stealing six half-crowns from the person of John Farrel, at Sydney. Guilty.—To be transported for seven years.

A Civil Jury was sworn in.

James Bardenly and James Meehan were indicted for having one silver ladle and eleven silver forks in their possession, well-knowing them to have been before feloniously stolen from the dwelling house of H. B. Bowerman. Bardenly, Guilty.—To be transported for fourteen years. Meehan, Not Guilty.

Wednesday.—Before Mr. Justice Burton and a Civil Jury.

James Clarke and John Goodyear were indicted for assaulting Joseph Levi on the highway, at the Deep Creek, near Bungadore, and stealing from him sundry articles, on the 24th May; and John Nettie was indicted for being accessory before the fact to the said felony, having, at Molonglo, on the 20th May, incited, commanded, and hired the said Clarke and Goodyear to commit the said felony; and James Whelan and Michael Jones were indicted for being accessories after the fact, having received and comforted the said Clarke and Goodyear, well knowing the said felony to have been committed; and Edward Thorpe, and Ann Farrel alias Thorpe, and Henry Clayton, were severally indicted for receiving portions of the property well knowing it to have been stolen. Not Guilty.

Before Mr. Justice Kinchela and a Military Jury.

Bernard Lyons was indicted for the wilful murder of Patrick Costigan, by beating him on the head with a stick, at Wilson's Farm, on the Paterson River, on April 29th, and James Lemon was indicted for aiding and assisting in the said murder. Guilty of Manslaughter.—Remanded.

A Civil Jury was sworn in.

Henry Fenton and Timothy Collins were indicted for burglariously entering the dwelling-house of Thomas Whitfield, at Maitland, on the 26th June. Not Guilty.

James Cullen was indicted for stealing five bullocks, the property of John Macdonald, at Pitt Town, on the 26th June, and William