

THE CIRCUIT COURT.

Saturday, 26th March, 1859.

(Before His Honor the Chief Justice)

The Court opened this morning at ten o'clock.

James Irvine, John Wilson, and J. B. Banks, were placed in the dock charged with stealing from the person, at Indigo.

On the application of the Crown Prosecutor the prisoners were remanded until the May Sessions. The men were then undergoing another sentence for a previous conviction.

The Crown Prosecutor applied to His Honor to release the recognizances of *James Green*, who was committed for perjury at the last County Court. He had just received a telegram from Melbourne, which informed him that the law officers of the Crown decline to prosecute.

Granted.

MURDER.

Thomas Ryan alias James Healey was placed in the dock charged with the wilful murder of *Joseph Hartwig alias German Joe* at the Indigo.

At the request of His Honor, Mr Keefer watched the proceedings on behalf of the prisoner, he being without the means of feeing counsel. The prisoner closely scrutinized every jurymen as he took his place in the jury box, but did not challenge either of them.

The Crown Prosecutor opened the case and laid the facts before the jury, details minutely all the circumstances connected with the murder; Hartwig went to Indigo on the day of the murder with a team of bullocks, and was seen on the Indigo disposing of vegetables; a witness will be adduced

vegetables; a witness will be adduced who saw a man very much resembling the prisoner in company with Hartwig at four o'clock in the afternoon this witness heard those very remarkable words Oh don't! Oh don't! and on proceeding to the dray found the unfortunate man had been murdered; Hartwig was seen in possession of a small pocket book; his statements to Weldon, were made voluntarily before he was in custody, and without any inducement whatever being held out to him. The prisoner had also admitted some facts to Mr Alexander which threw additional light on the matter. It certainly struck him that the prisoners confession was most remarkable, and it was for them to say what motive he could have had in making it. It might be vindictiveness to the men arrested; either perhaps from fear or to escape the consequences of the law.

The Crown Prosecutor then proceeded to call the witnesses.

Charles Thornton, sworn, deposed: I am manager of the Wooragey station, the property of Dr. Gemmell; it is between fifteen and sixteen miles from the Indigo diggings; knew the murdered man; he was a very steady and industrious man; I had seen him two days previous to the murder on the Indigo; he had been employed on the station; saw him also at the station two days before the murder; he went by the name of "German Joe;" the value of his load of vegetables was generally about £16 or £18. Usually brought home that amount.

Joseph Walker, sworn, deposed: Am a miner; only saw the murdered man once, and that was at the Indigo; saw him on the evening of the murder at about 5 o'clock at the restaurant known by the name of the "Full and Plenty." When I saw him the team was going towards the place where the deceased was murdered; saw a man in company with him, who had on a black Californian hat; saw only the side-face of the

with him, who had on a black Californian hat ; saw only the side-face of the man who was in his company : would not know the man again.

James Marshall, (*alias* "Forty.") sworn, deposed : I reside on the Indigo ; saw the deceased, Joseph Hartwig, on the day of the murder alive, between 3 and 4 o'clock near his (witness's) restaurant ; saw a man standing near him ; could not identify the man ; only saw the top of his hat, which was a Californian one ; where I saw him was about two miles from where the murder took place.

By Mr Keefer : By Californian hat I mean one of the common hats worn by laboring men.

Henry Cansfield, sworn, deposed : reside on Indigo ; is a miner ; saw the deceased on the day of the murder, about 4 o'clock, opposite the Full and Plenty ; two other men were in company with him ; do not know the men.

John Wright, miner, sworn, knew the deceased very well ; saw him on the day of the murder alive : the first time about 5 o'clock, in front of the restaurant called the Full and Plenty ; He was going in the direction where he was murdered ; saw the prisoner at the bar with him at the time ; had no conversation with the accused ; asked Joe to shout ; the prisoner said "never mind, Joe, come on ;" prisoner was in his shirt sleeves ; he had a black hat on ; one of those in common use ; saw the deceased in company with the prisoner about half-an-hour afterwards ; did not speak to Ryan, but nodded to Hartwig, the murdered man.

By Mr Keefer : Saturday afternoon is a generally busy day, and a great many persons are about ; never saw the prisoner before the day of the murder ; I swear that the prisoner is the man that was with Hartwig on that afternoon ; I swear to him by his physiognomy ; I know him ; I can identify the prisoner by his voice, and if put outside the Court with a dozen other men, see if I dont identify his voice ; none of the

men, see if I dont identify his voice ; none of the persons in company were drunk on that day ; I was at the windlass sheepherding ; my tent was near the grog shop ; had not taken many gobblers on that day.

Cross-examined by Crown Prosecutor : Identified the prisoner in the Beechworth Gaol.

Charles Bell sworn : Is a miner working at New Ballarat, Indigo ; recollect the day that Hartwig met his death ; it was on the 8th of January. I was interested in my tent ; it was a very dark night ; my attention was struck by the cry of a man ; and hearing the report of a gun or pistol ; on hearing the report I got up ; several persons were assembled, and we went to the dray, on the road side ; the spot is about two miles from the "Full and Plenty." The dray was on the left hand side going towards the Indigo ; saw a man in the dray on his back ; appeared to be dead ; the bullocks were entangled round a tree ; never saw Hartwig before ; observed several wounds on the murdered man ; his head was towards the tail and his feet towards the bullocks I was the first person up to the dray.

John Roberts, miner, Indigo ; recollect seeing Hartwig, the deceased after he was murdered ; my attention was attracted to the spot by the words "Oh don't, Oh don't," and immediately after a shot was fired ; it was a dark night ; the distance between the tent of Watts, and the dray was about 150 yards ; on reaching the dray found the body of a man lying in the dray.

By Mr. Keefer : It was dark at the time ; it had been raining.

To His Honor : The nearest tent to the dray was about 80 yards.

Joseph Watts, sworn, deposed : Is a blacksmith, and live on the Indigo ; on the night of the murder I was coming out of my tent and going into a neighbours when I heard a man cry

a neighbours when I heard a man cry out "Oh don't, don't" and immediately after heard the report of a gun, and a sound as if a man fell on the ground and give three ~~men~~ ; went back to my tent and told the men I thought a man was murdered; I did not go with the others because my wife was frightened.

Owen James, sworn, deposed : Recollect the evening of the 8th January, between 9 and 10 o'clock heard a noise, and then a man cried out "Oh! don't! Oh don't!" Afterwards heard the report of a pistol. Went out immediately and found some bullocks entangled in a tree. Got there in about five minutes. Found the body of a man lying dead in the dray.

By Mr Keefer : Myself and my mates were at work on the Indigo that day.

James Young, sworn, deposed : Was sergeant and police constable on the Indigo at the time of the murder. From information went to the dray. This was about 9 o'clock at night. The spot where the man was murdered is called Eureka Hill. Found the trowsers pocket turned inside out.

Hugh Stitt, sworn, deposed : Is a qualified medical practitioner, and resides at the Indigo. Saw a body at the inquest. Made a post mortem examination. In my opinion the cause of death proceeded from hemorrhage from a gun shot wound. The ball entered the lower part of the neck, passed through the chest, transfixed the left lung and issued from the body at the sixth rib on the left side. The general direction of the ball was downwards and backwards. A wound of that nature would cause immediate death. It would be impossible for the deceased to inflict such a wound himself.

To His Honor : Did not find a shot or bullet in the body. The ball passed through.

Edward Fletcher, sworn, deposed : Is a miner at Black Dog Creek, near the Indigo ; knew hearing of the death

of Hartwig ; knew hearing of the death of Hartwig ; know the prisoner at the bar : I saw him on the Sunday after the murder opposite Dillon's ; prisoner was standing close to his tent ; this place was about a mile from the spot where Hartwig was murdered ; the prisoner said he wanted his goods taken to the Three Mile ; no further conversation on that day : on the following day prisoner came up to the place where I worked ; I said to him that the murder was a cold bloody murder ; I said they might have robbed him without taking away his life ; prisoner said he was not shot for the money he had ; he was shot for having informed against the sly grog sellers.

Charles Lowe, sworn, deposed : Resides at Black Dog ; know the prisoner at the bar ; recollect seeing the prisoner after the murder ; It was in the beginning of the week ; prisoner came to my place ; I heard the prisoner say to my wife on the Sunday morning what a dreadful night it has been, and asked her if she had heard of the murder ; know the voice of the prisoner.

Bridget Lowe, sworn, deposed : Is wife of Charles Lowe ; recollect the night of the murder ; saw Ryan, the prisoner, at my back door on Sunday morning, about nine o'clock ; prisoner asked me if I had heard of the murder ; I said no ; he then stated that the murdered man was from Wooragay ; and that he was not murdered for his money.

Louis Lee, sworn, deposed : Is a butcher, and resides at Beechworth I know the prisoner ; saw him before and after the murder ; he came into the bar on Monday morning ; we were speaking about the murder, and prisoner said that it served deceased d—m well right ; we had a down on him for a long time ; I cannot say to whom he alluded.

By Mr. Keefer : Never heard that Hartwig was an informer : prisoner said he had just got what he wanted,

said he had just got what he wanted, and ought to have had it before.

Francis Earwicken, sworn, deposed : I reside in Main Street, Indigo ; saw Hartwig about 8 o'clock on the evening of the murder, and purchased some vegetables from him ; there was no one with him (deceased) at the time.

Mr. Sub-inspector Weldon, sworn and examined : Recollect the murder that took place at Indigo on the 8th of January last ; first saw the prisoner on the 10th of the same month ; the prisoner came up to the Camp, and said : are there not two men apprehended for the murder. I said there were. He (prisoner) said, "I know something about it." I asked why he knew something about it. I then got from Ryan his

Mr. Bookey, and was to follow after the two men to the Goulburn. Ryan asked on Tuesday, the 11th, how much money had the bullock driver. I said he was supposed to have about £30. Ryan said he had not near that money, for he (Ryan) saw it counted into Wilson's hat.

By Mr. Keefer the words "Oh ! don't, ! Oh don't" were made use of very frequently at the inquest ; the place where the inquest was held was 600 yards from the Camp ; spoke to the prisoner in front of my quarters at the Camp ; at my solicitation he came into my quarters. I made an appointment to come to (prisoner's) house about 12 o'clock ; an information was laid against Wilson and Cooney ; the two men do not correspond with the descriptions put down in the information.

name and address. On the following day prisoner came voluntarily to me at the Camp again, and told me he knew the two men who committed the murder, and gave their names as Wilson and Cooney ; also gave me the description of the two men. Prisoner said he was standing by when the murder was committed, and Wilson fired the shot. The prisoner (Ryan) said that the reason the bullock driver was killed was that he (the murdered man) had given several informations, and had got people into trouble at the Goulburn. The prisoner then left in company with Detective Alexander. He shortly afterwards returned and said the body of the murdered man he had just seen was the man they had murdered. The prisoner then stated that the two men (Wilson and Cooney) were from Goulburn, and were sure to return back again. The prisoner said he was there and knew all about it. He (Mr. Weldon) never held out any inducement to him (Ryan) before he made the statement. He was not in custody at the time. He left with Detective Alexander for Beechworth and gave further information to Mr. Bookey, and was to follow after

J. F. Alexander, sworn, deposed : I am a detective, stationed at Beechworth. I recollect seeing Ryan on the day the inquest was held on the body of Joseph Hartwig, it was the 10th day of January last. Ryan said I can tell something about the murder. I then took him to Mr. Weldon's room there was a statement made there in my presence. He stated that he was near the bullock dray, that he heard the shot fired, that he heard a man cry out, oh don't--oh don't. Asked him if he could recognise the bullock driver whose body was lying at the Coach Hotel. He said he could I asked him to walk across and I could show him the deceased. He said he would, we went to the Coach Hotel. Saw the landlord. I asked him for the key of the place where the body was laying. He said that the undertaker had it. He lived below the Star Hotel. I went to the undertakers for the key Ryan and I then came back. I opened the door. Ryan went in first. He went to the feet of the body, and examined the boots. He then began whistling some tune. I covered the face : he said that is the man, who was murdered on Saturday night. I know him well. He came

the man, who was murdered on Sunday night. I know him well. He came back to the Camp on the Tuesday. Two warrants were issued for the apprehension of two men, Cooney and Wilson. I took the prisoner to Beechworth : he was not then a prisoner. From a statement which was made I arrested him on a charge of stealing some things from the premises of John Dillon at the Black Dog ; arrangements were then made that he should accompany me or any other policeman for the purpose of arresting the two men. He pointed out two men and said they were the two who had committed the murder at the Indigo. They were on the road about nine miles from Murchison's punt, arrested them on Friday 14th. Ryan said on the road up that they were the right men. These men were afterwards discharged by the Bench. On the 11th he made a statement to Mr. Bookey, in my presence that he had searched the murdered man's pockets, and that all the money they had got was put in Wilson's hat. The amount was £18 12s. and 7d in coppers. That Wilson and Cooney went to the Black Dog before him, that he overtook them at Dillon's. He stopped at tent his to throw four loaves of bread to his wife; afterwards he came on to Dillon's Hotel and saw Wilson in the dancing room. They remained inside twenty minutes. Cooney was outside ; that the hurdy gurdy girl was playing the tune of "Norah McSheen." He said they afterwards went under the bridge to divide the money ; he agreed to meet them next morning up the creek ; he went up but could not find them. He afterwards made a statement in the lock-up in my presence ; that the two men whom I searched on the morning of the fifth were the parties who did the deed. He further said that when the prisoner made the first statement he was not in custody on the charge of murder ; when we made the last one he was in custody on that charge ; he was formally cautioned in my presence : the first statement was

charge ; he was formally cautioned in my presence ; the first statement was made voluntarily.

Mr Keefer endeavoured to make it appear that the charge of the robbery at the Black Dog, brought against Ryan, was merely an imaginary one, got up for the purpose of keeping the prisoner Ryan in custody ; if this were the case the evidence of Alexander could not be relied on.

In answer to a question from His Honor,

Detective Alexander stated that the charge referred to was not imaginary ; that he had acted on information in apprehending Ryan for the robbery.

His Honor said if it could be proved that this was the fact, and that the charge of stealing from Dillon's, was hatched for a particular purpose, it would certainly tend to reduce the value of Alexander's evidence and to throw doubts on the credibility of the witness.

Constable Owens, sworn, deposed : I am the lock-up keeper at Beechworth. Had a conversation on Sunday, Jan. 16th, with Ryan about the murder. Prisoner said : I (Ryan) may as well

tell it now. Do you remember seeing in the paper the day after the murder where some person cried out 'Oh don't, Oh don't.' I (Ryan) was that person. I did not wish to murder the man, only have his money. The time I cried out 'Oh, don't,' the revolver had twice missed fire. Then we went on about half a mile when we lit a match and counted the money. The money was £18 12s., and 7d in copper. They then started off towards Dillon's. I was not able to keep up with them, as I had tight shoes on. Followed them to Dillon's.

P. Le P. Bookey, sworn, deposed : Am the superintendent of police, stationed at Beechworth ; to the best of my belief on Tuesday the 11th of

stationed at Beechworth; to the best of my belief on Tuesday, the 11th of January, I saw Ryan in Beechworth; he gave me the description of two men whom he named Wilson and Cooney; Ryan stated that they were the men who committed the murder at the Indigo on the 8th of that month; I made no promise, nor held out any threat to him before he gave me this information; sent him with Detective Alexander to find out the men described; on Sunday the 16th, they returned with two men in custody, giving their names as Williams and Louison; the two men were brought up at Indigo, and were discharged. On Ryan's return on the 16th January sent for him to this office; when he came into the door, I said 'well Ryan so you have got them,' he stated there is no use in my burying it any longer; I was in the whole of it; I then told him to make a full statement, and I should write it down, he did so: the statement was quite voluntary; the statement produced is the same. It says that "James Wilson alias Joseph Williams, and Job Cooney alias Michael Mooney, were living at the other end of the Indigo previous to the murder; he saw them on Friday; met them below McCormack's; they said that the man selling vegetables had plenty of money, was to meet them at the Post-office or at the Auction Mart; on the following day Saturday, they said on Friday he had plenty of money, and if I came in on the Saturday, we could decide on what was to be done; I saw them about a fortnight before Friday; they said he would be in all day with vegetables on the Saturday; I had a nobbler with them at the Star, a large stringy bark place; I bade them good evening, and said I should be in on Saturday early; when I came in on Saturday I was an hour at the auction mart before they came; they came about 1 o'clock; we went down the lead; I had no coat on me; we stopped at one of the bowling rooms; there was no bed in it; I can point it out;

was no bed in it; I can point it out; it was fully one mile and a half below the Star; we could see him, (the bullock driver) from this door, dealing with a woman for vegetable; Wilson followed and looked after him during the day; he told me and Cooney to stay behind; Wilson followed him all day; he watched him till dusk; we did not come out till the dray and bullock driver, with Wilson watching, came past on his (the driver) way home; then Cooney and I followed, this was between 8 and 9 o'clock; we three were together; Wilson went up to speak to him; says Wilson I will go up and speak to him first; that was about 200 yards from where the murder was committed; Wilson said we were to keep back, and talked to him about a quarter of an hour; the bullocks were stopped; the bullock driver then commenced to drive the bullocks; Wilson then pointed his finger beckoning to me and Cooney, and I went up; when we had gone about 500 yards we stopped the bullocks; Wilson asked him for the money, and Cooney and I told him to give it up, and he said he would not. Says he, I will not give up my money to either of you, I will lose my life first. Says Wilson that you will do, unless you give it up. He said he would lose his life first. Cooney and I were coming up just then. Cooney was next to him. The deceased struck me with the whip handle. Wilson drew the revolver, and it missed three times, but the fourth went off, and shot him, and he dropped on the road. Wilson, me, and Cooney turned his pockets inside out. The money was all put into Wilson's hat, the pocket I was at was not cut out. It was only turned inside out. We then chucked him up on the bullock dray. He was quite dead. Cooney drove on the bullocks to put them against the tree. I went on ahead; when past some distance down the hill, they pulled me up and passed me and said they would stop at the Black Dog, when I got to my wife I chucked the four loaves of bread into

I chucked the four loaves of bread into her, and went into Dillon's; Wilson was inside, and Cooney was outside the railings; we stopped at Dillon's about 20 minutes and then left; we counted the money at the bridge; there was £18 12s. and 7d in coppers, I got £4 from them; they said that they would stop on the left hand side of the creek, and told me where I should meet them in the morning, and I should get my regulars. I got up before sunrise and crossed the bridge, and followed the creek on the other side as far as Garlick's fence and come over the creek on the other side, and I could see nothing of them; I never saw them again till they were taken; they said I was to follow them to the Gonburn. They broke the pistols before they got to Dillon's, and put the pieces into a handkerchief, and said they would chuck them into a waterhole. It was about three quarters of a mile from the spot where the man had been murdered, and there the pistols were broken, there we had a smoke, a little book bound with leather was torn up, and put in with a revolver, and some of it we lit our pipes with; when I first came up with the bullock driver, and where he refused to give up the money I asked Wilson not to shoot him, but to get him out further, to put him down and take the money in that way; I sung out different times not to shoot; Wilson said he would show us how he would put him out of the way of swearing against us; I saw the revolver, had it in my hand about 5 o'clock on Saturday, it was then

told me so; Wilson certainly got away from two constables at the Nine Mile, he had cord trousers on and a monkey jacket, having broad ribbands; Cooney had a black billy cock hat, light fustian trousers worn at buttons, had a blue shirt on; the dogs commenced barking when the shot was fired; I saw a woman come to the tent door with a light and go back; no one came out while we were there. That was his statement. At the time he made it he was in custody on charge of robbing Dillon's store; he was not charged with the murder; it was made perfectly free and voluntarily; I held out no promise or threat to him; he referred to the two men in custody, as Wilson and Cooney; he said he was present when they were arrested on the first occasion when he was charged with the murder; I cautioned him. I said that anything he might say between this and the time he was brought before the Bench might be given in evidence against him. He stated that he did not care about any caution. He further stated that Wilson and Cooney had at one time ruined him, and he had a down upon them. On the 24th of this month at the lock-up in Beechworth Ryan told me that the two men who committed the murder was one by the name of Joe and another called Sullivan. He saw them at it when he was passing on the night of the murder. Sullivan and Joe went across the creek towards Beechworth, and crossed close by the "brew-ry," and passed by the slaughter yard, not far from Garlick's on the right hand on the way back. He said there was a little fellow with them who was a blacksmith, and that he (Ryan) had picked up with them at Wangaratta, and that the two men he had named had come from Pleasant Creek.

By Mr. Keefer: He was perfectly calm when I first saw him; the written statement was taken down before he was in charge for the murder.

Mr. Keeler applied for a short time to prepare the prisoner's defence, which

loaded, but not cocked; it was a six-barrelled revolver; I saw the pistol about the same time; I did not take any particular notice of it, but remarked that it was rusty about the cock; Wilson had the revolver a few months, he told me so; Wilson certainly got away

Mr. Keefer applied for a short time to prepare the prisoner's defence, which was granted. After considering for a few minutes, the learned gentleman commenced his address to the jury on behalf of the prisoner. He regretted that he had not had more time to make himself more familiar with the facts of the case before being called on to defend a prisoner on such a grave charge as that of murder. That a most foul and cold-blooded murder had been perpetrated we were all aware, but he contended that no evidence had been adduced to show that the prisoner at the bar was the man who did the deed. There is not one amongst us but would desire to see the real murderer of the man Hartwig punished according to law, but we should take every care that the innocent should not be punished for the guilty. The evidence produced to-day would not warrant a verdict of guilty against the prisoner and even although that evidence coupled with the eccentric conduct of the prisoner from the time he laid the information may create an impression that Ryan is the man, yet there is no proof of guilt, and you gentlemen of the jury are here to find guilty or not guilty according to the evidence, and if there is a doubt, the prisoner should have the benefit of that doubt. His Honor will tell you in his charge that there was no evidence against the prisoner but his own confession, and according to the law of England, a man's evidence unsupported is not sufficient to convict himself in a case involving life or death. Two of the witnesses, Forty and Wright, had given evidence as to the hat worn by the man who was seen with deceased shortly before the murder, and within two miles of the spot. But this is simply absurd as bearing against the prisoner, for billy cock or Californian hats were universal throughout the colony, and those wore hats of any other description were the exception. The learned gentleman said that the evidence of Wright must go for nothing. It could not

even prove whether it had been a wet day or not, and in other respects his evidence was equally inadmissible. With respect to the exclamation of Ryan at Dillons', on being spoken to respecting the murder, that "It served him d——d well right" was not at all extraordinary considering the manner in which sly-grog informers were spoken of generally. With regard to Ryan's confession what did it amount to? When we know that one portion of it, that relating to the complicity of Wilson or Lorrison, and the other man, was totally untrue, we may take it for granted that the whole of his so-called confession was a fabrication. Where is even the circumstantial evidence to connect Ryan with the crime? That with reference to the pocket book entirely fell through, as it was proved that Hartwig invariably carried his money in a canvas bag. A pocket book of any description was never seen in his possession. In fact there was no evidence to sustain the charge of wilful murder against the prisoner. The learned gentleman here quoted several instances where people have been convicted on circumstantial evidence, and it was afterwards proved that the parties were innocent; and charged the jury to be provided against committing a similar error of judgment in this case. He felt that the short time he had to prepare the defence would not allow of his doing justice to the prisoner. He must, however, say that as a lawyer, and a man of the world, that there was not the shadow of a case, even on circumstantial evidence against Ryan. Mr. Keefer concluded a very able address by impressing on the jury the necessity of their weighing well the evidence and not to be biased by any ill feeling which may exist out of doors against the prisoner.

His Honor summed up, giving a lengthened analysis of the evidence, and said that doubts would be thrown on every statement of Ryan's from the

fact of the falsehoods which he had perpetrated with respect to the participation of Wilson and Cooney in the crime. And after mature consideration there should rest any doubt on the minds of the jury, as to the guilt of the prisoner, then they were bound to give the prisoner the doubt. His Honor charged the jury against being influenced by anything which might have transpired before they came into that Court, and to base their verdict on the evidence which had been adduced and that alone. You should consider attentively what cause Ryan had for making a confession, and why he charged men with being with him who were many miles away from the spot at the time of the murder. He would call attention to the fact of Ryan's being in possession of every detail with respect to the murderer, which would leave little doubt as to his having assisted in it, as a good deal of what he had particularized has been corroborated. It appears very strange that the witness Fletcher, on being told by the prisoner that the deceased "was not murdered for money," and that "we had a down on him," &c., did not question him further as to the matter. There was something very remarkable in his deportment when he visited the body of the victim in presence of the Detective Policeman. We should imagine that there would be some repugnance felt, and that a murderer in presence of his victim was conscience-stricken. Ryan, however, appeared to possess no feelings of even common humanity. He even whistled after viewing the murdered man. It is my duty to tell you that if there were three or more men who did the deed, and that they went out merely with the intention to rob, but did commit murder, any one of the party although he did not fire the shot is equally guilty with the one who really committed the murder. It ap-

pears strange that the murder was committed when in the immediate vicinity of some tents when another place would have been far more safe for such a deed. I will now read over the evidence, and should there be any one of the witnesses whose evidence is not down correctly in my notes, he will now have an opportunity of correcting it. His Honor continued his address to the jury, remarking that if they considered it proved that Ryan went out to assist in committing a robbery and in effecting it the murder had been perpetrated then they would find him Guilty.

At half-past three the jury returned into Court with the verdict of Guilty, but recommending the prisoner to mercy on the ground that he endeavoured to prevent the murder.

At the termination of the other business the prisoner was brought up to receive sentence.

His Honor in passing sentence said that the Finger of Providence was visible throughout the whole of this case from the time when the murder was committed to the present moment, and this is another instance of that mysterious fatality by which murderer is inevitably discovered, and eventually brought to justice. The jury could not from the evidence find any other verdict than that which have been delivered.

Mr Keefer remarked that His Honor had not directed attention to the fact that the robbery and murder had been made public previous to the confession of Ryan.

The whole of the evidence having been read over by His Honor, the jury retired to consider their verdict at half past two p.m.

The prisoner stated that Weldon had induced him to drink several glasses of brandy, and then got of him the statements which had been made ; he denied that he had any hand in the death of Hartwig. The prisoner entered into a rambling statement of the bad treatment he had received at the hands of

ramoung statement or the ou trement he had received at the hands of the police.

Sentence of death was then passed in the usual form ; no hope was held out to the prisoner of mercy.

[In consequence of a pressure upon our space, we are compelled to hold over many of the cases tried on Saturday before His Honor the Chief Justice till our next issue.]