

Byron Almy
Golden Settlement to shoot at Black -
Bob Jack & sons BDL's Blacks

Cum e Sepiano

Sept 5 1941

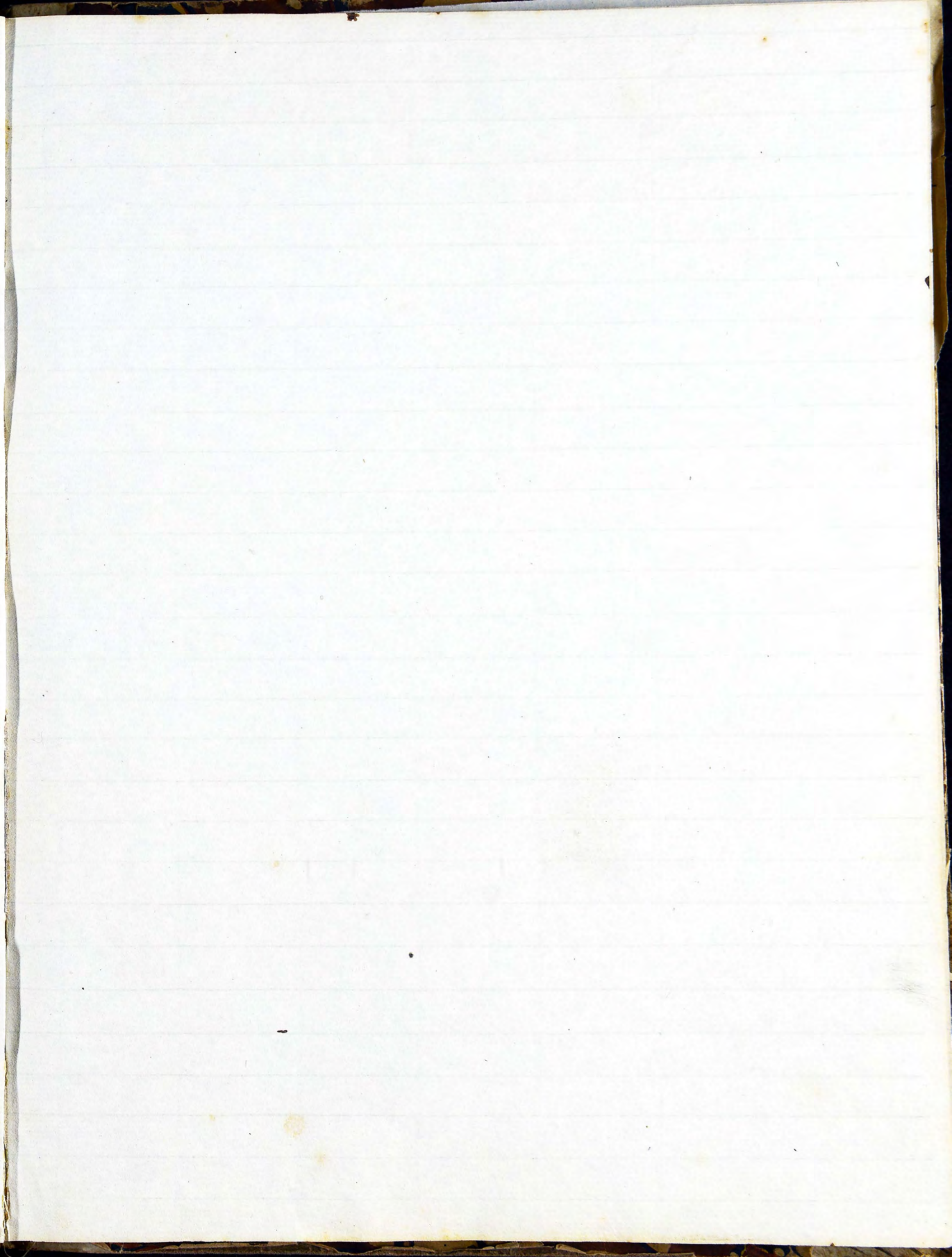
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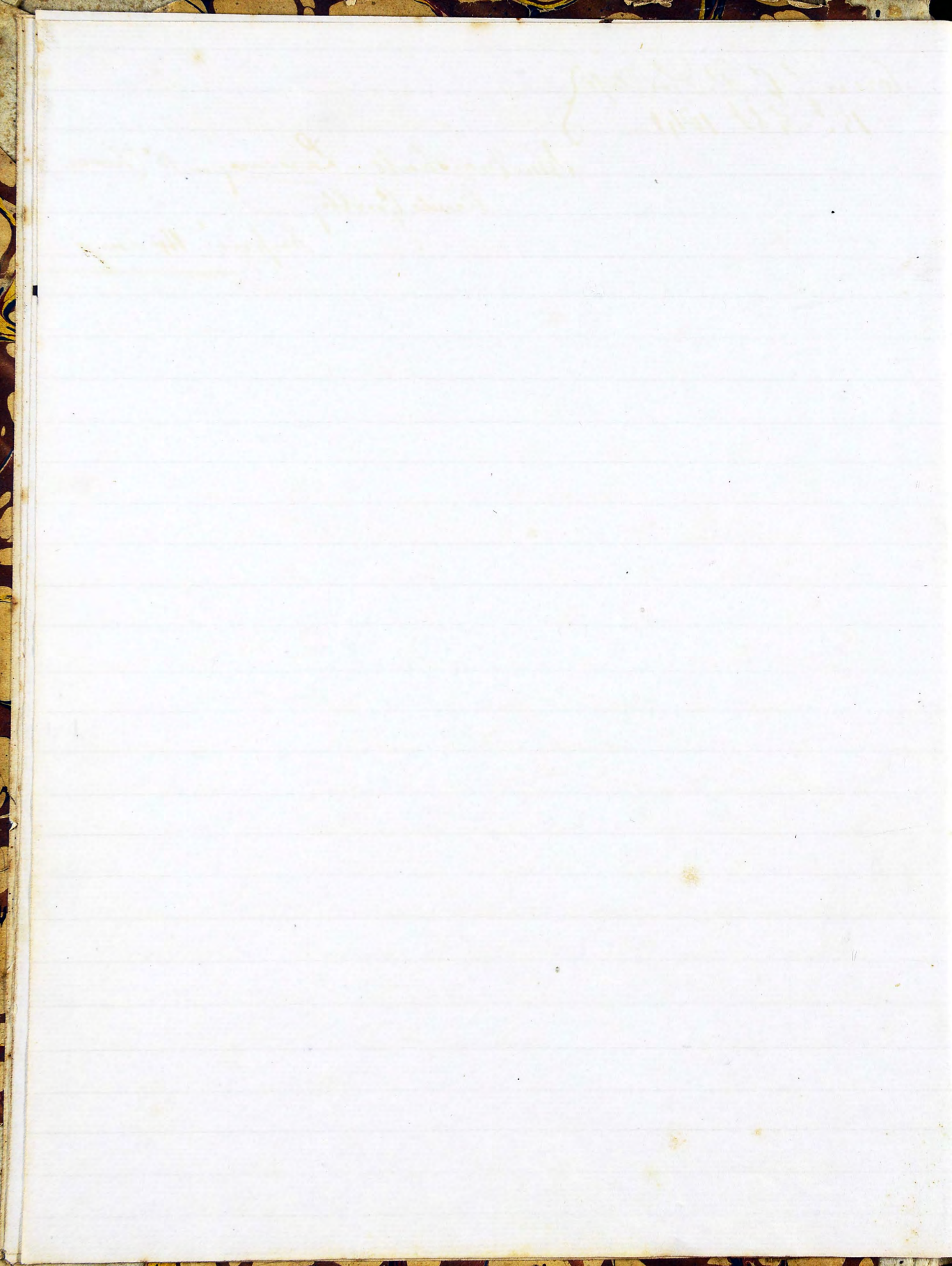
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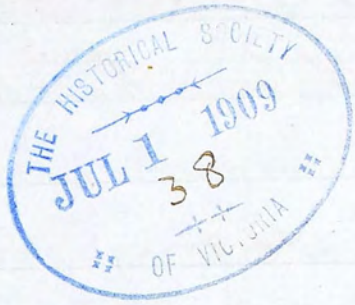






Genl G. J. Hulls
15th Sept 1841

John Marshall - Larceny - 10th Cheese
Pleads Guilty
Imprisⁿ 14 days



Sept. 15 - 1841

Thos. Tokey. Horse Stealing -

Weske -

Barred case of Anstedale -
Logic recognised his Mare & caught her. Then came
Pis. & an.

Death - Edw. Falkner - Sworn -

I am Chief Constable - Know

the Pis. he was in my custody - I did not know
him before I took him into custody - I took him up
close to St. Mutchhead's flat - on the ^{back} Bay Creek -
I know Kinlochewe-dun - I went there on the 11th of
Aug. in consequence of inform at. received - I went
to look after the Pis. I went in company with Mr. Logic
the owner of the Mare - I made inquiry for Tokey in
even - In the night one or two persons came to the
dun - I got up & formed one of the parties to be May the
Postman - On getting up next day - May I called for
Logic - We got up at 3 o'clock we went to woods ^(Water head)
Station - I knocked at the door of one wood - But keeper
on the Station - I was in search of the Pis. & the
Mare - Logic was with me - I found a Mare a grey
Mare in foal - On the description I had received - Mr
Logic got off his horse & tied one of the Reins of his
Buddle round the Mare's neck - Whilst he was in
act of doing so the Pis. & an. man came in sight
dawn day - clear enough to distinguish their features

I have no doubt whatever the Dis: at the Bar was one of the two - on com^g to them I ^{asked} ~~saw~~ in the rear of the Dis: where he was going - he s^d he was going to catch a Black Mare - there were boy horses there there was a dark Horse there among the others - no other white ones - the other man drove the other horses away I did not see him drive them but when I returned I saw neither the other man or the horses - I told the Dis: I had some recollection of him & I asked him what his name was I forgot what name he gave Smith I think it was not Foskey - then the Dis: said his name was Smith he said you are the man I want he threw a noisemaker he had in his hand on the ground & ran off to the River - the bank of the River was very steep & rocky - it was deep then - he plunged into the River I followed him on horseback - the Dis: was on the bank on the opposite side - I struck him with the whip but did not get on the crown of his head & hit him down & then took him into custody shot him & Melbourn behind me on my horse - He said if I had been a short time later I should have found him within 50 miles of Melbourn I found Foskey on head's flat shot her to Melbourn

X
 First received intelligence of a grey mare taken on the 11th of Aug^t - She was described as a

grey mare with a white face with the brand of a
single T on the near side shoulder - sex? the
Brand - the Brand was such as had recently
been describ^d. with a recent alteration - I did
not personally know the Pri^r before - I knew from
the herald in his speech before des^{crib}d to me that
the Pri^r was the man - There was a dark horse
there he said he was going to catch it. I did not
use any menacing gesture before he went
away - nor endeavour to intimidate him
I called to him repeatedly before I struck him
describes the breadth of the River - I could have
secured him unless I had struck him.

Mr Logic Sworn

Shire on Little River Brisbane
Ranges - 25 Miles from the Station of Hector
a Hunter on the Salt water River - I recollect
having lost a Mare grey, branded T on the near
shoulder - I saw her the 12th of Aug^t at the
Merri Creek abt. 35. or 40 Miles from my
Place at a man's named Wood's Whiteheads
Old Stat. I have no doubt as to the identity
of the Mare, & that she is my Property - the Brand
has been alter^d since I lost her - I lost her or there
months ago. She had been runⁿ at the Little
River at my Stat. I bought her from Mr.
Senete on the Little River - not in the direct

5

of Shulthead. I saw the Prisⁿ on the 12th of Aug^t. The
news was out of my possession before since I
first got her. He had been abt. 12 months in my
possession. I cant say wh. she was in foal - I know
her to be in foal - She stayed away when I lost her
yes she went away of her own accord to Keeler
J. Shulthead's that is 10 or 12 miles from Wills.
When I went to Shulthead abt. daylight. we came
upon 1/2 doz Horses. my Mare was there - There
might be a dark Horse there - I never saw the Prisⁿ
before Kintlockema Inn might be 3 miles - I never
saw the Prisⁿ. I went up to Kintlockema Inn in
consequence of informat. received. The alteratⁿ
of the brand had been abt. a few days. -

John Stuart Sworn

I live at the Jos. Arthur in
Little Bowditch Street - I know the Prisⁿ. I remember
10th of Aug^t. I saw abt. the 9 or 10th. he had a grey mare
at the door - I asked wh. he wd take for her. There
was a new brand put on the top of an old
one - I saw him take her away - I gave him
a glass of gin - he took the mare with him - I
subsequently saw - She was rather very good
condition at the time - brand appeared to have
been two or three days - The Man said the Mare was
with him - J. Andrews was with the Prisⁿ.

Barney Boyle Sworn

Know the Prisoner - I saw him riding a grey mare in Queen's Street I saw another man with him - they were picking ~~up~~ furiously thro' the street - The Pris^r came up & said he wd ride over me - I went for two other Constables -

Mr Betts Sworn

I was at Keeper's was in the service of Messrs Watson & Hunter ^{Stockport} Pris^r came & asked me if I had a gilly on the Burn handed with a single To. He has a white blaze right down her face - he drove her ~~in~~ in - he put a head stall on her - abt 2 or 3 months ago - another person with at Thomas's House on the Sydney Road - After the Pris^r had been there W. Smith came abt an hour after the Pris^r was gone -

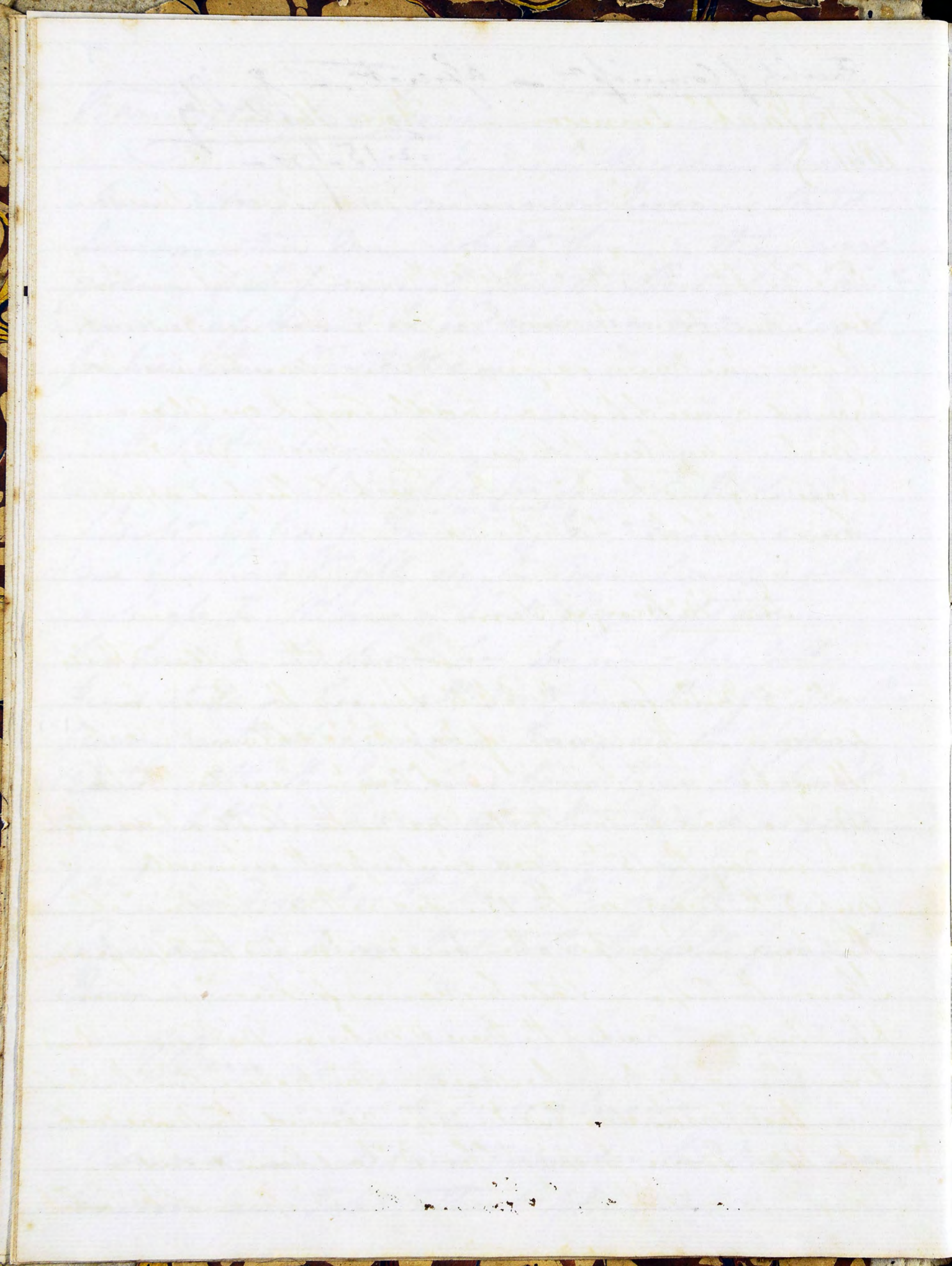
Next see describes the conditⁿ of the Mare Pris^r was the man that took the gilly from the Burn -

W Barry

Evidence Inconclusive

Reward - Did not consider the Mare was his own - Takes a threat of brand -

Faculty of Commerce - Associate - Faculty
Feb. 15. 1905 -



9

Sept. 13 } Mich^l. Finnegan - Horse Stealing -
1841 }

Sworn
Sam Hawkins Serj. Border Police Inspected

The 1st of Sept. I went to Middell & Hamilton's Station that day I went there to search the Pris^r. I saw a Hut keeper whose name his name was Jerry Muller - searched his bed I found a piece of Rope a Saddle Trap & one Chequer Shirt. Identified the Rope - Trap - Shirt - Grey Hair on Rope - I found the Pris^r with a flock of Sheep & apprehended him. His name is Mr Powell.

John McKenzie Sworn

I live at the Deutland Hills at 35 miles from Middell I know the Pris^r he was once in the Service of Messrs Mackintosh & Clark 16 weeks - he left on the 10th of Aug^r - I recollect the 14th of Aug^r a Mare in the Stable. Not in the Stable at daylight on Sunday the 15th - Shed shut up with a hurdle I wiped the Mare on the 15th. did not see the Pris^r at that time - I wiped other prop^s. I wiped the Rope produced I know the Rope - states his reasons for knowing it. Swears to the Shoos - I tracked the Mare 8 miles on Melbourn Road through the tracks from the shoes - I was broken there the Rope was last person who tied the Rope round the Mare back of the 14th. Mare prop^s of Messrs Mackintosh & Clark.
On the 29th or 30th of Aug^r I found the prop^s of Mr Powell.

the mare that was in the stable on the night of 14th Brand[?]
O on the near side near the saddle - I went to
Mr Riddell's.

Thos. Pettitt. Sworn

I live at Mr Macdon
Black Smith & Farrier - I know the Pris^r: I saw him
at my house on 11th of Aug^r - I did not see a horse with
Pris^r: on 11th of Aug^r: 16th Aug^r: was Monday - Pris^r
was at my house I saw a mare then white
mare - I knew he had^d: a wart on her shoulder by the
advertisement - Pris^r: had a bag & a bundle -
Brand's was worn out by one back which this mare
had - I saw him stop^d: all night at my house -
He on the 11th he went to Riddell's on the 12th stop^d:
all night all next morn^g: said he was go^g:
& motions - Pris^r: return^d: ^{to the pris} Sunday 15th - stop^d:
all night on Sunday - on the Monday morn^g
at 16th he went away to Mr Riddell's - I found
the mare before Pris^r: said it John Wood's mare
she looked like his at a distance - Pris^r: said he'd
bet a pound it was not John Wood's mare
you'd better let her go for she belongs to a d - d
Rogue - - at 6 miles from Riddell's

Nex^t many men lodged in my house that night
might be seven men & a woman -

George Miller Sworn

I know the Pris: ^{Jan} ~~the~~ ~~keeper~~ to
Ruddell & Hamilton Pris: was Shepherd to them
I recollect Sgt. Hawkins come all 10 days ago
piece of Rope like that prod? found in Pris: ~~but~~

At Falkiner Sworn Sgt. Hawkins gave the Rope
prod? it has been in my possession ever since.

Defence

Guilty

Dec. 15. 42

Sept-15-1841

Frankes - Forgery - Not guilty
1st Court for Indorsement
to defend Geo Montague
2^d C^t Writers

324 — Mr Robinson

546 Constantine Banderschoff

700 Chat. Hill -

Constantine Banderschoff Sworn

I live in Corio I know the

Pris^r? I saw him at the Commercial Hotel. I kept
the bar I saw Pris^r there on Monday 25th of Aug^r -
In Pris^r's Pris^r - He wanted Chat Hill ^{asked} ~~and~~ to me
to change 2^d Cheque. because Pris^r had to. a
watch from the waiter - I said I had no money
the Prisoner also asked me to Cash a Cheque
the Cheque produced - I gave him £. 3. 4. 6.
Pris^r wrote the name of ^{Montague} George in my presence
& a Cheque for ^{£. 4. 1.} 4 - & 1 in Pris^r. to the waiter for hotel
£. 3. 4. - got drunk 50. was by the balance
next morning next morning gave Pris^r in charge on
Suspicion of Forgery - The Pris^r was present when the
Constable showed him Cheque Pris^r said he knew
nothing about it.

X It was yourself asked to me to cash the Cheque
wrote the Indorment -

In the man with me was George Montague
Receipt produced.

Chas Hill Sworn

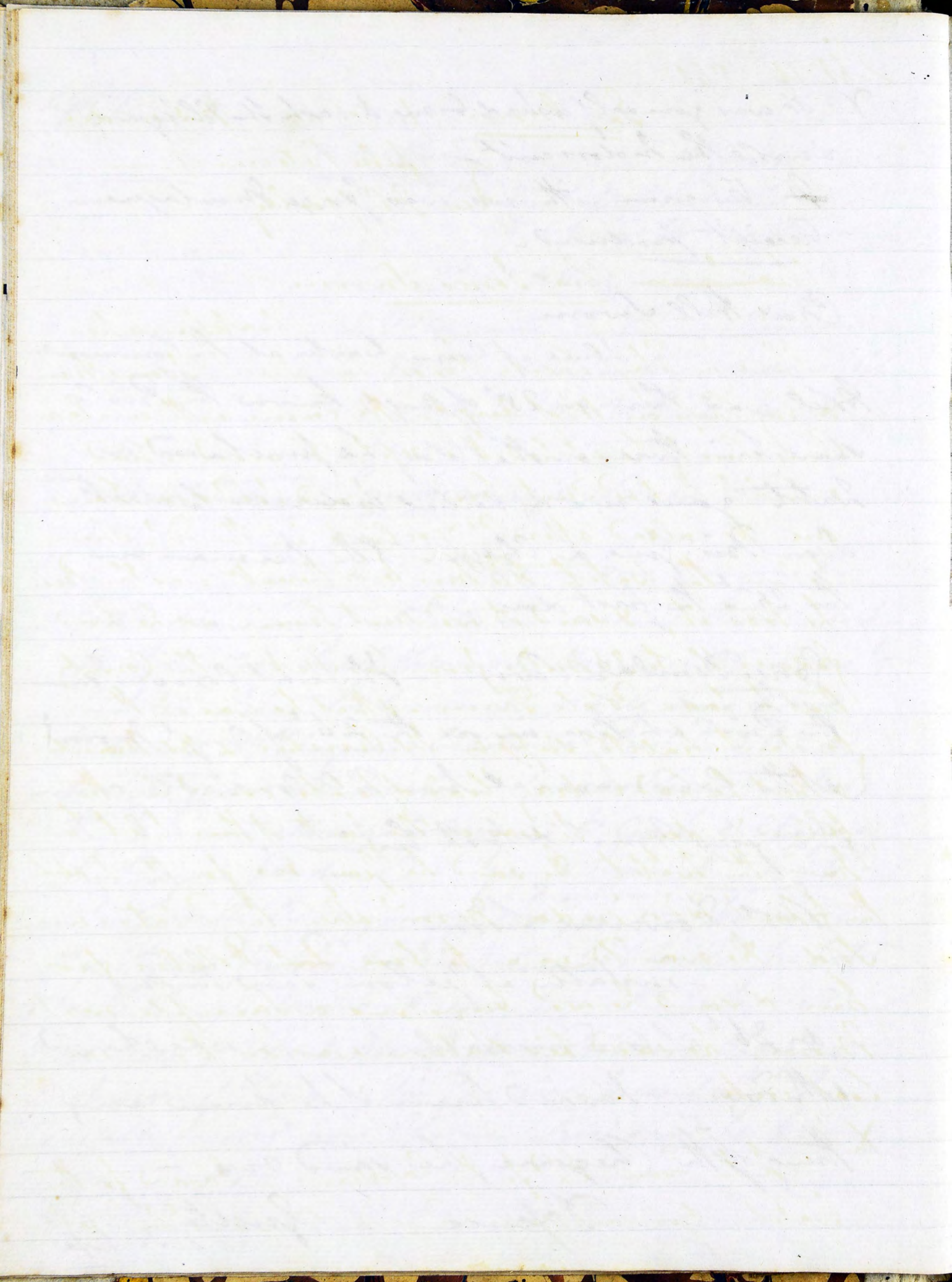
I was at Corio Carter at the Commercial
Hotel was there on 25th of Aug^r know the Pris^r?
saw him there on that day. he purchased a
watch gave me a verbal order on Geo Hill -
I saw Pris^r give a Cheque to the Bar man on
the 25th the first day -

George Dembar Sworn - I was at Corio I saw
the Pris^r at Bar in on the 26th of Aug^r Morn^g
at the Commercial Inn - A Constable came
in a few Min^{ts} & took him.

Thos. Downie Sworn

Constable at Jelton saw the Pris^r
on 26th at Commercial Inn he was charged
with Forgery I asked him if he knew any
thing of the Cheque, he said no -

Defence - Guilty To Life



Sept. 16th 1841

Jas. Brown (for obtaining Pris under
fake pretences) —
Rev. J. D. Gully

~~Chas. Jones~~ Chas. Jones. Sworm

Watchmaker

Here is a Vly. Sheet - know the Pris? I saw him
at my shop on 11th of Aug^t - He came with an Old
Pris which he wished the rep^d. He asked I had
a watch that wd suit him - I said I did not have
one - He called after 7 o'clock in the Ev^g when
I showed the watch to him & in thereat^h was the Pris.
He took it, & said it wd suit him as he had
previously to 30 miles from his Plat in the County
that he had a Potato Farm - & that he was in the
constant habit of supply^g Mr. Reicher & Mr. Manton
& that he had a dray load of Potatoes come in the
follow^g day. It was on the faith of this I let him
have the watch. He said he pay me for the watch
the follow^g W^d or Friday Morn^g when the Potatoes were
sold - He wanted me to buy Old Potatoes from
him & said he wd buy me a sample next
Morn^g he said his station was on the Bayou
Leaf Creek

X

In the Ev^g I p^d for the watch - I asked for the
watch. You said you wd give £ 6.5. if I wd let you

Have to watch on credit.

Mr Wright Sworn

Knows the Pri: I
have known him a 12 month. I know he
lived with Capt. Smyth as Carter - I never heard
Pri: had a Station - I know he has no land
near the Town

Yes your wife gave me the watch -

Fredt Manton Sworn -

I don't know the Pri: I never
had any dealing with him - He never supplied
me with Station -

Chas Jones recalled

Watch Produced Solely for

it -

Yes of Mr Cunningham

I am in the habit of selling
to such purchasers as I can get - I do not
always get Cash Payment - I think this
is the first watch I have sold in that way
It was a watch adapted to a man in lower
Rank of life.

17
He brought recalled & ex^d

Fred^k Augustus Rucker - Sworn

I cannot say that I have
ever seen the Pri^r at the Bar - I never recollect
having any dealings with - If he represented
himself as supply^g me with Potatoes he did
so falsely -

I have never had any transact^o
with him - I have sold Potatoes for Capt
Smyth - not bought -

Guilty -

2.7 3/4

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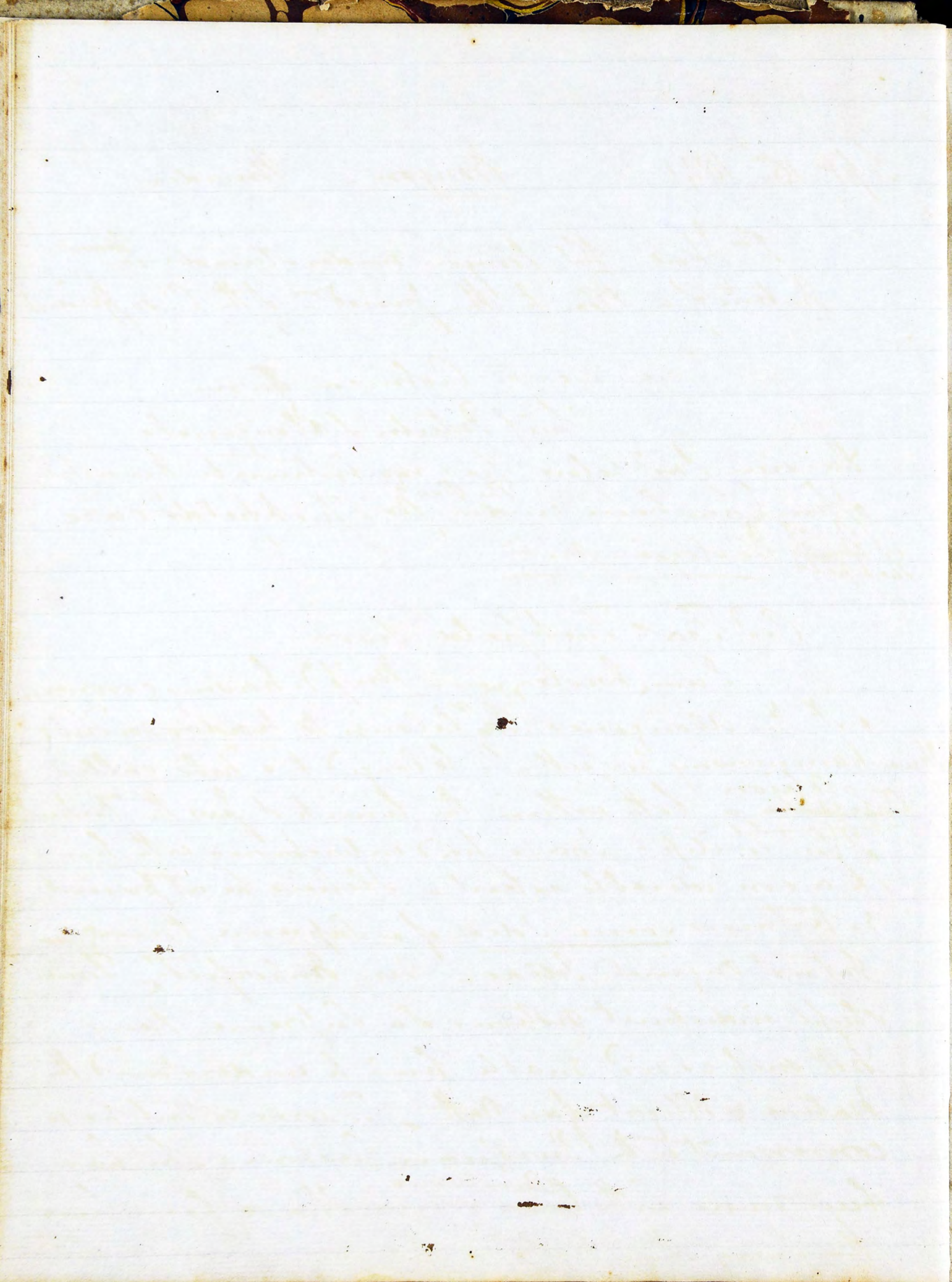
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Sept. 16. 1841

Bonyon - Swonder

1st June Mr. Bonyon understands the
nature of a Plea to the Jurisdiction of the C. & F. & F. & F.

George Augustus Robinson Sworn

Chief Protector of Aborigines

Has seen Mr. Bonyon before. Has no intimate knowledge
of him. ^{The Plea} has been under Mr. Tuckfield's care
George Wesleyan Miss

Rev. Fr. Tuckfield Sworn

Samuel Wesleyan Miss. having connection
with the Aborigines. ~~He~~ belongs to Wadoora Tribe.
I know him very perfectly. He belonged to a Tribe called
Osijon - both within the limits of the District
of Port Phillip. I have had intercourse with him
to a considerable extent. I believe he at present
entertains some idea of a Supreme Being -
but not original ideas - very imperfect. Some
slight indistinct notions of a Supreme Being
not such as wd enable him to understand the
nature & obligation of an Oath. To some extent he is
conversant with European Customs. he has
been more with ~~Europeans~~ ^{Europeans} some I have been here
than any other natives I know. There is not

is no reserve or Stat. for that Tribe - Altho there is
no reserve for that Tribe they have occasionally
visited our reserve which is within the
boundary of the ^{Stygon} ~~Calypso~~ Tribe - He has been
instructed with the ~~the~~ Religion to a very
limited extent - Not sufficiently instructed
to understand the nature of an Oath. They believe
from our having frequently had the subject before
them, that there is a place of Reward & Punishment -
I explained the nature of a Plea to the ^{judge} ~~prison~~ &
the receipt of it had put an upon Oath
& Mr. said ^{Prison} ~~Prison~~ was not in his opinion suff. Capacity
to put in such a Plea, but that he had
Capacity enough to plead guilty or ^{all} ~~guilty~~ to
any crime he might be accused of -

Said by Mr. Coker

I have been out here at
three yrs. ^{Shame} visited ~~Prison~~ ^{Prison} ~~Tribe~~ ^{Tribe} they have
visited ~~as~~ occasionally - They have suff.
Capacity to understand the ordinary course
of life - the dealings of Society as conducted
here - Prison has been more in contact than
any of his Tribe has with Europeans
He was with ^{the} border Police a considerable
time - Prison can speak the English language

very imperfect - under all Circ^s. I do not think
they ^{always} consider Murder a Crime but in general
they think ~~it is~~ a Crime - I think the Pri^r
is not sufficiently instructed to put in a Plea
to the Jurisd^{ct} of the Ct^l - altho' of suff^{ic} capacity to
say Guilty or not Guilty -

Forster James Sworn

J^r J^r W^histie I know the Pri^r - he
was of Pro^{se} with the Border Police
we found him very useful - he gave him
with reasons - he speaks English very
badly - I think him particularly quick &
intelligent in his own way -

Key^r

He was not indicted -
No agreement with him - the boy used to
come & stay with us -

The jury found the Pri^r
was not of suff^{ic} Capacity to put in a Plea
to the Jurisdiction of the Ct^l

Second Home

Same Indem^{ns} & Consent
of Capacity to plead Guilty or
not Guilty - to say wh^{et} he committed a Murder
or not - The jury consider that the Pri^r

has sufficient Capacity to know wh. he did or did
not kill harmless, but is incapable of
deciding wh. he has committed Crime, as
Murder is not always considered Crime
among the Aborigines.

I send I thought I might now detain
the Pris: because if he had Jurisdiction he
was not so wanting in intellect as not to be
able to say guilty or not guilty.

Dr Barry -

Jurisdiction Importance
of the Question - Capt. Greys Propositions -
Nothing in constitution of the Colony that authorizes
our submitting the Aboriginal Nations to
punishment for Acts of Apprehension inter se -

Curious view of Colonization -

Conquest - Opinion - & Occupancy -

Campbell & Hall Corp. Rep -

Wood's Civil Law p. 22

Subjects - ~~recognition~~ recognition of Law reciprocal
Rights - reciprocal Contract - No such Contract
entered into ^{Govt} vs vs power over the Aborigines -
Recognition of the Rights of Indians in America

^{distinct Communities}
 cites Kent's Commentaries - Whole of subjects, then
Subjects to all intents & purposes - no reciprocal
Compact - 2^d branch - If not competent Jurisdⁿ - I must
show a better - Aserts that there is a Jurisdⁿ among
the Aborigines Dis. sh^d be delivered over to the Tube
for Punishment - ^{at} Robertson's America - Locke's
~~book~~ - ~~Locke's~~ not subjects but under Protection & Salva
Locke 9th book - Punishment by hand of Nature -
The Crown Prosecutor as a Man with Authority -
2^d Mansfield - See Campbell & Hall - Ormrod &
Barker - C. J. Hall's Comments on Calver's Case
Battel B. 7. ch. 7 (02)

If case required associate
 some one with him -
W. Coke Ch.

^{at once}
 had come to the point - Indian exercise sovereignty has
a right to punish all Crimes within the District -
Punish offences wh. fall on Natives or
Colonists - No encroachment on the Rights of
Aboriginals to settle it with Colonists - ^{this colony is} ~~there as a~~
the cases as ^{all which touch are the same subject} integral of system - live under the same Law &
enjoy the same Rights - Law equally affects all
questions that arise there - ^{wh. among Natives or Whites} Allegiance - Any person
wh. British or Native subject to be punished by British
Law - Natives as much punishable here as if one
of them were to ~~were~~ to murder another in Yorkshire
See

Two Aboriginal Natives one has killed another

He was hanged at Sydney - Big Jack - killed Drury Deek
Sup. C. Dowling J. at 700 yrs ago - About five
yrs 2 along - names found at Windsor for the murder
of and - names - Stephen app'd & defended them
Forbes ~~Porter~~ & Dowling held & that they sh^d
be dealt with accord^g to the laws of the territory.

The cases were communicated to Mr. C. S. H. -
~~It had not appeared that the information had been obtained from any~~
~~but from an authentic source.~~

Sept. 17th Mr. Robinson the Chief Protector informed
me that at the camp ^{of a party} in the immediate vicinity
of Melbourne two men were tried for murder
of the native Inher & ~~murder~~ on the 14th Inst. They stood
a ~~cert. dist. from~~ ^{a cert. dist. from} the relatives of the deed
I threw a cert. no. of spears at them Mr. Jackfield
was present ~~Mr. Robinson~~ ^{Mr. Thomas} were present
~~It was a case of suspicion during the trial that the trial~~
~~of Bonyon & the natives was to take place on the next day~~
15th Inst. ~~the very day app'd for his trial~~ in the Supreme
Court.

William Apis Post

The young man's mother died some time since
 they can't account for death unless they see
 the stroke. They are sickly & mourn till they get
 the fat of the kidneys of some other Black
 they place the body on the ground dig a trench
 round it & where they find the largest of holes
 of an insect they in that direction the first
 by means they see ^{in that direction} ~~in that direction~~ ^{is covered} ~~is covered~~ ^{by} ~~by~~ ^{the} ~~the ^{fat} ~~fat ^{is} ~~is~~ ⁱⁿ ~~in~~ ^{the} ~~the ^{ground} ~~ground
 they take of the dept of the hole & at that distance
 they place the part ^{occurred}. They have a service
 of the body, if a ^{male} male, ^{is in case of a young man} ~~is~~ it is to inform as
 they suppose, the dead ^{who} ~~was~~ ^{heard} ~~heard~~ ^{of} ~~of~~ ^{these} ~~these~~ ^{intentions} ~~intentions~~
 to revenge his death. They imagine the dead
 answers, ^{is supposed to} ~~is~~ ^{that} ~~that~~ ^{is} ~~is~~ ^{the} ~~the ^{way} ~~way~~ ^{the} ~~the ^{direction} ~~direction~~ that
 hole (the largest insect hole is from the body) the
 two young men attacked by the (Proctor) killed
 a youth of the Geneva Tribe. ^{the} ~~the~~ ^{tribes} ~~tribes~~ ^{come} ~~come~~ ^{together} ~~together~~
 occasionally - the young man who lost his mother
 belonged to the coast tribe - these young men who have
 gone to kill another black a great way off - but
 has ^{intercepted} ~~intercepted~~ ^{the} ~~the~~ ^{tribe} ~~tribe~~ ^{he} ~~he~~ ^{is} ~~is ^{supposed} ~~supposed~~ ^{to} ~~to ^{be} ~~be ⁱⁿ ~~in~~ ^{the} ~~the ^{tribe} ~~tribe~~ ^{he} ~~he~~ ^{is} ~~is~~ ^{supposed} ~~supposed~~ ^{to} ~~to~~ ^{be} ~~be~~ ⁱⁿ ~~in~~ ^{the} ~~the~~ ^{tribe} ~~tribe~~
~~intercepted~~ he came up with another Black in
 the neighbourhood & killed him. I tried all in my
 Power to bring them to justice, but I failed owing
 to technical difficulties. The dead man was found
 with the fat ^{of} ~~of~~ ^{his} ~~his ^{kidneys} ~~kidneys~~ - The young man
 he was tried - was put to death for this Murder -
 I tried to arrange the matter & prevent the young man
 being put to death & spoke to the Superintendent all.~~~~~~~~~~~~~~~~~~~~~~

H. inform me he wd render me every ~~system~~ assistance
but if I put the man in Dis. I must let him out
again - such was the state of the law - the Crown
Prosecutor told me so likewise - They have a
complete system of job. among themselves
punishment for almost every species of
crime they commit - One young man -
killed the other - not two to be punished -
~~he was not killed in consequence~~
killing a dog - is punished by two or
three blows of a waddy by the party whose dog
it was - A young man a Goulden Black
was killed ^{two men out} in April last - by a Parabol Black
while at a Corralage - he was speared, lacerated
three days & died - My Blacks always carried
spears in this way was a just action -
The father of the young man that was killed, had
killed the brother of the young man that killed
him - the ~~brother~~ ^{brother} was dead, so the brother was
killed in retaliation as the nearest relative -

S. L. H. G. G. taken
Depositions of ~~Informant~~

Dr. Clarke and Anderson

Crown Prosecutors for the present - for the
present -

Not guilty

15 Oct 1841

McCallagher

David Mahony

John Coker etc

John Ward -

Conspiracy to raise wages

arrested

October 15th 1841 -

~~Mr. McCord~~ ~~Barnister~~ - ~~Thayer~~ -

James Hall Carney -

Henry George Harrington Sworn -

Knows the Pris^r he resided at my
House, left 31st of Aug^r had been there a month or six
weeks after he left I wiped a watch - I had no
watches but Prisoner & Serv^t. Two Serv^ts wiped this
watch at 12 o'clock on Tuesday 31st of Aug^r I generally
left the watch on the Mantle Shelf in the Back Room -
~~It was there~~ On the Saturday previously I asked him
to take the watch to the Flag Staff & have it regulated -
For two or three days I thought the Pris^r might have
taken it to the office - The Pris^r took it from the Mantle
Dress & bro^g it back from the Flag Staff & left it on
the Mantle Dress - He did not take the watch with
my consent - Identifies the watch -

Test^{ed} on ~~the 24th~~ ^{the 29th} of Aug^r I gave you permission
to take the watch to the Flag Staff -

Daniel Bounce Sworn

I recollect the 8th of Sept^r -
I saw the Pris^r at that time - I observed the Pris^r
had a watch, he said last bro^g had given it to
him to get it regulated at the Flag Staff - that

to allow him to wear it - thinks the watch prod. is the same -

F. J. Falkner C. C. Sworn

Saw P. in the 15th of Sept.

I had a word - & apprehend him - he sent for me he told me the watch was at Henry & Plover's & that belong'd to W. Harrington the watch produced is the one -

Next Harrington did not wish to give the Prosecut -
W. C. Henley Sworn

Knows the P. in - he came to say

he was hard up, he wanted a few shillings, he had a watch - he wd let me have it - if I wd let him have the money - said he wd come on Monday & pay me the P. he told me not to sell the watch - thinks watch produced is the one -

P. in read a written defence

Permit - to take the watch

W. C. Henley

Oct. 16. 1841.

Chas Jones. of Toronto

Def. Admits that he was bench of the
Court of Requests in April last.

Edw Jones Brewster Esq - Sworn
Commissioner of the Court of Requests
Proves a Doct. which purports to be an Execut
of a judgment of the C^t of Requests - Signature
Chas. Jones - Admitted - Edw Jones Brewster - and
my writing. I think all the writing is in Jones's
hand writing -

Yes? Inquest into Executions issued 16 or 19 -
I never gave you such Power - I never know
that ~~you~~ signed my name - that you signed an
Execution in my name - I think I signed 9 or 10
Execut^{ns}. at 19 signed altogether which Mr Ocock
swore he pd for - I did not think you
committed a Forgery. It was not with my sanction
& you were allowed to sign my name.

Richard Cook Sworn

C^t of Requests Book - Entry 5/6.

the paper fee up to the judgment - the Executⁿ - has a
Nullity - I admit ~~basist~~ received it Mr. Cooper
Yes? I don't believe that I ever made an

overcharge of the Dec of the C. of Requests -
Case -

Defend^t - never allowed any person but myself
to sign the Executions -

Mr O'cock

Mr. O'cock has received the fees
but never issued Execut^s - in my life - those
that were issued were done with my knowledge

Mr Cooper - Town -

I did not pay the costs - I paid
a p. of the debt - ~~with the~~ ^{set off} - value of the How. -
I think the balance is 4^l in my favour on
acc^t with Jones - over & ~~above~~ above the amount
of Execut^s - Mr. Rucker's Debt - I made a claim
on Rucker before -

Robt. Crow

Jones's Clerk - I know Mr.
O'cock he was in the habit with ^{at com^s & the office} the names of
the Parties & leaving it for me to fill up the
Executions - never committed a fraud - frequently
paid fees I did not charge -

Cooper - recalled I consider you ^{debt} in my debt -

Mr McCaulin Barrister. Forger

Wijel Wesley Sworn Teller of the Union Bank -
my duty to receive Cheques - Saw the Pris^r at 3 weeks
or a month ago - he presented a Cheque for Payment
Cheque Produced - Identified. I did not know any
such person as John Bruce - See a endorsed J. Hughes
To J. Hughes - I saw the Pris^r write J. Hughes on the Cheque
at Police Office Pris^r called himself Barrister -
He said he got it from a person named Hughes - Pris^r
gave the name Jones immediately after Hughes - I went
out soon after my return the Pris^r was off I had expected
him I went - I had the Cheque in my hand -
I went out after him & did not find him -
Yes? John Bruce no acct - J. Hughes no acct -
I never saw John Bruce -

Mr O'Neil Sworn Knows Pris^r saw him at Melbourne
20th Sept - last at Elph. Street Melbourne - I recollect
meeting one or two of his friends - he told them to get his
clothes for he was to his hips - is in trouble - I appeared
him a short time after he presented the Cheque -

Not guilty

Oct. 16th 1841

Chas Jones (Fogery)

Mr Brewster Sworn

I know Def - I am
 Commisr of the Ct of Requests in Melbourne - Def -
 was Bailiff in April last from April 1840 to April 1841
 "Chas Jones" believes to my the his hand writing
 E. J. Brewster seems written in the same hand
 E. J. Brewster not my writing - I never gave authority
 to Def to write that name my name - But
 I Cook Jones's hand writ. No person had authority
 to sign my name I never gave Jones authority or
 any Decret -

^{Prescript}
~~The~~ Paper purports to be a Decret of the Ct of Requests
 the name of E. J. Brewster signed to the writ of
 Decret - I believe it to be Jones's hand writ -

Case

~~Chas Jones~~ Jones ~~never~~ has issued other writs
 signed in that way but not by my authority -
 I know

I always saw the Summons of the Ct
 which Jones served - the Summons were hand
 up - Summons were signed by me ^{not} ~~signed~~ with
 the authority of the Commr - & the Registrar Mr Osbeck
 I acceded to these the Summons - Suppose if you came
 into the office & saw ^{me} ~~the~~ you sign the Decret. ^{not} ~~is~~ you
 have consid'ed it a Fogery - ~~It~~ ^{is} not consid'ed a Fogery

He did not think he was committed a Forgery -

Mr Cooper's Story

I recollect in Decr. put in my Home
I pd the amt to a Man of the name Chas Hayes -
The Mrs J^d Hayes - J^d & Jones Mrs on the foot
of the Decr - I hold in my hand - more than a
Pound - a second Decr - was put in in Mr
Cooper - only one dealing with Mrs of course I pd
on the foot of this Decr - I was allow^d on the 2^d
Decr - I pd the Decr - as a Rec^t -

Brewster recalled.

When I heard this I stop^d? Jones ^{Salary} ~~was given~~
Mr. Orr - compl^d to me ^{with} reference - I signed a
2^d writ after the 1st because I was ignorant of the
1st writ - doct. proved - 23rd June 1841. Decr
at the Suit of Mr. v Cooper - £. 14. 6. + Cost £/6
Decr - 3. 5. . £ 3. 3. 6 Debt & Parties the same -
I never rec^d from the amt of either of these Decrs
I stop^d 11 or 12th of Jones's Salary on acct of the
Mr. has^d. told me he had not been pd - I made
Payment to Orr on the foot of his Claim I think I^d. I
don't think it was on acct of the Decr - at all

it was in reference to his Demand rec^d for in the
Court of Requests -

per Jury - I have heard that Jones has received Mr.
shew^d it to the Parties - Jones performed a

great part of the Duties of the Reg. - he was in the habit of receiving Mrs. & paying it over at this time to the Parties.

Rec^d by W^m Murray

I am aware it is the Custom of the Bailiff of the C^o of Requests to receive Mrs. & keep it in his hands - he ought to hand it over - I am not aware of any order of the C^o binding the Bailiff that the Proceeds immediately return to the Party or the Registrar - ~~at the execution if~~ ^{at the execution if} was not that I know of entered by Mr. O'Loch - I signed the 2^d Decret. because I was ignorant of the first. If Jones had accounted for the 1st I would not have issued the 2^d. I called Jones after his ^{hearing} ~~dismissal~~ ^{dismissal} & made him Acc^t. for his Receipts - I was not aware that the Bailiff retains 2 Sums of Mrs. - 2 Decretes - One for Forfeiting the C^o for recovery of Debt - I was not aware when the 2^d Decretion was issued that the Mrs. had been of Jones -

Cooper recalled -

2^d Decret. - I never saw before - I might have seen - I met Jones in the Street, he said he had an Decret. in Orr & Cooper - I said I would give him what I had - then he asked me for the balance I told him he should not be hard upon me - Signature was on the Decretion before I gave him the Mrs. -

Mr. O'Loch sworn

I was Reg. of the C^o of Requests in April last - I recollect a Case of Orr & Cooper

I did not receive the amt of the Decret. I am not
aware that it was my duty to receive any m^o. except
the fees. The Decret. was never entered in the Book
of Costs - I have ^{never} received m^o. except the fees as Reg.
of the C^o of Requests in consequence of any Decret.
I can't say Mr. La has ever or not received m^o. on
Decret. similar to the one in the Inform^t.
~~per pay~~ By m^o. I meant fees upon irregular
Decretions. I believe when I acknowledged I
received m^o. upon this - I have complained
of irregular Decretions - I complained as
soon as I knew irregular Decretions had
issued - It is my duty to Register Decret.
When Decretion applied for I desired Jones to
send it to get it signed by the Commis^r. I did
not receive any m^o. for fees for this Decret.

R. N. Kirkland Sworn -

Reg. of the C^o of Requests
I have been so since the 7th of June - I have
seen this Decret. before - 11th It was h^o. to my
Office to show that 2^d Decret. had been p^d before -
Proves 2^d Decret. at the same Suit. It was
applied to by Mr. Orr in consequence of the amt.
of the 1st Decret. not being p^d - I received the Costs
of the 2^d Decret. Orr p^d it I received any m^o. on

Acct of the 1st Account

Mr Murray -

Amines - Fairly spent - No Forgery - because
many previous irregularities - ~~History~~ - Forgery -

Not Guilty

Journal of the

Exploring Party

to the

North Pole

1898

by

Dr. J. H. ...

and

others

of the

41

Green Court Nov. 26th 1841

Catherine Fitzsimmonds - Laundry -

John Turpin Sworn

I am a draper to Mr Cashmore
I recollect D. of Nov. I was in the Shop on that day Miss was
there, looked at Goods Prints - she did not purchase
any - she & she wd call again heard at the same a Parcel
in my charge - she left the Shop - A piece of Ribband attached
my notice lying on the goods - it was removed from the counter
One end on the floor the Roll seemed in her Pocket
I went round & found the end attached to her person
she said ~~she~~ had struck when she took it out of her pocket
& gave it to me - Ribband Produced - Property of Cashmore
& Co^{rs}

Q^d - At a couple of yards hang^g behind her -
per Cur - I never saw her take up her gown -

Margaret Coffey Sworn

I live in Bowke Street -
I was at Cashmores on the D. of Nov - I recollect seeing
the Miss there - I was at two or three ~~min~~ Min^{ts} there -
a Piece of Ribband hang^g from down from her Petticoat
Prints Ribband produced - I saw the Ribband taken out
of her Pocket - a White Pocket -

Q. Did not see the pocket particularly -

W. Murray

It might have struck there -

Peter W. Arthur - Seaman

Bro. has serv^d in my
family near 12 yrs - he have consid^d? her
a very honest person all the time -

Yours

26th Nov. 1841 John Smith Stealing a watch

Not guilty -

Thos. Brown Sworn

I live in Melbourne - I lived there in May last - I came to my home on that day & after I went out I left my wife there when I went out I returned at one o'clock I went out at 9. The front door was locked the back door was broken open - I fastened her I put against it.

I left my watch at the head of the bed - glass broken. It was gone when I returned. Identifies watch
Amelia Brown Sworn

I remember the month of May last my husband left me in the house one day I locked the door & went home I returned at one - I found the back door open - I found a window open There was a watch at the head of the bed - It was gone when I returned - I went to the watch maker - he ascertained the No - 6553. I swear positively as to the watch. The next time I saw the watch was at Mr. Gregor's Shop (watchmaker) - I saw the watch after at Mr. Fawcener's Room.

X? knows the watch from particular marks - I don't know Priv^y

Thos Hill - watchmaker - Not cert. that I have seen the watch before - no marks to lead

one to believe that I have seen the watch before -
Mr. Brown employed me to clean a watch - a
Common watch - I don't know the No. of the watch
that Mr. Brown employed me to clean - No. of watch
produced 3865 -

7th Edw. Foxhamer -

In consequence of information
which was decept
I received of the top of a watch - I went to look for it & found
the watch prod. at Mr. Jeger's the watchmaker -
The watch produced is the same -

Next

Mr. Jeger said he got the watch from Jas
Juffitt, I made the every search for Juffitt
Mr. Jeger said he gave two pounds for the watch -
Mr. Jeger went there all a fortnight since - He got
several persons of the name of Juffitt but he
could not identify ~~the~~ any of them -

Chas. Ellis Swann

I know the No. - I had a watch
dealing with
respect
respect the watch prod. - I got the watch from Mr. Jeger
on the 3^d of July - It was out of order - I gave it to
Mr. Jeger to repair - Mr. Jeger said it was his father's
watch several times - nearly ~~at~~ two months
before he asked me to buy this very watch for
£4 - I'd rather say the 4th than the 12th of May -

I gave the watch to Mr Jeger to mend -
I think it nearer to the first than the 12th
So McKenzie sworn -

I am a watch maker I live
with Mr Jeger the watch maker - I lived with in July
last. So so still I saw the watch at my Masters
Chas. Ellis left it to be repaired - ~~but~~ I repaired
it. I suspected it was not his from how learned the
W. of the watch elsewhere -

Deference - W. Murray -
Presumption -

Guilty -
Fr. J. J. -

Nov 28.

John Murray - Lawrence -

The Halpenny Sworn

Shop - Public House
Here the two Tell - I know the Pris: I have frequently
seen him at my house - I did so the begin^g of this
month - I had a double barrel^d Pistol - I marked
it - I kept one of the same description as the one
produced - The one produced is the only one of the
sort that I had - on 3^d or 4th of Nov

Red^d the Carman Sworn

I am a Constable - I know the Pris: - I saw the
Pris: on that day in comp^y with one man on the
6th of Nov. I watched him for a time - when
he saw me he squinted his face - I took
the pistol produced from him - I marked it.
The Pris: said it was his own - Case -

Guilty -
2^d of Nov

Nov. 26th - Mary Smith - Lenny
acquired

48
25th Nov 1841 George Kilpatrick - Horse stealing
Wid July -

Sir Simpson Sworn -

Sometime in Aug -
I was the owner of a Brown Gelding which
I purged from Capt. Lovdall's Paddock -
The Horse was hid - some abt a fortnight or 3 weeks
after by Mr. O'Leary, R. Police man - I swear as to
the identity of the Horse -

Yes? Off. 10th for the recovery of the Horse
to be paid reward in event of conviction.
The Horse was not so much altered but will be
sworn to him

Mr. O'Leary Sworn

One of Mr. Dowlett's Border
Police Man - I recollect the 17th & 18th of Aug - I was
~~was~~ on duty betw. the Gortown & the Big Hill
I recollect being on my return from Mr. Jamieson's
Station to Green's Station on the Sydney Road &
behind light & dark in the evening discovered
at some distance from the road - went up &
found two Men & two Horses one a Grey & the
o. a Dark Brown Horse which was the Horse
I gave to Mr. Simpson - I saw a Man take on
saddle of the Brown Horse - the Pris. at the bar
was the man - The Horse was in a sweat
The man disappeared ^{who was caught} with the Saddle &

whenever the man with the grey horse - I was unmarried
 then a stock ship round the horse's neck - I did
 not know if Sampson was the owner of the horse -
 took the horse to the Police Station, made in giving
 of him wh. I learn from Petri Jaccartani? it was
 in Sampson's - I knew the pris: before - I saw
 him afterwards in the workhouse I had been at the
 workhouse when I came down - I recognized
 the man as the person who took the saddle off
 the horse - In twilight when I saw him take the
 saddle off I was surprised to the man I see
 his features - I never left the horse out of my sight
 till I gave him to the Sampson -

xey?

I have been in the border Police since the
 first Establishment - I have been promoted - I am
 now a Trooper again - I came to Melbourne
 on the 22^d of Aug^r - I had been at the Stat. 3 or 4
 days - the 18th was at the time I took the horse
 his appearance as to date - Fogy [unclear] - beh^d - 5 or 6
 feet at the top - abt. 15 or 20 yards where I saw
 the man - the gro^g lightly timbered & little scrubby
 man was standing facing me - his head was up
 under the saddle - he was looking me in the face -
 The horse was beh^d me & the man - The
 man was standing along side the grey horse -
 I am surprised at his features as those of his
 I approached at a steady walk - I had an opportunity

of their features. I saw this man at the watchhouse
in Melbourne. I also saw him at a Livery Stable
tho' Mr. Simpson. I did not say anything to the man
at the Livery stable - I left Melbourne & his
was discharge. I saw him after^d at the
Livery stable. gone before she was apprehen^d
I can't be mistaken as to his face.

He said Mr. Simpson said he sh^d give me
10^l. The Horse was taken near the Road -
I never met the Dis^r in that neighbourhood
I went there search for him. Wood's Station
where Kelpatuck was formerly his. - I have often
seen Dis^r with Wood in Town. I did not see
the man from two months from the time of
taking the Horse till I saw him in the watchhouse
I swear I was not in contact with the Dis^r
in a Public House in Swanston Street
after that I took the Horse -

Deponce

W. Barry -

Believes the man ^{is} the
guilty - alibi - Inducement - incorrobated -

The Postman Sworn

Bookmaker - lives on N-side

the River. I know Dis^r have known him
nearly two yrs - from abt 12 of Aug^t last

Pris - come to my place & got abt 15,000 I wanted
 to know - He stand with me the whole of the month
 I went to the bush - I mean Pris - stand with me
 till the end of Aug - I recollect the 17th of Aug - The Pris
 your wife W Knapp & myself my birthday 26.
 He was with me that night - the next evening - Pris
 was with me next morning - slept in my house that
 night - Not mistaken - I can say no evil of him

Yes^d

I came from Hobart Town abt 3 yrs ago.

I lived in Hobart Town - I came out in the Melale
 at your expense - ^{no intention of any damage made} - ^{Pris - too young} - out here 17 yrs
 Dams 14 yrs - Child done this absence -

Kelpatuck has no horses now, He had two
 horses in the month of Aug - I bought one of
 them both of paid - one 50 gu - the other 40^l - made
 in the

W. Knapp Sworn

I see - I can hear
 nearly 2 yrs - I know last that news in his
 Employment - I have often called on him -
 I called on him on the 17th of Aug - his birthday
 I am positive - His birthday - Kelpatuck
 was there - I knew W. Dutton two - a girl & a boy
 before her Aunt - left her - girl alone now. Oldest
 Dams three & four & twenty yrs - I knew her
 15 yrs ago in England - The Oldest Child lived with
 Dutton is 14 or 15 - I am positive Pris was

There on the 17th
Key^d

Saw Piss on the 18th I can't say
Saw him there on the 16th - Does not know
where Capt. Lonsdale lives - There on the Eastern
Hill - I have visited the Piss in jail - I went
with Robinson to the jail some months since
Dance - I visited him yesterday - I did so
soon after he was in - Getting papers as to bail -
I know Piss had two horses - I went to the Parthday
about one o'clock - Had two or three glases -
Sun was down before 7.00 - in Augt I never
went to the Beach with Robinson I never at
Leardet's with Kilpatrick - Kilpatrick did not
ask me to appear as a Piss - He had no thoughts
but what he wd get off - He might have calculated
upon our ~~trial~~ I never heard anything more of
the trial George Wattle Sworn

Saw Robinson at the jail
3 or 4 times - He intend^d father in Law - I heard
them talk about the marriage - Remember
Kilpatrick signs two receipts - Antedated ~~of~~
a month - 5 days before the committed
jail at 15 yrs of age -

Edw Murphy Sworn

Sam Trumbick

I know Robinson - he was at the jail yesterday - he said he w^d attend to his bus^{ness} - his trial came on - to send his clothes - &

^{recalled}
O'Leary - I recollect the 17th of Aug^{ust}. when I saw the Pris^{on} - near the Big Hill -

The man Robinson a knave if they saw the Pris^{on} was here on the 17th of Aug^{ust} w^{ould} swear a false hood - I called at Beveridge's public House -

I never purchased any thing from Pris^{on} I never sold Pris^{on} any thing - I once made Pris^{on} he p^{aid} me for making it - 10 m^{os}. ago - he had the identical jacket on when I saw him with the Horse - The velvet had turned light brown -

Emilly -
To for life

Nov. 27 1841

Sam Levy - Stealing one Steer

Simon Cunningham Sworn.

I live on the Eastern Hill
I am a Stock keeper - I know the Steer. ~~he put 3 Bullocks~~
I saw one Bullock in the stock yard - branded M K on
the rear ribs.

Stock yard at the Floy Staff - place where
the town herd was kept.

per Law - I was applied to give up the Bullock
~~and~~ & refused to do so with an order of
the Magistrate - I did so because Thomas Levi was in
jail -

Verdict Not guilty

Nov 27. 1841.

Thos Jones - Larceny of a best
Common Lawy.

J. Davis - Sworn -

I kept the Royal Hotel - the Pris:
was my Tent - I purged said things while he was
in my service commencing - then wine amongst.

I recollect the Saturday previous to the 1st of Nov.
30th of Oct. I saw Elliott on that day the pris. was present.
I saw three bottles of wine on the person of Elliott
two were full & one not quite full & had been open.

Elliott said the wine was given him by the Pris:
I he said this in the presence of the Pris: - I asked Pris: if he
did do so & he said he did - I asked him a second time
& he said he did - I said I wd not overlook it - I sent for
a Constable & gave him in charge -

X^o

I don't recollect putting a bottle of wine into your
hand - I am sure the three bottles of wine were
not drainings - The bottles were sealed with a yellow
Seal with the name of the wine - I never found any
of the things lost on you - The wines were my property -
I saw Mr. & Mrs in my service - I can't recollect putting a bottle
into Pris. hand

Th. Stapleton Sworn

Policeman recollect 30th of Oct. last took your
Prisoner in charge & with the seals 3 bottles of wine

Identifies the latter - speaks as to the broken one -
Case -

Defense -

Verdict - Guilty

27th Nov Sat Elliot - Sworn - Recain. After food 57

At Davis Sworn

I saw the Respecter of the Royal Exchange Hotel I recollect the 28th of Oct. I know the Pris^r he was in my service I saw him on the 30th of Oct. in my house I both respect to three bottles wine Pris^r had them on his person - he had a long coat on - He generally was at work with ^{the wine} a coat - He had a long coat on when I saw him - a tartan coat - I did not see any talk at his person - I saw the wine on his person - one bottle in his hand - He said "Thos" gave him the wine by Thos. Sunderland "Thos Jones" - He had one of the three bottles in his hand - Cherry wine - Bottle produced by Thos. Pris^r said Thos gave it to him I told him I did not believe him, then he said Thos did give it to him - I sent for Thos & in the presence of Pris^r asked him if he gave the wine & the Pris^r he said I did - ~~Thos~~ Thos was a Lt. to walk away & I called him back & said "Thos be certain who you gave him (Pris^r) this wine or not" and he said I did give it to him - Elliot had not the wine in his ^{hand} ~~hand~~ the wine in his at the time - I sent for a Constable & gave him in charge

Thos? The Pris^r was then in my service - Andrew was in the House at the time - Pris^r asked at a dinner - I gave permission to Thos "to give away the main" - Thos the man he might have some bottles -

I swear to the true to my belief & the my self -

It is said he expected to make a few shillings of those
Kain &

John Anderson Sworn

I live at Davis's I recollect

the 30th of Oct. I was in Davis's Store room on that day
I saw the Pris. go. out of a room adjoining the Store room
No communication between that Room & the Store room
Pris. was employed in the Hotel getting things to rights
after the Ball - I perceived him going out of the
Room adjoining the Store & know it was not
a usual place for a man to be I was rather
suspicious I perceived Pris. with a long coat on
& know at the time that he had no hat with that
coat on I went after him - I perceived him going
out of the Room adjoining the Store & follow him -
I spoke to him after he got out of the House I called
to him & asked him where he was going, he said he
was going home - This was in the middle of the
day - when he said he was going home I said I hope
not with those things in his Pocket - he said he
had nothing - At the same time I had my hand
on a bottle he had in his Pocket a full bottle - I took
one bottle out of his Pocket & desired him to give me
the remainder - I identified the bottles - He said
they were drain - I took the bottles from him & kept
him in the kitchen till Mr Davis came -

X - Pris. was sent home by Davis - I did see the

Pris: this the cracks of the boards. There was another room, on inner one then occupied by some s. persons. I am not aware that Tho. or Pris: attend: on this person. The room in which I saw the Pris: was not by the wall -

Ed Jones sworn -

I was in the service of Davis - I recollect last given the Pris: wine on the Friday - Three tumblers some flasks - He took it in my presence - I saw no bottles of wine at his person - I saw one the Pris: these bottles of wine (wine which was stolen prod?)

Yes. I have heard of giving some of these. The room from which the wine is said to have been taken was behind where the gov. sat - a room into which the waiters had free access the night of the Dinner -

Perjury -

I got nothing from this man for it -

Patrick Stapleton sworn

Constable I recollect 30. of Oct

I recollect have seen the Pris: on that day - he was given in charge to me with the s. man Jones for stealing 3 bottles of wine - I took them in charge to take them to the Watch House - I then produced, given me by Davis, confident, I had a large coat on & put ~~in~~ a bottle in each pocket & one in my hand - I then ^{left at the Police Office} after - On my way to the Watch House the Pris: Elbert & Jones lashed

What what it was at the time I don't say
it is all all that at a bottle which was placed
in my left pocket. I perceived an open knife
in his hand at the time & he said why if I
stand & him to allow him to cut off the seal
or do it myself? & said I would not. I was
at the Water House, & had the knife taken from
him -

X-

Case

Receives stolen goods knowing them to be stolen -

Guilty -

27 Nov. 1841 John Smith - Larceny -

Mr Manger Sworn

I am a Carpenter in Collins's
 Lane Sheep a deal yard - I have ripped Planks - 4 -
 I have seen one of these Planks at the Police (C. Shows
 Marks & states (in) which he can identify the Plank
 swears it is ^{his} property - I know the Pris: he lives near
 me I believe him to be a Shoemaker - value 14/-
 swears the Plank to be his prop^y - I have known Pris: this
 two yrs & I have always tho' him to be an
 honest man I was foreman to W Morrison
 & he was then a ~~Cooper~~ ^{Party} to W Morrison & till now
 I never knew anything agst him - I did not see
 Pris: with the Plank at all -

Dr. Mc Glynn Sworn

a night watch man upon
 Big Bowden Street - Constable Spee - I recollect the
 3^d of this month - I saw the Pris: on that night
 between 12 & one - drunk - not very light - I positve the
 Pris: is the man - I saw him with that plank / prop^y?
 I saw he is the man & that's it - on his Shoulder -
 Three more Planks on this Road - Plank taken
 to the Police Office -

Jacob Wagoner - Sworn

Spee Constable & Night watchman
 in Collins's Street - ~~at~~ on the 3^d of Nov. at night I saw Mc Glynn
 in Collins's Street - I was called on Mc Glynn to assist him

with the Dis^r to the water house - The Dis^r was the man -
I went after^{wards} to the bank all $\frac{1}{4}$ of a mile from where
I first met with the Dis^r -

Yours
12 Ms. Empress

Nov. 27th 1841

~~Sa Sullivan~~ Sa Sullivan - Lareeny -
a bottle Porter

Sa Ellis Sworn

Commander the Enmore
now lying in Hobson's Bay. I recollect the 12th of Nov.
I know the Pri^{or} - I saw the Pri^{or} several times on that
day - nothing to excite my suspicions - I set my
eyes on that day between 12 & one clock - I saw three
Casks of Porter - I found one Cask the head partly open
& a bottle or two out of it apparently - Bottles sealed
with red Pitch - Porter & Ale is sealed - Between Decks
It was a Porter Cask -

Sa. Mr Smith Sworn

Ch. Mate of Enmore - I know

Pri^{or} recollect 12th of Nov - gave direct^{ions} to go below
Decks - I call^{ed} him up - he came up on opposite
side - I saw a bottle concealed in his room
I said he had nothing there - he threw a Bottle
over board - a Porter Bottle red seal - Porter was
behind the wood was for which I sent Pri^{or}. I went
down with the Capt & found the Porter Cask partly open
I? Can't swear ^{that} it was a Porter Bottle, but can see
that the seal was not broken & that it was a Porter
Bottle -

Guilty -

1st 2nd with intent to steal
3 bodilithorn
4 Corn

Nov 29th 1841 - The Grove

Agro Corn so 2^d to disable

The Legh Sworn

Constable at Tottenham Bay -

I know the Pris^r - he was once in my custody. I recalled
the 25th of Sept. last - I was engaged on that day as
Constable - I know the 2^d River - I was there on that
day a Military Man of the 80th Regt - on duty with me - stopped
at the 2^d River at Mr Evans's that night. Reached Evans
at 5 o'clock in the Ev. 2 Bushrangers in charge -
When I arrived at Mr Evans' House in company with the
Soldier took the two Bushrangers into the kitchen
to have some dinner &

Agreed to take a verdict
for a Common Assault

Three M^s. Impris^d - & a fine
of £10 -

65

29th Nov. 1841 John Hollman & F. Nichols - Larceny

W. J. Boyden
Sworn

I am Master of the foregoing Schooner - John Nichols - I saw the Pris^r on board the Lapwing on the 4th of this month - I was on the Wharf she lying at - 200 yards off the Wharf at Williams Town - John Nichols - I saw him go below. I left a compass on board the vessel when I came ashore from home before - It was in the Cabin a small locker not fastened - Hollman was sitting on the fore part of the Hatchway ~~and~~ while the other went below. I saw Nichols come up - Pris^r left the vessel before I came up - I had left the shore - I had one man on board - he was asleep on the locker ^{below} when I got on board - John Hollman was standing in such a position that he might have taken the compass without my seeing it -

J. J. Sullivan The man on board who was asleep was in liquor - I won't swear the man did not lend the Pris^r the compass - I first saw the compass after I stepped ~~it down~~ the water Police boat and had it on shore - I was not on board for some portion of the time - I can swear it was not taken when I was on board - The vessel was stranded -

J. J. Sullivan Sworn Inspector of Police Dublin
Recalled the 4th of this month - I went on board the Louisa Maria on the 5th the Pris^r Hollman

was the only man on board at the time - J. B. Nichol
 came on board when I was searching the vessel
 I asked him where he had stowed the compass he
 had taken from the shipwreck - He denied that
 he had any compass on board - I found the
 compass would be under the Forecastle Deck -
 Nichol acknowledged the ~~compass~~ compass & the
 that J. Nichol was in charge of the Louis & Maria.

Defense - borrow the compass -

Mr. Bell Sworn

Sailor - I have lately been in
 Bowden's employment -

Guilty

Cham

Nov. 29. 1841 -

Mary James Swiss Mary Valance

Larceny from
the person -
Acquitted -

Nov. 29th 1841

~~But Bona & Swift Day~~

John Wilson - Wrote & Forged Check
John Wilson

Dea Not Guilty

- 1st C^t Forgery with intent to defraud W^{ch} of Anshulson
- 2^d C^t Forgery generally with intent to defraud the Insurer - same intent -
- 3^d C^t Forgery with intent to defraud Thos. Mansfield & Co
- 4th C^t Forgery generally with intent to defraud W^{ch} Cashmore & Co
- 5th C^t Forgery with intent to defraud Michael Cashmore

Michael Cashmore sworn

I keep a Shop here I know the Pris^r I recollect the 4th of Nov^r - When I went into my Shop on that afternoon the Pris^r & a w^{ch} man were here standing in front of the Counter - ~~Some change on that day~~ I saw a Cheque that day in Collier's Sheet - I returned to my Shop ~~to~~ with the intention of giv^g these men in charge, with the Cheque ~~in~~ in my possession - When I went into the Shop the Pris^r asked me if I was about giv^g him the change of the Cheque for which he was wanting - I told him I wd give him the change

as soon as my young man returned with the key - He asked me for the Cheque so that he might endorse it. I told him it needed no endorsement - he seemed in a great hurry to leave the shop - I delayed the P^ris^r by various means till my Shopman arrived with a Constable - I have a Customer named Manniford - The Cheque produced was handed to me by my young man - The P^ris^r saw the Cheque in my hand - wanted to endorse it and wanted me to give him change for this very Cheque

Percy W. Hesketh Suron

Sussex St. 4th April

I am in the employment of last lot. I attend in his shop - I saw the P^ris^r in his shop on the 4th April - he came to purchase some goods - seeing him on the Monday I asked if he had Mr Manniford's order for the goods as he said he came for them for Mr Manniford - he told me the goods ~~were~~ to the amount of 15^{/-} or 16^{/-} I made out the Bill by P^ris^r direct in the name of Proche he said that was the name - he tendered me a Cheque - Cheque I identified - the one I gave to last lot the same afternoon in Colenso Street - I went to the Bank & ascertained that if the Cheque were presented the next day it wd not be pd. This was after Bank hours - I am acquainted with Mr Manniford I asked the P^ris^r how he spelled his Name he said B h k k e & it made no difference - I am sure the

is in the man that called himself Brother David in the first instance he came from Mr Manifold -
It is not the hand of Mr Manifold -

David C. McArthur

Manager of the Northwestern Bank I have customers named Manifold -
I do not think the Cheque is the hand of any of the Manifolds - On the fourth of that signature will not pay the amt. of the Cheque -

I am acquainted with the hand work of all the Manifolds - no other of that name keep an acc. with me - to the best of my knowledge it is a forgery - Not Mr Manifold's Signature

C. L. H. Peters Sworn -

The Cheque is not the hand work of John or Peter Manifold -

Gently on the 6th 64

Transp. for life

Nov. 29. 1861 San Moonee - Estation -
Augusta -

Nov. 30th 1841

Joseph M^r Houston - Z^o Houston

E. Jones Brewster Sworn -

Comm: of the C^o of Requests in Oct
last. I know Def - was Bailiff of the C^o of Requests. he
acted as such - The signature & the Produced Paper is mine

R. W. Kurland Sworn

was Ref. of the C^o of Requests when
Writ of Execut - prod^d bears date - it was given to
Def^t to execute - he did execute it - Received £ 6. 11. 4
The name R^o Kurland attached to the writ is my
signature. I know nothing more abt. the matter.

John Moore Sworn

Labourer - I know Def - I know
Mr. Mills - I do not know Prof - I applied to Mr. Mills
for the writ - I am Executor of order of W. Houston. I was
employed by him. I applied to Mr. Peace & he desired I should
the doc^t - prod^d was in my possession when I applied to
Mr. Mills - Mr. Houston & he desired me to go to Peace -
I did not receive any m^o from Peace - I saw
Houston receive m^o from Peace - I saw him
receive Feb 1st 41 on the doc^t - prod^d -

judgt 5. 19. 10
Costs 7.
Exp^s 4. 6
6. 11. 4

Houston out of this gave me 6^o for going out on
the bus. the day before - Mr Houston always gave me

10. for every expert -

I think I have led 18 miles when I went to Mr. Mills - I made no charge for this - I think Pearce made no objection - I cannot show to him before he went into the Auction Room - Def - said there was 10. for going out to Mr. Mills - I never heard Pearce make any objection to the debt or demand or the sum of 10. - However it is true it was for the expense of the Bailiff going out to be paid it -

John Jones Pearce - sworn

Not Guilty -

674.
Nov. 30th 1841

Joseph Day & R. Bruce - Robbery

Robbery

~~to~~ Ed Milton received 30th U.S. Notes of 5th each -

Cut Milton with a stick - further of saddle Cent -

Remarkable stick - Notes - Dis^o at Wallace's Station

Milton's watch on Day - & 5th Notes -

Ed Milton Sworn

I recollect the 30th of Oct - last Sat^h -
Left Melbourne on that day, abt 12 o'clock Reached
The Kinlochre Inn abt 3 o'clock - I stopped there two
hours or more - Took some Brandy & water & had
my dinner. I was sober - Took what wd do me good
I was capable of doing my bus^o - I saw the Dis^o
at the Kinlochre Inn that day - I had 30th on
my person besides some Silver - Bth Notes -
5th 5th Notes & 5th ones - & abt 1th in Silver - I had
a watch about me - I had conversat^o at the Inn
with Bruce he asked me if I knew where he cd get
a job of work - I asked wh^o sort - he said Splitting -
I directed them to greens - They left the Inn before
me - abt an hour - I left the Inn abt 5 o'clock in
the evening. Intend^g going home - I stopped abt
2 miles from the Kinlochre below that &
Beveridges. I gave my horse a drink - & I let him
eat some grass - I did not take the saddle off - I then
after stay^g abt 3/4 of an hour I went to Beveridges.

I was attacked as I was going on to Beveridge's abt. 2 miles
 from where I stopped at 1/2 mile from Beveridge's -
 I was riding along when a man sprung from behind
 a tree just after dark - a short man - he struck me on
 the horse on the head slightly - he ^{gave} took fright & jumped
 from under me - I fell on my temple - After I was
 on the ground there were two men seized me - My
 forehead was cut by the kicks they gave - One put
 his knee on the back of my neck & his hands on
 my head to keep my face to the ground - The other man
 was kicking me on the face - My money was in my
 breast pocket in my pocket book - My coat was open
 when I recovered I found my pocket book in my coat
 tail pocket - My watch was taken from my
 waistcoat pocket & the ground left - I was so hurt as
 to be insensible - I got the notes at the Union Bank's
 office - I changed one at Melbourne at W Andersons
 & got 5 ones in exchange - watch produced - then
 the watch - When I came to myself I found my
 saddle with the girth cut - I then went in search of
 my horse - I found him 20 or 30 Rods away from
 the place - I got my horse up & put my saddle
 on him & sprung on his back & proceeded to Beveridge's
~~I was telling Mr Beveridge what happened & he said~~
~~there were two men there there who had arrived~~
~~shortly before me - I did not meet on my way~~
 from ^{the} Penlockburn to Beveridge any persons except
 the persons who attacked me - I saw the man at

He went met at the Kurechury
 Beveridge after I got into the House The Pris^{rs} are
 the same ^{to} the place ^{where} I was attacked is abt. 2 miles or
 1/2 from Beveridge - I reached Beveridge abt. 8 o'clock
 I was getting my face washed & head dressed & then
 two men then came in. They said they were sorry
for what happened? they then left the Room & I went to
 bed - the day after between 8 & 9 in the morn^g I got my
 horse & went to the place where I was attacked
 I found a stick - the stick was broken - (stick
 produced) I took that stick with me to the Kinloch
 Inn, all the persons there saw it - I know James
 Sexton -

I left Melbourne at 12 o'clock - I was at
 the Commercial Inn in the morn^g. I believe I had a
 glass there - I don't believe I had more than one
 I then went to Murphy's place - I had nothing
 to drink there - I then left Melbourne - I don't
 recollect drinking anything more before I left Melbourne
 - At the Kinloch Inn I drank as much as wd do me
 good - I can't say how many glasses I drank -
 I can't say I was quite sober but I was capable of
 transacting business - I have seen Bruce before
 once or twice - I was sitting inside the bar & Bruce
 came & sat on the counter - I am sure my pocket
 book was in my pocket at the Kinloch Inn
 I felt it at leaving - I felt by putting my hand in
 my pocket - I might have been an hour riding
 to the water hole, abt. 2 miles or 2 1/2 miles - I sat

down on the grass when the horse was feeding I sat down
 till dusk - I might have ridden 3/4 of an hour before
 I was attacked - the horse was walking - It was moonlight
 not very clear - I met no one to my knowledge from
 near the Kirklochan to where I was knocked down -
 The blow struck me on the head - the horse started & fell
 on my face - I was struck by a short man - I did not
 see the second man at all - I heard them whispering - I was
 not sensible ^{after} I received the kicks - I did not feel
 them take my Pocket Book Book out. I know there
 was one on my back & one kicking me - My nose
 was close to the ground - I was lying on my face when I
 came to myself - I saw the saddle with the girth cut
 & then went for the horse - I was quite sober - I saw
 the hostler when I first came to Beveridge's - I then
 went in saw Beveridge - His ^{name} came in ~~which~~
 while I was having my face washed - I did not give
 Bruce a message - The hostler did, but I did not -
 He told Bruce with let W. Mutton know it would
 make her uneasy - I don't belong to the Temperance
 Society - I keep a house for travellers, eating & accommodation
 for horses - I came down for a license I did not
 get one - the reason was two houses were not
 required on the road - When the Divⁿ came into
 the room where I was they consulted with me - Bruce
 said I hope you do not think that I did do
something of that kind - I had a p. of Spurs on
 I can't say that I had ^{not} a short - I had not a stick

like the one prod^d in my hand when I left the
Killockne - There was a small bottle of castor oil

Xth
I had Mr Carrington I got for drawn up an
applicatⁿ for a licence - he told me to take
the application & get five respectable House -
holders to sign it - I did so - & returned it to
Mr Carrington - I saw Mr Carrington after^{wards} &
he told me it wd be all right - to get my House
up as quick as I co^{uld} as mine was the 1st applicatⁿ
I did so - I came in expect an Ans^r from
Sydney respecting a licence - I went to the Public
Police Office & was told by the Clerk he knew all
it - I went to get a fresh applicatⁿ -

E. W. Curlew. Sworn

Clerk of the Police Bench

I recollect an applicatⁿ for a Public House
Licence being made by East W^{ts} - It was
not granted because a person named Pat Matton
had made a previous application for a Publican's
general licence at Retmore - the same place
Matton applied for -

J. Patterson Sworn

Identifies the hatch as

one he has seen at his Shop in the possession of
East W^{ts} -

Y^e? I enter the hatch in the name of Mr. Matton

Which I thought was his name -

John Somerville Sworn

Sa^r Sexton Sworn

I got home at the Kilmochine Inn
 I am a waiter there - I saw them ^{Prison} there the ^{30th} 19th of Oct
 they had refreshment there - they stayed an hour -
 somewhere about 2 o'clock a.m. I waited on them
 for what they called for - they paid me - after they
 were there some time I asked them were they going
 to stop all night - they s^d no. there money was not
 allow them - I saw a bundle - Day carried the
 bundle with a stick - When he was leave the House
 he took this stick (prod^o?) with him, states how he
 knows the stick, he carried the bundle on that stick
 out of the House - on a Saturday - between 3 o'clock
 at Milton was sitt in the Bar of the House at the time
 they went away - I am positive sure it is the stick -
 The Pris^{er} left the House in Company - The Tall Man s^d
 The small man gave nothing to - The small man
 had the stick -

I served Pris^{er} with drink - I am W. Morrison
 sent - W. Milton came before the two Men - he was
 first - he remained betw 3 o'clock hours - he went
 betw 5 o'clock - He was in the Parlour & came out after
 had had his dinner - I served W. Milton with 2 or 3
 glasses of Brandy & water - The smallest Pris^{er} had the
 Bundle in his hand when he came in to the House

I saw Mr Nutton go away, he was in the same state when he went away as when he came - I do not see that he had been drunk when he was going away but he was no ways drunk - Nutton had no stake with him when he went away -

Recd I do not say Nutton had ^{not} test before when he went away - He mounted his horse in the same way I always saw him -

John Somerville Sworn

I live at Kurockne In. Co. Wick. I saw the Pri^{or} at the Kurockne Inn on a Saturday at the stake at 5 weeks ago - Stake prod^d has seen it prod^d before - It was just behind the Pri^{or} St^{or} the Pri^{or} they took their dinner at the Kurockne Inn - I was going to cut the stake at the heart stone with axe, it belong to the two men, Pri^{or} - I saw nothing more of Pri^{or} till Constat got them back again -

Next, I never saw the stake before the Pri^{or} were in the House - Mr Nutton had come before the Pri^{or} were in the Pop^{er} Tap Room - Nutton in the Bar - Nutton was sober - called for a feed of oats for his horse -

P. O'Neill - Sworn

Constable - I don't recollect the 30th of Oct. I recollect the 2^d of the month - I received a warrant & apprehend^d Bruce & Day on suspicion of a Robbery at the Reedy Creek, Wallace's Station - Searched Bruce first, & then Day - I found a watch on Day concealed in a rag in his trousers, I asked Day if he had any more he said no. I took him behind a tree & stripped him & found in a sort of 3rd 5th 10th 3rd 1st 2nd 1/2 crowns - & 10th in the Bth 10th of the main Bank - I also traced where Bruce had changed - 5th - Union Bth 10th at the main River - I found a watch on the watch ped in the watch I found - it has been in my possession ever since - I also found at the Goulds River where they changed all sorts

Sept - I apprehend the Pri^{or} on a boat on the Reedy Creek - I searched Bruce - found nothing on him - They were apprehended on the great Road to Sydney - a little out of the way - I caught them in a net & had great difficulty -

I marked the notes when I got them -
Case -

P. Murray

Comp^d to the jury - Circumstantial Evidence - Nutton's Evidence - Only means of showing any previous fit - will show it is the doubt - Nutton had been drinking - attacked

by a Man who sprung - from behind a Tree - I will
 prove that there are no Trees - any - Trees all the
 way - I shall also prove that Mutton was very
drunk between the Water Hole & Beveridge -
Conversat - with other individuals - At Carrington
 & Olney - and diff - at the Point -

~~Reference~~

Mr. May sworn -

Sub Contract for the Mail -
 Don't partially recollect 30th of Oct. - on a Saturday
 at 30th of Oct. I was coming from Sydney & Kinnelochine -
 I was at Beveridge 3rd hour. I left at five o'clock
 I left it in company with 3rd Men - 3 Men of Mr.
 Boddens being down horses they rode with me
 and Melbourne - I met two Men he was 30th
 on Saturday last - 30th - at 2 miles from Beveridge
 one Man was the Man I saw R^d Bruce the tall
 Man was one - he saw another man were with the
 Beveridge - I afterwards met Mr Mutton - between the
 Water Hole & Beveridge in broad daylight - I was
 3rd - I spoke to Mutton the other ^{Boddens} Men stopped ^{with} me
 all stopped together - I had a message from his Mother
 Misses to tell him to come home with whatever
 news he had - I stop^d with Mutton but a minute or two
 Mutton was able to ride his horse - I am certain his
 saddle had fallen when I met him - He was caunter
 when I came up to him - I don't think Mutton had

any Whif a Rod in his hand. I think he went away ^{at} the
 same place I met him - He might have ridden to
 Beveridge by day light - I rode from where I met Milton
 & Kinlochne by day light - I have known Milton for
 some time - No trees near where I met Milton some
 little bushes upon the road within a mile of Beveridge's
 If a man were riding up & another stand behind one
 of those trees, he co be seen - I have seen both Pri^{rs}
 before in Melbourne - Stren Day in Melbourne
Year

I was not Footman that day. I was on other
 business - They were nearer to Beveridge (the two men
 Pri^{rs}) when I met them - I did not meet Milton
 so near Beveridge as the Pri^{rs} - I never rode on
 that Road with Tookey - Pri^{rs} were abt 2 miles from
 Beveridge when I met them - Water holes 3 miles of
 Kinlochne & 4 miles from Beveridge - one
 of the Pri^{rs} had one horse was carry^g a bundle
 over his shoulder on a stick - I can't fix the time
 precisely -

John Light Sworn

I know the Pri^{rs} - Bruce
 I have known him from his infancy & have
 now know any thing as^t him
 I have always consider^d him a sober steady
 well behaved man - I believe that the
 Opin^{ion} of the neighbourhood Verdict

To for life Guilty -

Dec. 1. 1841 -

Wm Macarao - Reciv: Stolen Goods -Wm Rikes Barton Sworn

I am in the Employment of Westly & Co
 as a Clerk - I recollect a consignment of Pork to Westly & Co. I
 recollect 28th of Oct. the Pork was landed on that day. I
 saw it on the Wharf after it was landed. 2 Barrells belong
 to Westly & Co. branded W.N. On the Friday Morn. I went to look
 for the two Barrells of Pork & found they were gone. After
 they were removed from the Wharf I saw the Pork again
 one Barrell I can identify by the marks, on the other ^{the} marks
 are rubbed out - I swear positively as to one Barrell but
 the Prop^r of Westly & Co. swears it to be so by the brand or mark.
 On Friday Morn. I saw this Barrell of Pork in the Pris^{er}
 House - I saw ~~the~~ ^{the} Barrell in Pris^{er} ^{can identify} ⁱⁿ ^{the} ^{Pris^{er}} ^{at} ^{the} ^{Back} ^{rooms} -
 in Back Rooms -

Not guilty

Dec. 1st 1841 - St. Macarra - Lanery -

Sat Cairn Sworn

I am a Merchant & live
in Melbourne 6 Casks of Pork came up for me by the
Dunmore by a Letter - on Thursday 28th of Oct. I believe
they were landed on the Wharf - I did not see them
on the Wharf - I saw two Barrels marked B in the
Dun^o Shop - The whole 6 were my property - The Dun^o
is a Baker liv^g close to the Wharf at the back of my
own Store - I do not take them wherever I saw them
I do have taken them from the Wharf -

Key?

Can't swear the 2 Barrels are my Prop^y - I never
saw the others my Store keeper told me - I did not see
the Pork landed - No concealment - when I went there
I do have let the Dun^o have a Ton of Flour had he
come the day before -

John Farrell Sworn

I rec^d at the 29th of Oct - I
went to Macarra's House with a Search Warr^t & searched
Dun^o made no objections said it was all correct - I went
in & saw two Barrels of Pork in the inner Room -
one w. a ~~case~~ an empty sack thrown over the
head of the Barrels - I asked the Dun^o how he came
in possession of the Pork? He said he had bought it
the previous Night for ~~the same~~ twelve Pounds -

Next?

Dis. showed me the Casks, those under
the Counter & the others in the Back Rooms -

Sa. Jamieson Sworn

I am a Storekeeper to Wheelock & know
the Dis. - I recollect the 29th of Oct. I saw Jack Parrells.
land on the Wharf near the River
Not Guilty -

Dec 1st 1844. Miles Kernes - Forgery

Jacob Marks - Sworn -

Know one Aspirall - presented to me on Friday by Aspirall - Paper Prodⁿ - Show the order to be a forgery he's acquainted with Wills' signature told Aspirall that if it were not a forgery I wd^d pay him the money -

W^{ch} Prodⁿ is carried on as Harris & Marks Levy is a Partner

W^{ch} - Aspirall Sworn -

I live in Dyf. Street - Know the Prodⁿ since last Thursday - got the Paper prodⁿ from Prodⁿ to go on to get it cashed to Mess^{rs} Harris & Marks went with Marks to ~~Rowland~~ Gray & Broadfoot -

~~got~~

I was going to buy a shirt with the cheque - appears to have taken the cheque under very suspicious Circ^{um} -

Alex^r Broadfoot Sworn

Cheque was presented at my house - It is a forgery -

X^r has have a cheque drawn in favor of Prodⁿ by Wills for £25 - a genuine cheque

Not guilty

Dec. 2. 1841

Sandford George Bolden -

Tachin' Abnig - shoot with intent to
kill -

Acquitted

W. Crooke -

The Pres. a respectable letter charged
with shoot with intent - ^{George} instituted at the instance
of A. J. - Protector - states the facts from deposit letter &
letter - ^(Order deposit & letter) wish for the fullest investigation
Peter Carney sworn

I am in the service of
Pres. Bolden as Stockman. I have been 8 yrs in
the country. I recollect the 27th of Oct. I recollect seeing
the Pres on that day I went with him & Minister
the cattle - William Sherman & the W. L. Bolden
& Pres. accompanied me. I did not see any
Aborigines on the run while we were out. ~~we~~
until we had been a good while out. I saw Aborigines
on the run that day - all two or three miles from
the house. We went on to the run to muster the
Cattle. we parted, each took a separate road. if any
of us heard the Whip crack we were to return. I
heard the Whip crack & returned, when I was
coming I saw some Blacks. I just saw Mr Sherman
I can't say how many they were
came up. When the Blacks saw me they parted
one man separate from the Blacks went to the
Run. there was a woman & grown up boy. This man

The black ran into the flat the pris^{on} was sitting on
 his horse ^{which was} stand in the flat. The Native rushed off
 the hill into the flat - the pris^{on} swung out the black
 to ^(50 away) gage - with that the Native stood with his left
 foot projected & his eyes fixed on the pris^{on} - ^{Andrew}
 a weapon - ^{(a sort of club) carried with 2 edges like a sword} it probably cut a
 horse's head off - the Native was stand close to
 pris^{on} horse's head - ^{Marked a stroke at Mr. B. pris^{on}}
 with his weapon - pris^{on} was quite passive - he
 threw himself on the saddle & escaped the blow
 I don't think Mr. B. the pris^{on} saw the Native till
 the Native / rushed down close to him from the hill
 here my sheet was enough as to the way in which. ^{Mr. B. pris^{on} was taken up}
^{and I made} made depositions with regard to

This matter before a Magistrate W. Severight
 Capt. Webster was not present when my depositions
 were ^{taken} given down - Capt. Webster on a subsequent day
 asked me if the depositions ^{was} were correct - To the
 best of my opinion Capt. Webster never read it
 to me at all - Capt. Webster did not swear me
 Mr. Severight swore me first but I was not
 sworn when Capt. Webster asked me if the
 depositions were correct - The pris^{on} was not
 to the best of my opin^{ion} present at the begin^{ing} of the
 hour. he ~~so~~ came in tow^{ard} the end - To the
 best of my opin^{ion} Mr. Severight did read it over to me
 in pris^{on} presence & I put my mark to it. If pris^{on}
 had wished he ^{could} have asked me any questions
 I allow. ^(I own Depositions to report to) the depositions (he used) pris^{on} did not

previously the blow he aimed at him by the
 Native make any mark at him with his horse
 Pisi did not attack the Native till the second
 blow was aimed at him by the Native - I sang
 out ^{to Pisi} take care on the Native, as unhorse him.
 When the Native repeated the second stroke at Pisi
~~the~~ Pisi reined his horse round to the left
 & fired a Pistol at the Native - I can't say that
 he hit him - At 3 or 4 yards distance - Small
 double barreled Pistol - very short barrel - Pistol
 not more than 9 inches - When Pisi fired the
 Pistol the Native stood clapped his hands
on his belly & grimaced at him & called him
 a White B - then turned about & ran
 he ran abt. 100 or 150 yds before he came to
 a water hole - The Native was naked - I saw no
 blood - I saw him come out of one water hole, &
 go into another - I saw smoke from the Pistol - I saw
 no wound, ~~was~~ no blood - The Native ^{stayed}
 in the 1st water hole for an hour or 20 min. Pisi
 said ~~you~~ to me you keep that man (the
 Native a Pisi) the Black kept king out when
 in the water hole - Yes - plenty more Blacks -
 When the Native said so Pisi ^{attracted} told me to keep him
 Native a Pisi till he returned - Pisi went away -
 he said he was going home - he had only this
 foot double barreled Pistol - he told me to keep the
 Native till he (Pisi) returned with more fire arms.

In the Prist's absence the other Stockman Mr Kerran
 came up - he had not been up long before the Native
 came out of the water Hole - he still had his hands on
 his belly - he ran into the other water Hole - more
 than 5 or 6 yards - & stopped in for a short time &
 then came out & struck at the Stockman - he
 was going out at off side of the water Hole - I was
 holding the two Horses when Kerran went
 round to take the Native as he came out of the
 water Hole - The Native struck Kerran with a
 long one of their own Clubs on the temple & on the
 right elbow in the mean while they were ^{fighting} ~~gravelly~~
 I was sing' out to Kerran that the Native wd
 get the best of it that he Kerran wd never be
 able to take him & for Kerran to come to his
 Horse - With that Prist's came up & wth the Native
 fell or jumped in to the water Hole I can't say.

The Native was stand'g on a stump & just
 as Mr Jas Bolden came up he Mr JB fired - The
 Native jumped into the water just as the shot
 was fired - The Prist's was 15 or 20 yards from the
 Native when he fired. The Native was on the
 opposite side of the water Hole when Mr Bolden fired -

Describes the distance at 13 yds - from where Mr JB stood
 Prist's was behind - Saw smoke when the Pistol was
 fired - the Pistol was a little longer than the double
 Barrell^d Pistol ^{immediately} after the shot was fired Prist's &
 myself rode away - Per Cur^{re} W^h has become of the Native
 if dead or alive - if dead where is the body - if alive why not

continued? ¹⁰² ~~101~~ The Charge is for intent to kill & murder

X¹⁰² I am not aware that the Pistol was loaded.
To the best of my Opin: Mr. Bolden was about 1/4 of
an hour - I never heard the Native complain
during Pris: absence of his bit - The other Stockkeeper
said to Pris: after the first Pistol was fired, before
the 2^d for goodness sake go some for more fire
Arms to protect us, as this Man says there are
so many Blacks on the Run - To the best of
my Opin: I never saw the Native before - there
were other Natives with ^{long an eye for the Run - There was} ~~the~~ man - A woman
who had a basket with ~~footed~~ ^{beef} ~~beef~~ ^{fat} - Cattle
~~she was defamed this basket of~~ - (evidence speaks to ⁵⁰⁰ ~~detention~~ ^{improper})
killed - There had been previous depredation ^(a)

X¹⁰² ^{cont. 101} describes how Pris: fired the first shot - Pris: said
stand clear the Man will run horse you -
I cant say Pris: took aim (1st shot) at all - describes
Pris: position in his saddle over Horse back
The Kerner & the Native were 5 or 10 min.

fighting I am quite sure it was the same
Native - Pris: ^{may be the} ~~did not~~ come within 3 or 4 yards of
the water hole - The Native must have seen it Pris:
gallop^d up before he jumped into the Water House -
^{you would} this on wednesday - The 1st deposition was made
on Friday following - ~~But~~ when I made ~~the~~ my
deposition I did not know that the Man was
killed - ~~the~~ ¹⁰¹

(a) I said that the owner, before or person pay^{for} a license for a run had a right to use every lawful means for recovering from any person Wh. White or Black any of his Property attempted to be ^{illegally} carried away. and further there being no reservation in the grant, ^{from for} license in favor of the Aborigines, ^{the person} the owner had ^{also} a right of all lawful means to turn ^{off} any person Wh. White or Black who ^{the} ~~trapped~~ ^{trapped} ~~traps~~ on his Run - This was not like Bronson's case, it was a case of Aggression between Blacks & Whites in which ^{the} ~~the~~ ^{they} had clearly ^{the} ~~the~~ ^{they} ~~trapped~~ ^{trapped} ~~traps~~ on his Run -

perjury It is common to frighten the natives by
snapping, or present fire arms -

perjury The Native had three or 4 weapons at
hand when he struck at Pris -

Mr. Keenan's Sworn

Sworn Stock keeper - Sworn in the
Employment of Messrs. Bolden at their Station -
I recollect 27th of Oct. perfectly well - I went on my
bus. in getting in Mr. B's Cattle - I endeavored to
get them in I saw three Natives a Man, woman,
& a Boy - I saw out "gogo" that is to go away - they
said they were going to Mr. Severight's at 11 miles
off - I did not attempt to drive them off the run

I could hear Pris - in hear - The Blacks said Mr. Severight
beggell beggell beggell you ^(that is heavy eye) in the course
of 5 mi. last ~~time~~ ^{part}, hearing me talk to the Natives
~~part that~~ the Blacks came down a small
bit of a hill into a flat - Mr. L. B. & Pris were in
the flat. I saw out to both that the woman's net
on her back was full of fat - I exp. the bag & took
the fat out of it - Pris & the Black man during the
time I was showing the fat to Mr. Lemuel ^{had} had some
words - I did not hear exactly what the words were -
I was engaged with the woman - I turned round
I saw Pris engaged ^{with} the Native - the Native try to
strike him with his club - I was at 40 or 50 yds
off - I did not see Pris riding down this Black
or galloping his horse - I heard a Pistol shot - at the

The Native went
 down the river
 to the water hole
 to get water
 for the party
 and I followed
 him to see
 what he would
 do. He went
 down the river
 to the water hole
 and I followed
 him to see
 what he would
 do.

I heard the shot & turned round. I took the
 Native & he within 40 or 50 yds of me. I saw smoke
 after the pistol was fired. I saw the black going to
 the water hole. The black did not walk as if wounded
 he ran as hard as he could. Black was naked.
 The native went legs foremost into the water hole
 I saw him. I thought he 5 or 10 mins before the
 black. I frequently looked as I expected a reinforcement
 of blacks. Mr. Piss was on the flat nearer the
 river than I was - 40 or 50 yds from where Piss
 was when he fired & the river. Piss came down
 to the water hole with me when the native sprung
 on & got hold of a log & said "plenty more black
 fellows come lately directly - they? Piss to
 go home & get more fire arms. The pistol
 Piss shot with the first time was a double barreled
 pistol. The barrel all of which is long. Piss went
 home for fire arms & shot them. I was try to keep
 the black fellows. ^{Piss endeavor to defeat} Mr. Piss returned. During his
 absence the native came out of the water hole
 & me. He came out quietly. I just walked up
 to the native when he struck at me with his club.
 I said my master told me to keep the native till
 he came back. At the time Piss returned the
 native was in hand hold with me. I thought
 to get a hold of his club. he flung one of his weapons

at once before he got out of the water Hole - as soon as
 he saw ~~the~~ ^{the} ~~gun~~ ^{gun} gallops up ^{the} ~~water~~ ^{water} ~~can~~ ^{can} into the water
 hole - the first thing I heard was a Pistol fired - The
 Native got into the water Hole just at the time the
 Pistol was fired - ^{The} ~~was~~ ^{Native} ~~encountered~~ ^{encountered} with me
 when ~~the~~ ^{the} ~~gun~~ ^{gun} came up - Three years here - I got sev-
 eral blows from the Native - one on my forehead I bled
~~some~~ ^{some} ~~sev.~~ ^{sev.} on the Arms with the Club - After the 2^d
 shot fired ~~the~~ ^{the} ~~gun~~ ^{gun} went away - I was at the water
 Hole after ~~the~~ ^{the} ~~gun~~ ^{gun} ~~was~~ ^{was} ~~seen~~ ^{seen} ~~several~~ ^{several} ~~times~~ ^{times} - I go that way about my
~~place~~ ^{place} -

J. I do not know the Natives name, the
 same man I found killing a bear on the 19th
 of this month - I saw him sev. times on the
 1st of Nov before - I can't swear there was anything in
 the Pistol that might have caused death - There
 might have been such a thing as a Pistol discharged
 with a Ball or shot to frighten ^{the} ~~the~~ ^{Native} ~~the~~ ^{Native} ~~gun~~ ^{gun} - ~~the~~ ^{the} ~~gun~~ ^{gun} ~~was~~ ^{was}
~~seen~~ ^{seen} ~~25~~ ²⁵ ~~yds~~ ^{yds} ~~from~~ ^{from} ~~the~~ ^{the} ~~Native~~ ^{Native} ~~when~~ ^{when} ~~I~~ ^I ~~saw~~ ^{saw} ~~him~~ ^{him} ~~after~~ ^{after}
 he fired the 2^d shot - that he was in full gallop -

At the moment the 2^d Pistol was fired the Black
 was in the act of attacking me -

Go to Severeight's Town

Apr 1st 1808. of Aborigines in the
 western District. ^{Dona} J. P. ~~know~~ ^{know} ~~the~~ ^{the} ~~name~~ ^{name} ~~of~~ ^{of} ~~the~~ ^{the} ~~gun~~ ^{gun} - he lives 17 or 18 miles
 from me - Note the depositions in this Case - they were
 taken in the presence of the ~~gun~~ ^{gun} on Friday 29th of Oct -
 they were read over to the ~~gun~~ ^{gun} after they were taken

Letter also from Henry & And - Henry Tatchner -
 I was perfectly acquainted with his person - I have
 no doubt he is one of the tribe over which I have
 superintendance - that is the name by which he
 is generally known - I have not seen him this
 I have made ~~some~~ much inquiry for him
 from his own tribe in parter & from other
 Tribes - I saw him at a fortnight before the
 dates to which I have referred - It is impossible that
 he can be at the Post - I have twice searched for
 him from San Pedro to San Jose - He may be still
alive - I saw him after the Commission of the Act imputed
 to him - ~~on the~~ On the 20 of Oct. I went to San Pedro
State - I was directed where I should find Wesley Walden
 on going to him at his Stock of I made myself
 known to him after ascertaining that his name
 was Walden, said I was sorry to learn that
 there had been collision betw some of his
 people & the Natives - He said No Collision -
 I replied "are you not aware of it?" He said "are
 the bodies found" I answered I believed ^{to be} ~~to~~
^{the report was stated}
 from the Report of an Aboriginal King - who is a
 Savage) - He can speak English partially ^{at least} ~~the~~
 "I have no intention of agitation for say it was I who
^{but I assure you I was in self defence}
 did the killing & I intended to have informed
 you of the same as soon as I possibly could -

This was not said till I had said the bodies were found - He then said he was engaged in going over the cattle which he had lately sold, & this was the reason he had not informed of the case already - I observed this was under consid. agitation - I advised him to say nothing more at present but to defer his statement till the morning when I should return & receive it from him - My reason for doing so was seeing that he was under agitatⁿ he might inadvertently make a statement that might criminate himself - I held out no inducement to the Pris^r to confess - I did take steps to ascertain wh^o the story of the Aboriginal boy was true - before I went to the Pris^r - I traced on Comp^y with the Sep Native & a Constable to ~~footstep~~ footsteps with shoes to a water hole & where there were marks of horses - I was engaged in this when a boy made his appearance on horse back - ~~the Native~~ In consequence of this boy's life being in danger from the Natives with some relations of the boy - I gave up the search & went to the Pris^r

The confession was under the false impression ^{of the Pris^r} ~~from the Pris^r's statement~~ that the bodies were found - which was not the case. I said I was regarding the boy, but I did not consider the ~~confesⁿ~~ ^{probability} of the existence of this man ~~was~~ ^{was} improbable - that the Native's name was neither

The inducement to state this was the statement of the Aboriginal boy ^{all 10 yrs old} ~~Pris^r~~ ^{Pris^r} ~~statement~~ ^{freely & voluntarily made}

"The Pris^r said had he known that the bodies had not been found, he wd not have made that statement" - I said ^{does} ~~that~~ ^{that} agree with the statement

precisely made - The deposition was made previous
to the bodies ^{being} not been found ^{known} been made - ^{was} said
"Helmer I do not have made the statement &

I can't say I fully understand the language of the
Protest - ^{I made a great search for the bodies they have rather found -}
made no mention of the woman" Therefore I did
not investigate the matter - I heard the woman
was alive - It is most usual for natives after committing
depredations to abscond - After collisions between
themselves the natives abscond - ^{It sometimes happens}
collisions with the settlers for natives to abscond for
two or three weeks - The woman has not returned -

This man belonged to the Comnawa Tribe - at 15
miles from the place of the collision ^{has long since disappeared} - the water hole ^{is}
Every facility afforded by the Pri^m & his friends for
the fullest information investigation -

Dr Barry addressed the jury in an able speech
not fairly

I thank the Pri^m

Strongly censured Dr Severn for the conduct for not
stating to the Pri^m that the bodies ^{in fact} had not been found
especially after the woman was known to be alive, it also
for bringing ^{forward} such a charge on the Hearsey witness of a Savage
Boy of 9 or 10 years of age - I told the Crown Prosecutors
there was no evidence ^{that I could procure} to show that an aborig^e had named

Dev. 4¹ Mary James - 5th Mary Ballance -

Placed Guilty
Lyns Empire

Jackman had been shot at & alluded to Earl of Cardigan & the Crown Prosecut. insisted ^{that} the Evd ^{of integrity of Jackson} - which was al-
most ^{the amount of} the ^{of all 10 3/4 of what that} ^{report} ^{of} ^{Sever} ^{from} ^{the}
Savage Boy was suff. ^{held} ^{the} ^{jury} ^{that} ^{the} ^{had}
Informat- ^{ed} ^{not} ^{on} ^{that} ^{you} ^{he} ^{said}. ^{That} ⁱⁿ ^{fact}
There was no proof of the main allegations & that ^{23^d that Jackson was shot at}
they must acquit the Pris. but even had it been
otherwise the ^{Circ.} of the case were such as in
my opinion - ^{was probably not} ^{was} ^{unduced} ^{them} ^{to} ^{attest}
I ^{conced} ^{the} ^{Pris.}

W^h ^{the} ^{persisting} ^{that} ^{the} ^{Evds} ⁱⁿ
was suff. & that he wd file a thousand Informats
on the same Evidence - I said then if so I
must represent your conduct as improperly want
the time of the Public & put the Gov. to unnecessary
Expense - ^{The} ^{jury} ^{immediately} ^{acquitted} ^{the}
Pris.

Dec. 24. 1841

Mr. Emerson Chandler

Steals in a dwelling house
Spent in fear -

John Leg the Elder sworn

I saw Tapster for Dr. Shaw of Thunders have his house is there - I remember a week or 10 days ago put the money in the till - It was my own property - this day forgotten - It was my own money I put it in the till to give change to customers - I got it from my own house - at 1/2 past two - I am confused - I put it in the till - I examined the till after my return from the steamer at 4 o'clock the money was gone all but 5 silver pence -
Whiskey the 1/2

Tom Stast Mt - I was at Shaw's house the bricklayer's arms Friday this day forgotten - I saw the money there before 3 o'clock that afternoon - There was 25 in silver in the till - I saw it in the till - The till was shut - no lock & key bit. The Pir & another man came in & call for a pint of ale & after they had drunk it that man (Pir's partner it was Pir) came & took hold of my hands & pretended as if he were wrestling with me - he knocked me down & put his hand over my mouth & nose & stop my breath - and man went to the

All while I was down & robbed the full & the d. man took the pris the pris held me down till the d. man went away & then went out after him - I was very much frightened - I swear positively the pris held me down - On Sunday morning I went with Neil the Constable & found the pris in bed with out. woman in a buckwheat but this side the water -

X²

Remember two men come in this day fortnight & a constable - the men off the constable, a gap - pris. was with the man that off the constable -

per jurym?

Remember the pris. before Saturday week had perfectly positive pris. is the man - not dressed as today - He had on a blue jacket a small shaped shirt & a hoisted coat I saw hang in the hut - I shi? know the constable that came in with the men were three times -

Defence

I am innocent - Witnesses to prove my innocence -

leg jur. Char Swindle ^{that} as the man who came with the men & had some one off? a glass of liquor

- Char Swindle Sworn

I saw two men on

Thurs

this day for night, at on the Tap - The Pris^{er} was not
 one of the Men ^{4 or 5} - There were four Men - The
 Pris^{er} was not might have been one of the
 four - There were two ^{men in} blue jackets - I have
 seen the Pris^{er} before - ^{to}

Leg^{al}. Four Men in the Tap - only
 two when I was knocked down - The Man that
 asked the Constable to drink had a blue jacket.

George Scarborough Sworn

P^{er}sonal Keeper of Melbourne
 Pris^{er} was at my place at 3 o'clock - he was there
 a second time at 4 o'clock -

Guilty -
21 15 3/4

To
George Day. Larceny -

Presumptive Evidence -

Good found in Pris. v. J. J. J. J. - 2 Deacon. 2 J. J. J.
253.

John L. Walker Sworn I am a Constable attached to the Melbourne Police - I know the Pris? I visited the Pris. v. J. J. J. J. House on that day - In consequence of information received I on my arrival at the House I saw the Pris? come out of his bed Room & close behind him was his wife - She had carry. before her (Box prod^d), & was going in the direction tow. the back pt of the premises - I immediately followed her - she went to the door of an outhouse in the back & she turned round & perceived me close behind her & she immediately returned & placed the box inside her Bed Room door then laid hold of the box & called for the Chief Constable who was in the House. ~~Looked~~ in the course of two or three min^s Pris? produced the key - (Key prod^d) I unlocked the box in the Pris^v. presence of I found it cont^d Ribbands Silks, & Lace (prod^d) same & the best of my belief - I was in the possession of the Chief Constable I found s. prod^d gown prod^d lace & in Pris^v. Bed Room - I took these things out & put them in the box again - Pris^v told me he had purchased from a man of the name of Jackson & given him

25^l for them - he did not say when - He said the
 money he had paid was 5^l 5^s. I asked, he said there
 was no other person besides his wife & himself &
 that he had no receipt to show for them - ~~Five B~~
 Five Boxes & a Basket -

X^l Boy looked originally when Mr. Say had it -
 Say gave the key quite voluntarily - he made no
 resistance - he did not hesitate to tell me where
 he got the property - No attempt to conceal those
 Boxes - ~~one~~ one had a lid - the others no lids -
 stands at the foot of the bed -

Peter Hughes - Sworn

Merchant in Melbourne -

18 Mos in the Colony - previously in Glasgow as
 Silk Merchant & Draper - I ~~import~~ ^{export} goods for this Country
 The goods prod^s were sent out to me - I swear
 positively to some from the invoice - I was the
 consignee of them - I identify the property -
 Prod^s worth 70 to 80^l. - Who? give 70^l for them
 £25. will be a very great bargain - The lot is worth
 more than ^{some of the} present time - I swear
 positively that Prod^s is mine - Sept

X^l I have sold the Prod^s in ~~Sept~~ ^{last} -

I was here 18 Mos - before the goods arrival -

Rey^d - I found that in the begin^g of Sept^r I was
 entitled to receive this Prod^s from the Capt -

I compelled the Capt to pay me for it because he did not deliver it -

By R Murray

The House of Sir Fishers Ship those goods - It being bought by help of my agent - It is a consequence since it is for - I recognize the goods partly from the Invoice partly from my Private Mark which the Glasgow House retains - Goods in Basket worth 20 or 25 - Some of the goods prod. not identified by Inghis - The lot must vary from £100 to 1000 in price - Some of the Ribbands appear to have been in a Retail Shop Fishers & Co. Wholesale & Retail - The Received Bill of Lading was in the goods were on Board - The goods were for by the Capt - It was my Private Mark, it is now the Private Mark of Fishers & Co. They are not in the habit of shipping goods - I am satisfied this parcel never ought to have come to any other House

Sir Buchanan Sworn

Manager for Dundee & Co.

I recollect the arrival of the Brilliant - The goods for ~~Sydney~~ we never had the goods in our possession I know the Price -

Not guilty

Dec. 15. 1841 -

Patrick Kelly - Horse Stealing -
Pleads guilty -

Dec. 20th 1841

Robt. Jimmy Jimmy Small Boy
 Jack Rapston Summerparaway
 — Lalla Rookh Fuganina
 Fanny ~~Small~~ Waterpoordeyer
 Maria Matilda Rattepolemer

Murder of ^{a person known as} Mr. Cook & ^{of} ^{the} ^{same} ^{name}
 but give other name

W. Barry Challenges the array - natives of N. I. I.
 Local Act ~~4. N. 4 c 12~~ - Sect -
 2nd N. 4 - British Subjects -
 W. 2nd Inconvenience
 A. 9. Geo 4. c 83 - sect. 24

W. Barry objects that accord^g to the Local Act 4 N. 4
 2nd Sect. 6 that a challenge to the array in
 consequence ~~of~~ of the Sheriff not having returned
 a ~~panel~~ ^{panel} de mediocritate sho^d be allowed & a new venire
 returnable in 4 days sho^d have.
 Coke contra. In postea Poston's judgment
 in the first case & inconvenience - ^{Barry}
 I overruled ^{Barry} ^{3rd} the point for the ^{opinion} of the
 J^{udges} & Council, in case of verdict ag^t ^{the} ^{jury}

1st C^o. Murder (small boy) by shoot Cook & Yankee
rest of Pris^{rs}. ~~Guineas~~ ~~and~~ ~~cabets~~ -

2^d C^o. All Pris^{rs}. Murder by strike & beat
Kicks deced -

Weske -

Defau - on 26th of Sept. Whalers set
at Leedy's Bay. on 5th of Oct arrived at Watson's at Cape Patterson
Station unoccupied - Cook & Yankee - went arrived at Watson's
Upper Station - two Shalers went out to see if they could find
owners of boats - heard two shots in quick succession -
others went after their companions - returned with find
them - After 1 1/2 or 2 hours Watson & two ser^{ts}. belong^g to
Mapey & Anderson arrived at the highest station &
were surprised to find 3 Whalers in the boat (two missing)
3 Whalers told that they had heard the shots - Watson
acquainted with locality & knew the Pris^{rs} were
near there said it must be the blacks - Mapey's
ser^t. Patrick had heard that the two shots had been
fired said he wd go out to look for the companions
of the 3 Whalers (i.e. the two ship's ones) returned & said
he found 2 persons shot dead on the beach at
Cape Patterson - the whole party then sailed for the
Watson his two companions but Mapey's ser^t
Patrick & ans^{rs} whom they were conducted to found
Patrick's narrative too true - Some persons were
seen in the neighbourhood - This party enter^d the
bodies found on the beach - Tho. Roberts - one of the
Shalers - Watson - W. Jewett - H. Johnson - M. M.

Monson to whom one of the Party confessed -

Mr. Robins. Sworn -

I was Whaling at Ladzi Bay in Sept. last. Left it on the 26th of Sept. 3 of us left - I recollect the 6th of Oct. arrived at the Coal Mine. 6 of us left the 8. two at the River because they could not swim - we arrived at Cape Patterson ^{in the night} - no one in the boats - I was only in the first but close to the beach 50 yards from high water mark Cook was with me - Yanktee was with us - never knew him called by any other name - Cook & Yanktee were dead I helped to bury them saw them dead - I saw heard two shots fired as close ^{to} as they could be fired when I was the boat I saw 4 people on the Hill - I could not distinguish them whether White or Black Men or women - they had two guns & dogs with them - I saw them about a minute after the boats were fired - three out of the four went down to the beach & one stood on the Hill - I did not see gun in the hand of the Man on the Hill - nor did I see gun in the hands of those on the beach - I saw 2 guns in the hands of the Party before they came down from the Hill - I could not see the beach where they went to see the guns - saw after they left the rise - There was a sand Harrow on

that part of the beach - Saw Evans was of the Party - the
 other ~~three~~ ^{two} with me were Howard & Ned - ~~the person~~
~~and~~ The three persons that went to the beach returned
 to the ~~beach~~ ^{place} & the other one went down - I could
 discern if there was a female of the Party - These
 persons went away out of sight & I went into the
 Hut - I could not tell wh. they were black or white -
 While in the Hut ~~what~~ ^{some} or two of Mr
 Anderson's Men came there - ^{In company} we told them
^{of the proposition we gave them} our mate was gone & we had heard two
 shots fired - Paddy went out in search - ^{from} Paddy
 returned we all went out & found the two
 bodies between 200 & 300 yards from the Hut -
 Gankhee was shot thro' one ear & out of the other
 there was a hole in each ear - ^{he had been} bleeding in each ear
 blood upon the sand & on his clothes - No other marks
 of violence on Gankhee - he was quite dead - with
~~the~~ ^{the} cold - Cook had blood flowing from his side
 Cook's head looked as if it had been knocked about
 with sticks & pieces of stick lay near the body
 stick as my hand & stick's prop produced - Cook's features
 were not so disfigured but that I knew him - I am
 sure it was Cook - They were buried at a place ~~at~~ ^{about}
 high water mark in the sand on a flat all. 1/2 feet
 from where the water beats. They were buried abt. 200
 yards from the Hut

Sept. 4th of us in the Hut when we heard the
 shots fired first - There was Howard & Ned & the O. Man

that came ^{out} to water when he came into the Hut -
 I was not with Evans then - he had left the Hut -
 Yankee & Cook had been in my Camp five months
 & 1/2. We left our Station from short provisions -
Always on good terms with each other - I swear
 Yankee was dead - I don't think he could be recovered -
 His arm was warm when I pulled up his shirt -
 Blood was flowing from Cook's side - Four people
 below 20 degrees of when I went out down ^{the ladder} them
 I can't say that the dogs were such as the natives
 have - I can't say wh. they were men or women
 White or Black - they had something that looked like
bones in their hands -

per journeyman - Books were 20 yds from the Hill
 on which I first saw these persons -

The Native Sworn

I am a Gunner on the 5th of Oct
 last I went ~~to~~ the higher Station at Cape Heron
 with two of Mapey & Anderson's men - First when
 I came to the place I saw a man with a Red
 shirt which I thought to be one of the natives -
 I found it to be a Whaler who accompanied me
 to our hut where we found some (3) of his companions
 I did not fire any shot - The Whaler said two of
his party were missing & had been missing for two
weeks - A Whaler & one of Anderson's men
 went out in search of the Whalers who were missing -

The Patrol returned & I went & found two bodies of white
 men both dead - some of us went - Robins was one -
 saw blacks that evening. First saw 4 - then saw three
 nearly the evening - all 200 yards off when I got them then
 I arrived at Cape Patterson 15th or 16th of May last - I never
 saw any blacks but those I saw that evening - ~~they~~
 I never saw any but the "Pis." at the Bar, they stop
 besides before us three or four days from a Wednesday
 till Saturday when they destroyed my place - Oct
 2^d they destroyed my place - they had dogs - that they
 had had the appearance of Jim's - the deed said the
 Cook ^{was} a Sydney Native - was lay on his back near the
 beach shot thro the side - a hole right thro perforated
 the body & came out at the back - it appeared to be a
 Jim shot wound, his head was dreadfully cut with
 Clubs or Sticks - the back pt. of the head was the worst
 the features were not deformed at all - his face
 appeared to have been shot right thro one ear to
 out of the other & his head also dreadfully cut at
 the back with Sticks - saw the sticks produced, on
 the beach shot by close by the side of the heads of the
 deed - The bodies were buried betw. 50 ⁵⁶ or 60 yards above
 high water mark in a gully of sand - the sand
 was elevated all 40 feet from the level of the sea -
 Robins was with me - saw 4 blacks when we were
 burying the bodies - I did not distinguish them -
 I am sure they were blacks wh. men or women I
 can't tell - saw some dogs - one dog a Stock dog

with a short tail - Saw that dog different times
before with the natives - On a Friday I went the 1st
of Oct - This dog did belong to a station several miles
off - 60 miles - I am sure that the dog I saw with
the natives when we were in the woods, was
the dog I saw with them on the 1st of Oct -

Yes - I never saw any other
Blacks - The Country open for miles - low sand
6 or 8 inches high - I did not know any of these
Whalers - I never saw any tamperer heepor
with these natives - The wound on Cook might
have been inflicted with such a weapon - I do
think the wound in Jacksons Bar could not - Jackson
was not cold but ^{he was} completely dead - lifeless -
I cannot identify these people as being present
on the occasion - In dress & appearance the people
I saw at were the same as the Pir - I got some
the Whalers at the Upper St - at 3 & 400 yds from
where the Bodies were found

Mr. Johnson Sworn

I belong to the Border Police Corp -
I recollect the 17 of last month - I was at Western
Port on that day - on the way from Mapey & Andersons
Station - I went in search of some natives
under the command of Mr Bowlett - Nine Police
commanded by Mr Dowlett & 8 Soldiers command.

of Lt Rawson 28th Regt - besides ~~Footmen~~ ^{to} on the
 28th of Nov. Saw the ~~Prisoners~~ ^{the 5th} - only know the names
 of the men & one of the names Inyanini - Lallah
Rock - The men and the names of Pot & Jack, pointed
 them out - I apprehend^d Pot - The others were not
 apprehend^d in my presence Jack gave himself
 up to me afterwards - Found ^{one of them} in the scrub, P.O.
 where they were apprehend^d they were naked - Found
 arms where they had been sleep^d - we found them
 apparently sleep^d - 2 double barrel^d guns. One
 single gun & a brace of pistols - The first question
 put to the Prisoners after they were taken was
 where^d had they buried the Whalers? They first
 proposed to take us to the place where the Whalers
 were buried, Mr Dowell then said Where are
 they buried? The Prisoners were all together at Miami
 the men were hand cuffed - The two men & Inyanini
 took us to the place - we saw a rise in the sand -
 they said that was where the Whalers were lying
 we open^d the grave & found the bodies of two white
 men - we did not search for the wounds - One
 had no wound on - The questioner
 The two black men Pot & Jack said they had
 shot the Whalers - Mr Dowell asked them what
 made them do so - Pot said he thought it was
Abattoir - Inyanini said one of the men
 had beaten the brains out of one of the men that
 was shot - They all spoke English - The grave

was 30 or 40 yds from the water edge ^{or place} & like a Table of
Sand drifted from the high water mark

Yes^d In person accompanied me who had been
at the Station before - Inquirini stated that
she was on the high Bank when they were
committing the Depredations - Inquirini said
she was frightened at seeing the man struggling
& hid herself - Only the Police with us - No one there
who could swear to the Bodies - The Pri^{or} never
varied in their Confession & gave every other
~~that~~ statement relative to the alleged Murder -
^{But} Jack said he fired the first shot & threatened to
shoot ^{But} ~~them~~ also if he did not fire at the Whalers -
Inquirini said the other women were with her
at the time the Whalers were shot -

F. A. Powell Esq sworn

Commissioner of Crown Lands, recollects
28th of Nov. last. I was at Western Port at that day -
by Order of H. H. the Superintendent - for the purpose of
apprehend^g some Natives who were out in the
Bush with Arms - On the first occasion I ~~was~~ ^{acted}
~~written instructions from~~ as a Magistrate and
my general instructions from the second occasion
from communications I had with H. H. the Super-
-intendent & the Chief of the Aborigines - I had
my Border Police - some Mounted Police with

Who have general instruction & employ when necessary
 & ~~the~~ Soldiers of the 28th Reg^t - under my direction
 as a Magistrate, commanded by Major Rowson.
 Had stated that the nature of the Country the larger the
 force the better & that the Superintendent said that if
 requisite I might call in some of the Military -

On the morning of the 28th I captured the Pir^{ts} with the
 assistance of the force between 5 & 6 o'clock - The two men
 & three women - After the Pir^{ts} were captured they
 appeared perfectly cool - asked for breakfast - smoked
 their Pipes - but seemed terrified slightly for a
 few hours - Inquirini said that there was also present
 (a boy) (Native) when I asked her where the Whalers
 were buried - the Men who had been killed on the
 beach some time previous - she pointed to the spot
 she conducted me to the place Pir^{ts} - Pot & Sack
 accompanied us ~~at~~ about 6 miles from where they were
 taken - They were a little in Advance ^{the Pir^{ts}} ~~with~~ ^{handcuffed}
 Inquirini pointed out the grave - The grave was opened
 & I can distinctly state there was one body I think there
 were two but cannot swear - my officers not all
 recovered - I turned round the Pir^{ts} of Inquirini
 said they had done it I turned round to the men
 said that I would make you do it - The Men seemed to
 accuse each other of first the first shot they also said
 they took them for the winners - I saw some Sticks
 about the place - I looked at the Sticks very particularly
 I did not observe any Stems on the Sticks I saw some

another Tschis Inyanina said one of the men was not
killed but the death was completed by knocking
him abt. with sticks. My Inyanina with me -
Yes?

Shall not take upon myself ^{to state} the sexes of the
individuals interred, or by what means they came
to their death - Inyanina said the women
cried - expressed their regret -

The grave was abt. 4 or 5 yards up a sandy bank
with a higher Bank above it - & fully 200 yds from
a Hut near there -

~~At 10~~

~~was taken~~ ~~from~~

~~the vessel~~

W. J. A. Robinson Esq
Govr

Chief Protector of Aborigines

no I know the Priests have known them all
to yrs - they accompanied me from I.D. 2^d to
Hinders Island - & thence here - I have
seen the Rept. of the Sup. Council Committee
on Aborigines - ~~The Rept~~ I was of the Rept
is correct - The Priests were my attendants during the
whole of my journey in I.D. 2^d I endeavoured
to enlighten them. they have a have a knowledge
of the existence of Sup. being, & know right

from towing - They have a plurality of boats -
 The women are in great subjection to the men
 they live with ^{another} - Reserves have been set apart
 for the Aborigines of this District

I think if it were practicable it wd be beneficial
 to confer the Reserves on the Settlers & the Grants
 assigned to each of you if practicable -

Any plan for the settlement of the natives wd be
 considerably aided by the concurrence of the
 respectable Settlers - I had permission to
 remove the Pairs to this District -

Stated ^{in a letter} ~~in my~~ ^{to} before the Commission that
 he wished the S.S.L. Aborigines to be taken from
 Plover's Island & settled in some fixed abode
 in this District - If that had been done this occurrence
 I think wd not have taken place -

^{in my} I know that Robt undertook ^{with} at my concurrence
 a Journey to Adelaide ^{with} in the service of
 Mr Alfred Langhorne - his services were consid.
 of the highest order. His Character excellent. ~~See~~
~~Sept. in Langhorne's Report~~

Robt has been in my service betw 12 & 13 yrs
 was quite a lad when I obtained him - He accom.
 me on my first Journey to Port Darwin - On acct of
 his youth sent him back at that period. In
 all my subsequent Journeys he was with me &
 conducted himself entirely to my satisfaction
 His conduct was always respectable & I mean

knew guilty of any dishonest Act & he was always
 remarkably industrious. He was a native of the
 N^o 1st Quarter of E^t 1st Cape Portland. Jack
 Cottam at Cape Green at the N^o 1st Quarter
 of E^t 1st land. He had associated with the Sealers
 before I obtained, - he was with me up to my
 last Expedition - up to Sept. last. - And his Conduct
 also has been most satisfactory. - Fingerni
 had associated with Dutch persons before I obtained
 her. She is a native of Bruner Island. - & she
 also has accompanied me in all my Voyages.
 She is the wife of Wovada - 1st of either of the P^{ri}s.
 I am indebted to that woman for the preservation
 of my life on one occasion at Arthur's River
 when I swam & took me ashore. - I have never
 found these persons wanting in humanity.
 The other two women were emancipated from
 the Sealers in Bafi's Shoals (Fanny & Maria) & lived
 with me till Sept. last. - The women are installed
 by the Men to act according to their own will -
 they are in entire subjection to the Men in absolute
 trialdom. -

W Barry

Pemba's situation

however domesticated by transient domestication -
 Circumstantial Evidence -

Circumstantial Evidence - Curran's confession -
 Culpatory - ~~but~~ stay to take tea before going
 to enter the bodies - presumption of an affray -
 4 Struck Perempt. in Civil & Criminal Cases
 Women - More sweep plan of the act - with
 regard to Aborigines -

RT Guilty
Jack Guilty
Women Not Guilty

Recommend for Mercy
 on acct. of general good Character
 & the peculiar Circ. under which
 they are placed -

Mr. Coke wished the women to be
 discharged -

Mr. Bony ~~in~~ Sentence of Death passed on
 the men Dec. 22
 Since

Dec. 22^d. 1841 - Michl Lawler - assault -

John Flynn Sworn

Border Police ^{under} Lt Powell's

Command at Mt. Macedon Stat. - On the 9th of Dec -
 The Sw. went out after some cattle he returned in the
 Even^g in liquor - he came over to Mrs Hawkins &
 Sgt Major's wife & began to abuse her - he came into
 the barrack room & told him he ought to be ashamed
 of himself of the way he went on with Mrs Hawkins
 he got very angry challenged me to fight - said I
 do have nothing to do with it - When I got to the door
 Lawler struck me with his hand & turned round
 & threw him against the door when he got up he took
 up two stones one in each hand he threw one he
 held in right hand & knocked me down ^{but one on the head} - he
 threw the other stone & put one on the shoulder
 when I was down - He kicked me when I was
 down -

Q? You were in liquor - I did not knock you
 down before you struck me - I knock you down
 at 1/2 p^m fine - I was senseless after I received the
 blow from the back
~~Deputy~~ Chas. Oliver Sworn

On the Even^g of the 9th of Dec -
 Mrs. you out to bring some horses in by Lawler did see
 the in liquor - He seemed very violent -

2 yrs imprisonment - Guilty of Common Ass^t

Witness: John McEvoy - Embroider & Sharer

John Sutherland Sworn

I am a Knicker Recollect

at the 29th of Nov. I purchased a halter for a horse at Mr. Robinson's Saddlers Shop - I saw the Pris: there - I paid 7/6 for the halter - I got it at the Pris: at the Bar - I am quite sure that is the man -

I had been in the habit of going to that Shop but had not been there for six weeks or two months previous - I do not know the Pris: I have been Mr. Robinson's Man ~~when~~ I had met him in the Street - others in the Shop when I bought the halter - one purchased goods - The Reporter of the Herald -

Mr. Robinson Sworn

I do not keep a Saddlers

Shop in Burke Street - I know the Pris: he was at that house in my employment - He was my foreman He had authority to receive & pay Mrs. Smith last lot at the door - I recollect a person of the name of Jones came the day after - on Thursday the 25th of Nov - I think the man Jones came - he came in with a halter & asked for a Receipt which I gave him - Tho. Nicholl was in my employment

I am positive I did not know Jones myself Pris: has been 2 or 3 months in my employ - I had the highest Opin: of him before this event -

No. better 40 + 50^l worth of goods from Pris.
 Let my Shop to a person I did not know - I gave
 a tin Plate to Pris: to put down wh^t he received a goods
 deliv^d to customers - a good deal of ready m^o going
 over my Counter - I suppose the Pris: might have
 forgotten - Pris: denied that Sutherland had b^t
 the latter - Mr^s Nichol the other Man in the Shop
 said he had - On Thursday the 25th - Pris had
 not given me notice of quitting my Employment -
 He did not do so till after^d - On the Monday week
 after I inquired further & charged the Pris: with it -
 Heave not - Before I had made this further
 inquiry I stated my wish to take the pris: into
 my Employment again - It was on Saturday
 on the 27th I did so -

Mr^s. Nichol sworn

I was in the Employment

of Mr^s Robinson on Pris: was also. I recollect seeing Sutherland
 in the Shop last month he purchased a halter
 I did not see him pay for it. Pris: took down
 the halter & Sutherland took it away - It might be
 an hour or it might be less - Master asked if
 Sutherland had got a halter Pris: said No. I said I
 saw Sutherland take away the halter & I said at the
^{same} time that he might not have observed it as there
~~was~~ were other Men in the Shop -

Andrew Rutherford Sworn

Known Dis: you

0 months. I have a high spirit of him - worked
3 three months in the same shop -

Asst Genlly

Dec 22^d 1841 Deby Duffey - Larceny

Pleads guilty

Says it was from Dishep -

2 yrs Imprison^t -

Dec. 22^d. 1841 Peter Cordwell - Larceny -
Pleads Not Guilty

Annie Mildenhale -

I live in Little Colman Street - my
husb^d. is a Wheelwright - he is now a Lunatic he
I recollect the 7th of this present month - I had two
Boxes with me - a Skirt of a gown - I identifies it
I had other property I identifies it. I saw the Pris^r at
the Police Office all this matter - I stay at my Sister
Eleanor Dehrens in Mellbourne

Next When I came to Town I came from
Mellbourne State on a Dray - the box on the
front pt of the dray on the top of a Load of wool -
The dray went to Mr. Snows's Store - Dray left
in the Street all night the box on it -

Martha Turpin

I live in Elyth Street a Drop
Maker - I know the Pris^r - recollect seeing Pris^r at
my House last Wednesday week - in the morning he
came to get a drop made - the drop produced it it
stays - I was with make it till he had the person in
Evening - He did not come on the 25th ^{the coming five days after} there were
two other persons in the Shop Susan Turpin & Sarah
Townsend - The Pris^r was in Custody of the Constable
~~talked~~ when he came the last time I then
asked if he were the person who had the drop

she said he was —

Exp The things were partly made up. Piss
said when he first came that he wd bring the young
woman in the evening at 8 o'clock. I was not
to interfere with the goods until the party came.
Piss: never denied bring: the goods to me when
he came with the Constable —

Sworn Testimony Sworn

Fredk. Carman Sworn

Constable — I resided
the 9th of Dec. I went to a Stable belong^g to W.
Tellers Piss: Master & search a Stable & loft
I searched & found a fragment of Shroving Coat
in the Pocket I found a Handkerchief & Cigar
(Identified by Muldenhall) I found nothing else.
Two Carters lived in the loft. Piss: one of them
left was in the 3rd ~~where the drug was~~ at Sellers
Prosecutor's Shop accompanied me. He was
in Charge at that time. I ~~was~~ I searched two beds

John Teller

I resided 11th of the month
I live at the Corner of Shy & Funder Street
I know the Piss: I accompanied last night
to my Stable Piss: slept in a loft as above

Can't seem to find any more that look like
been one like it. Wood was in my supply last
Saturday week - Constable found some articles
& Prosecuting turned them in my presence -
I have not seen wood since -

Patrick Stapleton - Landowner

Rec'd Dec 11 of the month

On Thursday ^{in court with} before Prosecuting to Miss Turpin's
who produced these articles - I stopped off for two
or three days - two men went by in consequence
of information I received. I took up the
X? When I told the ^{I was a Constable} he struck me three
times -

Reference

Wood Thief - 60 - Articles

from wood - 2000 - Sales

Guilty -

7 yrs Transport -

[Faint, illegible handwriting covering the page]

7



