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Supreme Court.—Criminal Side.

THURSDAY, AUGUST 15.

(Before the Chief Justice and a Civil Jury.)

Sandy, Billy, Jemmy, Cooper, and King Jackey, five aboriginal natives, were indicted for stealing in a dwelling house of property above the value of £3.

His Honor assigned the prisoners Mr Windeyer as Counsel, and Mr. D. Chambers as Attorney, and adjourned the Court in order to afford an opportunity to the Counsel to communicate with his clients through the aid of an interpreter. On the re-opening of the Court, shortly after one o'clock, the case was gone into. The prisoners, it will be recollected, were apprehended by Mr. Mayne the Commissioner of Crown Lands for the district of Liverpool Plains, at the end of March last, on suspicion of the murder of two white men, assigned servants in the employment of Messrs. Hector, Trimmer, and Brown, a company known as the Clover leaf Com-

pany, and were employed at a station at that time lately established at the Big River, about forty miles from the second station. The prisoners were committed to take their trial for the murder, but the Attorney General in the exercise of his discretion, preferred an indictment against them for stealing in a dwelling house, on account of the absence of the proof of identity of the remains of the murdered men, necessary in an indictment for murder.

The first witness was a man named Taylor, who was in the employment of Messrs. Hector and Co., and who was stationed with the men supposed to be murdered. His witness stated that early in March he was sent along with two assigned servants, who were known by the names of Byrnes and Jemmy, to a farm, a new station at a place called Waterloo Creek. They took with them two cut down muskets three pistols, two or three canteens of gunpowder, balls and buck shot, seven pairs of blankets, and about twenty-eight pounds of flour. With the assistance of the natives they erected a hut, constructed of saplings and bark, ten feet by six. The hut was sufficient to contain the men. The prisoners in their intercourse with witness and his companions appeared sociable; they frequently received presents of food from them, and they brought the opossums they took to the hut to skin. On the 14th of March witness left the place to return to the old station for rations; when he left the prisoners were there along with his companions. He returned on the 18th, and on approaching the hut, he observed the hats of the two men lying on the ground a short distance from the hut; he approached the place and peeped into the hut, saw a pair of spurs hanging up, and observed that the beds of his companions had been turned out. Seeing nothing of the men, he became alarmed and returned to the place where he had left his horse, he rode off to a neighbouring station about twenty-five miles distant, and thence to the head station. On the 20th he returned to the place along with Mr. Donald, the Superintendent, and others, he found that the hats were gone, and that the property had been

hats were gone, and that the property had been removed from the hut, two horses, two bridles, a saddle, the muskets and pistols, ammunition, the blankets, and flour were removed, but the stuffing of the bed remained as before. A search was then made for the bodies of the men, and about forty rods from the hut some human bones were found broken, a skull was fractured in two places, but it contained the teeth, and from their description, the witness believed they were the teeth of a white man. No flesh was on the bones, but the teeth were smaller and not so white as those of black men.

The next witness called was Mr. Donald, the Superintendent. He gave the same evidence as the last witness with regard to the formation of the new station, and the articles that were sent, and with respect to the appearance of the place on visiting it. The skull was fractured in two places and the bones of the arms and legs were broken at each end, the marrow was extracted, and they appeared as if they had been bitten. There were several tracks about the place of naked feet, but no recent ones of shoes. The witness had no doubt the bones were the bones of the men, or one of them, who had been murdered; the blankets produced were similar to those issued to the men, and the muskets were also alike; the value of them he believed to be about £3.

On cross examination he said, that he had never heard of the horses since; he had heard that there were bushrangers out to the North Eastward.

William Anderson, a sergeant of Mounted Police, stated, that in March last he was with Mr. Mayne at the Big River, and with the assistance of Mr. Mayne's and Mr. Ogilby's men, apprehended the prisoners on the 30th March near Mr. Fitzgerald's station, about 150 miles from the hut, supposed to be robbed. Witness apprehended them by decoying them into Mr. Mayne's tent. On the evening of the 23rd March the prisoners Billy and Cooper delivered up the two carbines produced; Billy said, "they had tumbled down two white fellows," but did not say where; a native named Geordie was present and interpreted, but the words above mentioned were said by Billy in English. The next morning all the prisoners, with two or three others, followed by a band of about twenty with spears, advanced and delivered up the blankets and waistcoat produced, and immediately left; witness could not swear to the blankets, but the guns he could identify as handed over to him by Billy and Cooper. This witness was cross examined at length by Mr. Windeyer; he stated that they explained to Geordie where they procured the articles. (The witness was not allowed to detail what passed in consequence of being unable to prove that Geordie translated correctly.

Mr. Mayne was next examined.—He stated that on going to his district he found the upper part of it in a state of much excitement, which he succeeded in a great measure in quelling by calling in the various tribes of blacks, and explaining to them what treatment they might expect, and that he was appointed to take care equally of the whites and blacks. While he was thus employed he heard a report of the matter in question, but he took no measures in consequence, until it was officially reported by Mr. Donald. At that time there were five or seven hundred blacks encamped near him, and he had not a sufficient force to apprehend the men who were suspected. He set on foot an enquiry (the witness was about to state the results when he was stopped) He saw the prisoners with the blan-

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(The witness was about to state the results when he was stopped) He saw the prisoners with the blankets, and on his telling them to give up the property of the white men, they delivered them up; he had heard they had them and they said they would produce them, and did so. It was not until a fortnight afterwards that he found himself sufficiently strong to seize them. On cross-examination he stated that no depositions were taken in the prisoner's presence. He had apprehended them on the information of their own tribe, that they had committed the murder. No other legal deposition had been made, save that of Mr. McDonald, and on that he issued a warrant.

Mr. Windeyer raised certain objections to the information. The fact was, the first count laid the articles as the property of three persons, and of the property only the muskets had been identified, and the value of them was only sworn to be £3, whereas the prisoners were indicted for stealing above the value of £5. The next objection was, that there was no proof of locality. The evidence against the prisoner Danly he submitted was so slight that he ought to be discharged, and put into the box to give evidence, for at present there was no proof that he was an incompetent witness.

His Honor overruled the objections, and said there was sufficient evidence to go to the Jury.

The prisoners were then asked, through the interpreter, if they had any thing to say in defence. They all said they had received the property from two natives named Wollori and Wolladilli.

His Honor summed up at great length, and commented on the evidence and the disadvantages under which the prisoners laboured.

The Jury, after an absence of about a quarter of an hour, returned a verdict of guilty against all the prisoners, but recommended them to mercy on account of the disadvantages under which they laboured. They were remanded for sentence.

FRIDAY, AUGUST 16.

(Before the Chief Justice and a Military Jury).

Richard Young was indicted for shooting at John Fleming, with intent to murder him, at the Big River, on the 26th May, and William Allen, John Rose, alias Henry Ellis, Thomas Spencer, and Mary Ann, an aboriginal native, were indicted as accessories. The prisoners were a party of bushrangers, who had been committing extensive depredations in the district of the Big River and Liverpool Plains. In an attempt upon a hut belonging to Mr. Scott, the bushrangers were attacked by the prosecutor and a party. The prisoner Young fired at Mr. Fleming. In the scuffle which ensued, several shots were fired on both sides, but the prisoners were ultimately captured. Young, Allen, Rose, and Spencer were found guilty, and Mary Ann not guilty. All remanded.

SATURDAY, AUGUST 17.

(Before the Chief Justice).

Richard Parry, who was convicted in the early part of the Session for an unnatural crime, was sentenced to suffer death.

Richard Young, William Allen, John Rose alias Henry Ellis and Thomas Spencer, convicted of shooting, with intent to murder, were sentenced to be transported to a penal settlement for life.