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CIRCUIT COURT.

WEDNESDAY, OCTOBER 22ND, 1851.
Before His Honor Mr Justice A'Beckett.
The following jury were empannelled—William Richie, R Roberts, Henry Roebuck, R. Reeves, Thos Pearce, Joseph Pelley, David Ricketts, J. Roy, Ed. Ruffin, W. Book, George Radford, Simeon Price.

MURDEROUS ASSAULT.

William Hickley was indicted for assaulting an aboriginal native named Murray, at Bushy Creek, in May last.

The Attorney-General stated the case to the jury, describing the assault, which terminated in manslaughter. For the prosecution he would call—

Thomas H. Williams, sworn—I was hut-keeper in Hutton and Co.'s employ on the 16th May last. The prisoner was in the hut, and went to a black's camp after supper, and returned in about twenty minutes or half an hour after; I was absent but soon returned, when the natives surrounded the hut and threw a spear into it. The natives had used the camp for several weeks; they were always quiet up to that evening. They seemed anxious to get into the hut; the prisoner was in the hut. The following morning the prisoner told me that Murray had taken up a weapon to strike him, when he got up a stick to defend himself, and in doing so struck the black on the shoulder. He did not say how many blows were struck. I visited the camp on the following morning, and found the black with a cut on the head. The prisoner stayed in the hut till taken by the constables, during which time the blacks watched the hut. In three days the black died; I saw the others taking the body & put it in a tree.

Cross-examined by the prisoner.—You were not on good terms with the blacks, who were always pilfering goods from the hut.

Alexander Dunlop.—I was at the same hut with the prisoner on the Bushy Creek, on the night in question. Corroborated the last witness's evidence, and stated that he never saw Murray after the third day, but all the other blacks.

A. Creelman, Surgeon.—I remember examining the body of a black called Murray, on the station mentioned. It was in a tree, and I had to get up to it; saw a fracture about two inches in length on the back of the head, the bone was fractured, and brain protruding. The stick produced might have occasioned the wound, which was sufficient to cause his death. The body was so decomposed, that I could not have seen any wounds.

Thomas Simpson.—I am a constable and conveyed the prisoner to Hursbam; while doing so the prisoner turned round, and pointing to the stick on the pommel of the saddle said "that or one much like it, is what I struck the black with; I hit once or twice." When I found the stick, it had marks of blood on it.

The prisoner in defence stated, that during the day he had been washing two shirts, and missing them, went to the blacks' encampment, where he saw his shirts, and was attacked by the blacks. In self defence he took up the stick and knocked the black down, after being pursued for some distance by him.

His Honor summed up the evidence carefully, and the jury returned a verdict—not guilty.

Prisoner was discharged.

FUGITIVE.

Benjamin Stevens, for stealing window sashes

and a door, the property of Mr Tulloch, of Portland.

The Attorney-General opened the case for the Crown, and called the following witnesses—

Thomas Adamson, sworn—I am Chief Constable at Portland; the prisoner lived twelve miles from Portland, in July last, about two miles from the public road; in consequence of information I visited the hut, and found the door produced, and sashes fixed in the hut. It was quite perceptible that they had been previously painted another color. I was present when they were identified by Dowling, also a grindstone, which was identified as being the property of Mr Wade. The prisoner was in custody when these things were taken.

Cross-examined by Mr Williams—I took the prisoner's boxes in custody, and searched for the receipt for the grindstone, but did not find it; I don't recollect filling any bill for timber among his papers.

Richard Jenkinson, sworn—I am constable; went to the prisoner's hut during the night, and remained there. The doors and windows now in Court are those I took from the prisoner's hut, in July last; the grindstone was found fixed at the corner of the hut. It was an extraordinary good hut for a splinter. I noticed that the sashes had been painted black; I washed the door and found it had been previously painted a stone colour, corresponds exactly with the paint on the hinges.

Richard Dowling—Stated that he was a carpenter and painter in Portland, employed to erect a cottage for Mr Tulloch, put sashes, windows, and doors to it. The door was painted a stone color; I saw it five or six weeks afterwards at the Police Court. I can swear to the windows and door, as the articles originally put up in Mr Tulloch's cottage.

This witness was cross-examined at some length by the counsel for the prisoner, but did not elicit anything material.

Thomas Field—I am a labourer, was employed by Mr Wade, surveyor; left a grindstone behind in the survey paddock; on returning missed it, I can swear to the one produced as Mr Wade's; he never sold it.

Theophilus Clarke—was employed by Mr Tulloch, and recollected the goods being missed the latter end of May; they never were sold.

Mr Williams addressed the jury for the prisoner.

His Honor summed up the evidence.

Verdict—guilty.

Prisoner here declared his innocence.

Summed to be kept to hard labour on the roads for 3 years.

The following jury were then empannelled—Henry Roebuck, W. Roope, Joseph Pelley, S Price, C Oakley, R Roberts, W Radknigh, P Preston, R Paton, D Ricketts, James Sadler, R Parker.

Alles Smith was indicted for firing a pistol, loaded with powder and wadding, in the face of Mrs Story, of Geelong, with intent to do her bodily harm, and for the prosecution called—

Mary Story, sworn—I live in Geelong; I remember going to the prisoner's house in September last, because my child came home with its face bleeding; when I knocked at the door she fired a pistol through the door, saying—take that, you b—; I was much burnt in the face; my cap was burnt; the prisoner came out of the house with the pistol in her hand, and would have struck me, had not a woman prevented her; after leaving the house she pelted brick-bats after me.