

AN UNFOUNDED CHARGE OF RAPE.

The police court building in Gheringhap-street was crowded to excess on Monday morning by persons apparently eager to hear the details respecting a charge of rape preferred against a cab driver named Joseph Martin, a resident of Chilwell. The prosecutrix was a blue-eyed, sharp-featured woman, who appeared to be suffering from the effects of a drinking bout. She gave the name of Kate Slavin and Kate O'Reilly, and explained that Kate Slavin was her maiden name. At the instance of Mr Supt. Toohy, who appeared to prosecute on behalf of the police, the court house was cleared of all but professional gentlemen and the representatives of the newspapers. Mr Pincott, in the absence of Mr Whyte, solicitor, defended the prisoner. The magistrates on the Bench were Messrs W. P. Carr (mayor of Geelong), Heron, P.M., Davey, and Douagh, J's.P. Supt. Toohy, gave an outline of the evidence of the prosecutrix, which he proposed to tender, and to then ask for an adjournment of the case as he had to obtain the evidence of the Government analytical chemist. Mr Heron asked Mr Toohy if he thought, from the statement the woman had made to him, that there was sufficient evidence to charge the prisoner with the capital offence. Mr Toohy replied that he thought there was, and said that when the prisoner was first arrested he denied having seen the woman, but later on Saturday evening, 16th inst. Martin admitted to Detective Quilty that he had driven the woman in his cab, and that he had been drinking with her at the Golden Age Hotel. Martin, however, had persisted in his denial of having in any way assaulted the woman. The alleged offence was committed on Saturday morning according to the statement of the woman, which was made to the police and taken down in writing before a warrant was issued for the prisoner's arrest. What was more, Dr. Deane had examined the woman, and he had informed the police that he had found various bruises on the woman's body, which somewhat bore out her assertion. Mr Heron: Oh then, you had better go on with the case.

The prosecutrix deposed that her maiden name was Kate Slavin, and said that she had no wish to press the charge against the prisoner, as she believed he was drunk when he assaulted her.

Mr Toohy: The police have got the matter in hand now, and are going on with the case. What is your name, is it Slavin or Reilly?

The woman deposed as follows: My husband's name is Michael O'Reilly, and he is employed at the waterworks at Richmond and lives in Burnley-street. He was at one time working on the railway at Richmond. I have been married sixteen years, and I am the mother of seven children. I have been separated from my husband for the past three years. I was a servant at the house of Mr Templeton, who was a police magistrate living at Brighton, when I met my husband. I have been a laundress for three months at the Geelong Female Refuge. Recently I have been working as general servant at Mr Noble's place on Forest station, near Petavel. I came to Geelong on Friday, last bringing my box with me, and I stopped at Godfrey's boarding house in Moorabool-street, and paid my

with me, and I stopped at Godfrey's boarding house in Moorabool-street, and paid my way. On Friday evening, about 8 o'clock, I went to the house of a friend of mine named Hamilton, who lives in a little street, the name of which I don't know, in Chilwell. I stopped there for three hours and then I came back to the town the same night. I saw the prisoner, who is a cabman, in the street—I don't know which street—and hired him to drive me to the Kildare Refuge. This was about half-past one o'clock on Saturday afternoon.

Mr Toohy: Why, woman what are you talking about? It was half past ten o'clock on Saturday morning when you came to this court-house and complained to the police that you had been assaulted by the prisoner.

Mr Pincott: I object to this; let the woman say if she was assaulted.

Mr Heron: Is the woman sober now and was she sober on Saturday?

Mr Toohy: She appeared to be perfectly sober on Saturday when she made the complaint.

The woman: Thank you, Mr Toohy. Well it might have been half past eight o'clock on Saturday morning when I saw the prisoner. I got into the cab and prisoner drove me away from town but stopped at an hotel on the road to Kildare. I don't know the name of the hotel nor the street in which it is. The prisoner went into the hotel and brought me a drop of brandy. I remained in the cab, and at prisoner's request I held the reins of the horse. The prisoner did not come out of the hotel for a long time and I got impatient. I got out of the rear of the cab, took my seat in the front, and drove the horse a short distance away. The prisoner then ran out of the hotel and took a seat beside me.

Mr Heron: Were you sober; how many drinks had you on Saturday? You appear to have been drinking this morning.

The woman: I was sober on Saturday, I had only one drink. I have not been drinking this morning. The prisoner tried to take liberties with me.

At this stage the female put on an air of modesty, and would not tell what the assault was, but after some pressure of threat, she said that she believed he assaulted her.

Mr Heron: A belief will not do. This man's (the prisoner's) life is at stake, or perhaps a very lengthy term of imprisonment may be given him. You must give something definite.

The woman continued: He threw me down in the back of the cab, which was in the middle of the road, and assaulted me.

The Mayor: Was this near the hotel?

The woman: Yes, right opposite the door, just round a little street. He said he would stab me with a knife he took from his pocket. I screamed out, but no one came to my assistance, and when the prisoner let me go I got out of the cab, and came up to the police court.

Mr Heron: The woman is either in a beastly state of drunkenness or she is telling lies from the beginning to the end. It would be a gross injustice to that man (pointing to the prisoner) to keep him locked up until Saturday. I don't believe a word the woman

says. There is certainly no evidence against the prisoner.

The woman: What, are you not going to hear the case? Can I take this case to a higher court.

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Mr Heron: You had better take yourself out of this court as quickly as you can.

Mr Toohy: I admit there is no case against the prisoner. The woman appears to be of that class who ought to have long terms of imprisonment as vagrants. We are getting too many of that sort in Geelong. They are brought from Melbourne on short terms of imprisonment, then discharged from the gaol here, and they are flooding the place with an objectionable class of people. I will have this woman watched and if there is any evidence against her I shall charge her with vagrancy.

The prisoner was then discharged it not being necessary for Mr Pincott to cross-question the prosecutrix who left the witness box indignantly.