

SATURDAY, JUNE 25.

PERJURY.

Margaret Taylor, charged with having committed perjury, pleaded not guilty, and was defended by Mr. O'Meara, instructed by Mr. Nichols (Owen and May).

The following jury were sworn:—Jas. Richards (foreman), J. Fitzgerald, A. Dawes, J. Lawler, G. W. Connors, D. Dudley, P. Hannon, R. T. Jenkins, A. C. Waldron, W. Thomas, F. W. Hewlett, J. Bright.

At the request of the Crown Prosecutor, all women and children in the Court were requested to leave.

The Crown Prosecutor having stated the case, called

Alfred Allatson Turner, who deposed: I am a Justice of the Peace; defendant came to me on the 7th April at the Police Court, and complained that Mr. Drake had committed a rape upon her; that was on Thursday, and she said the rape was committed on the Tuesday week previous; I sent for Senior-sergeant Ford, so that he would hear what was said, as the charge was a serious one; I cautioned her to be very careful; read the information to her, and she put her mark to it; she was sworn on the Bible in the usual way; on the same day I issued a warrant to Senior sergeant Ford, who at once arrested Mr. Drake.

Defendant's evidence given at the Police Court was here read, and was to the effect that she was in the then defendant's service at Bulli, and lived in a room in his house; that after all had retired to rest on the night of the 29th March, he entered her bedroom, put his hand on her face, undressed, and went to bed with her; she objected, but without avail, he remaining in bed with her for about two hours, and committing a capital offence upon her in the meanwhile; he went away at the time stated, and returned later in the night, repeating the capital crime on her; she objected to his action, but did not scream, fearing that she might be heard by other persons; on the following night he did the same thing to her; at first she stated that Mrs. Drake was in Sydney at the time, but subsequently said that Mrs. Drake was at home on the nights in question, also Miss Tremain; she mentioned others that had had improper intercourse with her while in Mr. Drake's service; and also added that she had been advised by Mrs. Hall and other women at Bulli to take proceedings against Mr. Drake, in order to get some money out of him.

Edward Thomas Drake said: I am a storekeeper at Bulli, and am married about 18 months; my wife went to Sydney in the beginning of January last, and returned after nine or ten days; she resided with me after her return and until my arrest, as well as since; Miss Tremain also was in the house at the time in question; the house is a wooden one; any noise in one part of the house can be heard throughout the house; I would have to go outside the house from my bedroom to get into defendant's room; on the night of the 29th March my wife was at home, and I staid in bed all night; Miss Tremain also was in her room; it is not true that I went into defendant's room that night, and forcibly had intercourse with her; it is not true that I committed a rape upon her either that night or the following night, as stated by her, nor did I commit a rape upon her at any time; I was arrested on the 7th April; the charge was heard the same day, and I was acquitted.

Cross-examined by Mr. O'Meara: She received 5s. a week when she entered my service; it was

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increased to 6s. before she left; it would be possible for a person to have intercourse with defendant in her room without being heard in the other rooms if she offered no resistance; about a month before she left my service I heard a whisper about her saying that I had intercourse with her; I never had improper intercourse with her at any time; I heard she said I had taken liberties with her; I can't remember who told me; I only heard it from one person; I did not speak to my wife about the remark; I spoke to defendant about it; she said it was false, and I took no more notice of it; afterwards she accused me to Mrs. Drake of having entered her room, and it was for that I sent her away; she is of a stupid turn of mind.

Ellen Drake said: I am the wife of the last witness; I went to Sydney in the beginning of January, and returned about the middle of the month; I slept every night at home except when away; any struggling going on in defendant's room could be heard in my bedroom; my husband did not leave the room at all on the night in question; he could not have left without my knowing it; nothing such as he was accused of could have occurred in defendant's room without my hearing it; I never noticed any improper familiarity between Mr. Drake and defendant; my husband did not leave the room next night; Miss Tremain was in her room on both nights; it was on the 4th of April defendant first made a complaint to me; she said she was leaving at the end of the week; she said she did not like what Mr. Drake did to her when I was in Sydney in January; I asked her what it was, and she said he got into her bed; I told her I did not believe it; I told her to bring Mr. Drake in from the shop, but at first she said "Never mind;" I told her two or three times to go, and she went at last; he came after her, and I accused him of what she said; he replied that it was false, and that he never went near her room, Mr. Drake then told her to clear out, but she said she would not until she had worked her notice out.

Cross-examined by Mr. O'Meara: I was not awake the whole of the night in question, but I don't think it possible for a person to have left without my knowing it; if defendant complained to any other persons about my husband before the time I allude to, I did not hear of it.

Amy Tremain deposed: I resided at Mr. Drake's for some time; I remember Mrs. Drake being at Sydney in January, and her returning after a few days; on the night in question I did not hear anything in defendant's room, which was next to mine; I slept at home on the next night, and did not hear anything; never saw any improper familiarity between Mr. Drake and defendant; she told me some time before Mr. Drake's arrest that he had taken liberties with her; that was about a month before the case came on at the court. I said I did not believe it, and did not say anything about the matter to any one.

Edward Wilson deposed: I reside at Bulli, next door to Mr. Drake's residence; defendant made a complaint to me in January, to the effect that Mr. Drake had gone into her room and had taken liberties with her; I did not advise her what to do; I never saw anything that would lead me to believe that there was anything improper between Mr. Drake and defendant; after defendant told me what she did, and it was generally spoken about, I thought what everybody

defendant told me what she did, and it was generally spoken about, I thought what everybody appeared to believe must be true.

E. T. Drake, recalled, said: On one occasion, when Mrs. Drake was in Sydney, I had a conversation with the police about defendant; it was in consequence of my being told that she was in the habit of being out at night until 2 o'clock in the morning; I told Mrs. Drake about it, and defendant was threatened with dismissal for her conduct in that respect; I did not then hear anything worse about her than that she was out late.

This closed the case for the Crown, and no evidence for the defence was called.

Mr. O'Meara addressed the jury on behalf of defendant, pointing out that it was unlikely that any motive could have induced defendant to falsely make a charge that would involve Drake's life; the seriousness of the punishment likely to follow would prevent a girl of only 15 years, as defendant was, from making such a charge. It was different, however, with Mr. Drake, who, to endeavor to complete the work of clearing his character as far as possible, was compelled as it were to have the defendant prosecuted for perjury. In regard to defendant not having screamed, that was easily understood in the case of a stupid girl such as she was, and more especially in the presence of her master. Then, as to no noise having been heard, it was not likely that Mr. Drake would put on hob nailed boots to enter defendant's room at night for an improper purpose, nor was it any more likely that he would flirt with the servant girl before Mrs. Drake or anybody else.

The Crown Prosecutor, in reply, merely remarked that in regard to motives, which as a rule were very difficult to ascertain, there was no doubt in the case of the defendant, who by her own evidence admitted that she instituted the proceedings against Mr. Drake for the purpose of extorting money from him.

His Honor summed up very shortly, pointing out the duty of the jury in regard to looking at the evidence in all its bearings.

The jury retired, and, after deliberating for a short time, returned a verdict of guilty, with a recommendation to mercy, on account of defendant's youth and apparent weakness of intellect.

His Honor said he entirely concurred in the verdict, and had defendant been older and brighter in intellect than she appeared to be, he would deal with her much more severe than under existing circumstances. His sentence was that she be imprisoned in Wollongong gaol for twelve months.

This concluded the business.