The Courts.

CENTRAL CRIMINAL COURT.

MONDAY.

Before his Honor the CHIEF JUSTICE, and a general jury.

MURDER.

In the case of John Dunn, charged with the murder of Samuel Nelson, before the jury was sworn his Honor inquired if prisoner was defended by counsel. It was stated that Mr. Greer had appeared on his behalf at the preliminary inquiry, and this was admitted as an impediment to counsel being assigned for the defence.

His Honor said he had no judicial cognisance of the prisoner, but if this was Dunn who was the outlaw, he did not see why he should not be brought up for judgement at once.

The Solicitor-General doubted whether the Crown was in a position to adopt that course. Evidence must be taken as to the identity.

The prisoner was indicted with having, on the 26th January, 1865, at Collector, in this colony, murdered Samuel Nelson.

Mr. Paterson and Mr. M'Devitt were counsel for the prisoner.

Prisoner had pleaded not guilty.

In the evidence the following facts were elicited :—

On the day in question the boy Henry Nelson was on his way from Taradale to Collector, when he was met by Dunn, who called upon him to stand, searched him, and then took him

him to stand, searched him, and then took him about 200 yards, where some drays had been stuck up. Here he joined Ben Hall and Gilbert, all three being upon horseback, each having a revolver, and one a double barrelled gun. They broke open some cases, helped themselves to drink, and gave some to other persons who were there. Here they were informed by a woman that the boy was the son of constable Nelson. Taking the boy with them they proceeded towards Collector, and on the way came upon James Bull, a farmer, who, with Michael and William Davoren and James M'Kay, his companions, were coming from Millbank. These were ordered to stand, and having been detained for sometime and searched were taken to the nearest public-house, Kimberley's Commercial Hotel, at Collector. Before getting to the house, one of them said, "Ben, you had better go on." The three dismounted opposite the inn and ordered the boy to hold their horses, telling him that if he let one of them go they would blow his brains out. Thomas Kimberley, the landlord, who was at this time sitting in a room a little off the bar, hearing a disturbance outside, rose and proceeded towards the door, when he was met by one of the armed men who presented a "pepper-box" revolver at his breast. At this man's order, Kimberley was directed to come outside; he obeyed, was searched, and with the other persons, was commanded to range up by the wall at the front of the house. Ben Hall and Gilbert entered the house, one going upstairs, the other into the store, Dunn being left outside. Mr. Edwards, the clerk of Petty Sessions, was

Mr. Edwards, the clerk of Petty Sessions, was coming up on horseback, when Dunn perceiving him, mounted his horse and pursued him, and fired upon him. When Dunn returned, he said there were constables coming, and exclaimed, "Call Ben Hall down stairs." Hall came down with two guns in his hand, one of which he gave to Dunn, saying, "You go outside, you can manage them, Jack." Dunn went away a second time on horseback, but returned and warned the boy not to let the horses go. He went down to the corner of the fence which was about twenty five feet from the side of the house, and bent down his hand, holding the gun, being on the ground. He had not been in this position long before constable Nelson (the only constable in the town) approached by the road from the township along the fence, armed with a carbine and fixed bayonet. When within about ten or twelve yards of the corner where Dunn had placed himself, Dunn jumped up, exclaiming "Stand! go back;" almost immediately firing a shot from the revolver. Nelson staggered a few paces towards prisoner, who then fired from the gun, and Nelson fell. Frederick Nelson, his son, who had followed his father, was close to the spot just before this happened, and was pursued by Dunn, but managed to escape from his. This occurred about dusk. Dunn then returned to the front of the house, saying, "I've shot one of the b——traps, the other has bolted." Hall, who, with Gilbert, had come out of the house, said they had better go and see who it was. Gilbert took Nelson's belt saying, "it's just what I wanted, I've burst mine," and Dunn took his carbine. They then fetched a lot of

took his carbine. They then fetched a lot of thing out of the house, boots, clothes, &c., packed them upon the horses and made off. Nelson's body was brought to the inn, life being extinct. On the 27th an inquest was held on the body. Dr. Handford of Goulburn, on a post mortem examination, found a wound on the left side of the face, a ball having entered there and penetrated to the thick muscles of the back of the neck, and another would which entered the left side of the chest broke several ribs, lacerated the heart, the wire cartridge turned from its course eventually embedding itself in the liver. The immediate cause of death was laceration of the heart. Prisoner was identified by all the witnesses who were present at the shooting, whilst to constable M'Hale, by whom he was arrested, prisoner said "I admit I am John Dunn the bushranger, but I'm not guilty of the death of Nelson, as I was then a hundred miles from Collector," although the constable had previously made no reference to the death of Nelson.

Mr. Paterson addressed the jury for the defence, mainly addressed himself to the doubts as to the identity of prisoner.

The Solicitor-General waived his right of reply.

His Honor summed up, and the jury, after a deliberation of ten minutes returned a verdict of guilty.

The prisoner, on being asked, had nothing to say why sentence of death should not be recorded against him.

His Honor then addressed the prisoner, and said : You must have expected this result to have taken place, and that from a verdict pronounced

taken place, and that from a verdict pronounced so instantly, you can but expect that your ignominious death has been richly merited. It is lamentable to see such a young man, scarcely twenty-two years of age, steeped to the very lips in crime. And what for? Where now is your wealth, where now your means, of what use has been your career of plunder and seizure of riches. You are so poor as not to be able to pay for counsel to defend you. Could you not forsee a day of retribution like this? You are young, and have, no doubt, been led on by the perillous enterprise into which bad associates might have enticed you; but there was little heroism in what you did. If you had robbed the rich only, and abstained from other crimes, something might have been said in your behalf; but you have gone further—you have robbed the widow of her mite; the settler of his horses and stores, and the digger of his hard-earned treasure. You were instrumental in the death of sergeant Parry, and for that it is only necessary to prove you to be the outlaw John Dunn, when sentence could have been passed. You nearly committed murder on McHale, who was attempting to arrest you, and put a stop to that state of savagery in which you were living; and this poor man Nelson, of whose death you have now been found guilty. Was it nothing for you to shoot and brutally murder a man like that—to cause such suffering to his wife and children. Talk of bravery, I know of no greater act of bravery than was displayed on this occasion by constable Nelson. The town was deserted by police, who had been put on the wrong scent,

police, who had been put on the wrong scent, and he was left alone. A little girl tells him the bushrangers are at Kimberley's, and what does he do. He said "I will go down and see what I can do alone!" Such a sentiment can only be equalled by his great namesake, who expected every man to do his duty. Nelson went heroically to discharge his duty and met his death. It was a most brutal murder, and it is impossible for anyone to sympathise with you. The unhappy man is not only shot dead, but you at once return to your companions and the others who were at your peril, and made use of the most filthy expressions. You talked in this beastly and insulting manner to men whom you had coerced by revolvers and fire-arms pointed at their heads—spoke to them insultingly when they were helpless. That was your courage. Here is your bravery. After all this display, and all your gallant exploits what is the end of your carreer? Where now are your triumph, your success, your riches? Successful you have been for a time, but a fearful retribution has overtaken you, and must inevitably overtake everyone who embarks in a similar carreer. But where is the temptation that could lead you to such a life? What prospect had you of success; what were the gains? Could you expect immunity more than others? I hold in my hand a list of men whose career has been as lawless as yours, and what have they come to? There is Hill and Jones now suffering fourteen and fifteen years imprisonment; Vane, Jamison, and Dunleavy, whose career was suddenly checked in the same manner; Gordon and Gardiner, who may be said to be immured for life; Bowe and For-

be said to be immured for life; Bowe and Fordyce, whose lives were respited: O'Meally was shot; Piesley and Manns were hanged; Morgan was shot and your companions in guilt, Hall and Gilbert, met an ignominious death at the hands of the police Are these lessons nothing? Think you there was bravery in their death, or in any of their actions? Great God! think you there is no difference between the death of a soldier on the battle-field, or of an honest man dying in the bosom of his family, and that of a felon dying on the gallows! Is this the death you propose to yourself as the most heroic? If you can show me one who has succeeded in his nefarious exploits like yours, who can say, "I have succeeded and have peace of mind, and am troubled with no pangs of conscience;" who has escaped the penalty due to his enormous crimes; then I might think you had been led into temptation. But you will find all your class of marauders have met their death ignominiously, either on the scaffold or at the hands of the policemen. And now you, the last of your race, the last of your ruthless companions —you, a young man, not 22 years of age—I have to sit here and pass on you the sentence of death. The learned Judge here paused, after which, he said—John Dunn, the sentence of the Court is, that you be taken hence, to the place of execution, and there on a day to be named by the Governor and Executive Council, be hung by the neck till you are dead. His Honor exhorted the prisoner to make the best use of the few days allotted to make his peace with God, for, he said, it would be a prostitution of the word, to talk of mercy in a case of this kind.

word, to talk of mercy in a case of this kind. He must seek pardon above.

Prisoner was removed from the dock without displaying any noticeable emotion.

SECOND COURT.

BEFORE Mr Justice HARGRAVE.

PERJURY.

James Armstrong was charged for that he, on the 8th day of December last, at Liverpool, in the colony of New South Wales, did commit wilful and corrupt perjury.

The case for the Crown was conducted by Mr. W. C. Windeyer. The accused was defended by Mr. M. C. Stephen instructed by the attorney of the accused, Mr. R. B. Smith.

The case was opened by the counsel for the Crown, who stated that the accused party, having been concerned in the defence in the prosecution of a case of trespass at Liverpool, did on the day mentioned in the indictment, take that case out of the jurisdiction of the Court of Petty Sessions at Liverpool (then seized of the same) by falsely and corruptly swearing that certain lands, stated to have been trespassed upon by his son William Armstrong, had been and were, at the time of the alleged trespass rented by him, the said James Armstrong, from Mr. Clements Lester, of Denham Court. At the time of the proceedings referred to in the indictment, it would be shewn in evidence (as

he was instructed) that James Armstrong pro-