SUMMER ASSIZES.

NORTHERN CIRCUIT.

LIVERPOOL, Aug. 18.

(Before Mr. Justice CRESSWELL *and a Special Jury.)*

SCHWABE, ADMINISTRATRIX, v. CLIFT.

This was an action in which the plaintiff sought to recover from the Argus Insurance-office the sum of 900*l*., being the amount of a policy effected in that office on the life of Louis Schwabe, deceased. The payment of the policy was resisted on the ground that Mr. Schwabe had committed suicide, in which case it was, by the terms of the policy, provided that it should be void.

Mr. Knowles, Mr. Crompton, and Mr. J. Henderson were counsel for the plaintiff; the Solicitor-General, Mr. Martin, and Mr. Unthank appeared for the defence.

The SOLICITOR-GENERAL (the issue being on the defendant) stated the case. The policy and the death of the party whose life was insured were admitted, but it was alleged that the case came within an exception in the policy, by which it was provided that in case the assured died by committing suicide, or by duelling, or by the hand of justice, the policy would be void. In this case it would appear that the deceased had taken poison for the purpose of destroying his life, and that he had died in consequence a few hours after. It was, he understood, contended on the other side, that Mr. Schwabe was not of sound mind. Even if that should prove to be the case it would still be a question whether on that account the office was to lose the benefit of the condition of the policy, and if a question of that importance should be found to be unsettled, it was high time it should be. There was, however, a case, "Borrodaile v. Hunter," tried before Mr. Justice Erskine, in 1841, the decision in which he (the Solicitor-General) contended involved the present question. That action was brought by the representatives of a clergyman, by whom an insurance had been effected on his own life. The insured afterwards destroyed himself by drowning in the Thames, and the payment of the policy was resisted on the ground of its being therein provided that it should be void if the party should die "by his own hand." It was contended on the other hand, that though the party should die "by his own hand," in the literal acceptation, yet, if he were insane at the time he so destroyed himself, it was not within the exception in the policy. At the trial several questions were left to the jury, and their finding was, that the deceased voluntarily threw himself into the river with the intention to destroy life, but that at the time he was in such a state of mind as to be unable to distinguish right from wrong. On this finding the case came before the Court of Common Pleas, and it was held by a majority of the judges that the office was protected by the exception in the policy. The Chief Justice of the Common Pleas, whose name it was impossible to mention without the greatest respect, dissented from the other judges, and was of opinion that the act, to come within the terms of the policy, must be a felonious act, and that the party must be *felo de se*. He (the Solicitor-General) submitted that that case, as decided by the majority of the Court of Common Pleas was sound and right in law. They, the jury, were bound to find their verdict according to the law, irrespective of its policy or its expediency; but he must say that if juries were to be induced by the eloquence of counsel to say that in a case where a life had been insured in an office, which, for its own protection, introduced a clause like this, and the party destroyed himself, he must be necessarily insane, the consequence would be of the most serious and the most injurious kind, and would encourage distressed men and men labouring under pecuniary difficulties to commit gross frauds to benefit the families whom they might leave behind them. The effect, however, of the decision in the case of "Borrodaile v. Hunter" was to prevent the necessity of any such inquiry. It was then thought by the majority of the Court of Common Pleas that when parties entered into such a contract it must have been their intention to provide that no such question should be raised as whether the party destroying himself was sane or not. It was not contended that the words, "dying by his own hand," should be taken in their literal sense, or should be held to apply to such a case as that of a man accidentally discharging a gun and causing his own death; but the provision was intended where the party was in a state of sufficient consciousness to be aware that his death would be the consequence of his act; to exclude the question whether he was at the time in his right mind or not, so as to be morally responsible for his actions. The terms of the exception in the present policy were, if the assured should "commit suicide;" but the phrase in substance was the same as that used in "Borrodaile v. Hunter." Even in that case the words were not taken in their literal meaning. The party did not literally die by his own hand; he died by drowning; but his act was held to be within the meaning of the exception on a fair interpretation of its meaning, and the exact form of the expression was disregarded. But the words used in the policy in "Borrodaile v. Hunter" and those used in the present policy were substantially the same. The question is, what is the intention of the parties entering into the contract, on a fair examination of its terms? It is a well-known rule of law that words are to be taken according to their plain and ordinary meaning, unless there is something in the nature of the contract to show that they are taken in an unusual sense. Now, what is the most usual and ordinary mode in which, where a party has destroyed himself, whether by taking poison, by drowning, or by any other means of death, a person speaking of the occurrence describes it? He says, the person has committed suicide. If a person had intentionally taken sulphuric acid and died in a few hours, would it not, in the ordinary use of language, be said, he had committed suicide? The exception is—"in case the party should commit suicide;" that is, in case he should do that which all the world, in common parlance, would call suicide. On the other side, it must be contended that the parties did not use the word in the sense in which it was ordinarily used by all speaking the English language, but that it was confined to the technical meaning of suicide in a felonious sense. Could any one believe that the directors of this company meant anything but what they said, and which was simply this, that they would not be bound to pay the insurance if the party shot himself, poisoned himself, drowned himself, or in any other manner wilfully put an end to his own life? By the law, as laid down in "Borrodaile v. Hunter," his Lordship, in his direction to them, would no doubt abide, and the more it was considered the more clearly it would appear that that case governed the present, and that the parties in the contract into which they entered meant those words to be taken in the plain and ordinary sense in which they were used by all the world. But if the question of sanity or insanity was to be raised, if ever there was a case of deliberate suicide by a person conscious of the nature and consequences of his act, it was, in the present instance; and if, beyond this, the question was to be whether he was or was not at the time morally responsible for his actions, it would come to this, that no stipulations in the policy as to suicide could ever be of any avail. The learned Solicitor-General then went into the facts of the case, as subsequently detailed by the witnesses, and proceeded:—It would not, he imagined, be disputed that the deceased took the poison in the most deliberate manner, conscious it would cause his death. The policy, he contended, extended to every case where there was a deliberate intention on the part of the individual to take away his own life, and he should submit to his Lordship that the question of legal sanity or insanity, of his being in such a state of mind as to be morally accountable for his actions, was quite irrelevant. What species of insanity it might be sought to set up on the other side it was hard to say, but he apprehended it could not be the intention of the contracting parties to raise any such question. The sympathies of the jury, no doubt, would be with the plaintiff, and no doubt those sympathies would, be ably wrought upon. It would be represented that this was a case where a bereaved family was struggling with a wealthy body—a question, to the plaintiff, everything, to the defendants, nothing; but these were considerations apart from the question they had to decide. His Lordship would lay

the law before them. Of the facts there would be little dispute, and it would most clearly appear that the deceased struck the police, knowing the fatal effects which would result. If any question were raised as to the moral accountability of the party at the time, that, he would contend, was entirely irrelevant.

George Chapple.—I live at Pendleton, near Manchester. I am a silk-dyer. I was in the employment of Mr. Schwabe since 1830. He was a silk manufacturer. He did not live at the place of business. The business was extensive, in spinning, weaving, and dying. He had no partner that I know of. He attended personally to the business. He was acquainted with the conduct of the business in all its branches. He did not examine the mode in which the dying was carried on. I do not know who kept the books. There was a counting-house on the premises. I was sometimes in it. I generally saw Mr. Schwabe in the warehouse. He was looking over goods. I saw him there last on the 10th of January. He had not come regularly for some time before. He had been ill. He was away for as much as a week. He had not come regularly during the week before. I saw him on the 8th and on the 9th. I did not see him on Tuesday, the 7th. I do not recollect seeing him. I believe I did not see him on the Monday. During the fortnight immediately before his death he had been absent occasionally. I think he was absent a week together. There was a person of the name of Ramsell, who was the principal manager of my branch of the business. Mr. Faulson managed the weaving department. Mr. Holdsworth, who now carries on the business, was an apprentice. There were more than 40 persons altogether. We use acids in the dying of silks—all sorts of acids. We use sulphuric acid. It has always been used in our business. I never looked on it as a poison. I have taken some of it. I take some of it almost every day in a little water to quench my thirst. I believe myself it is not a poison in the state in which it comes from the manufacturer. The acids were kept in the dyehouse. They are kept in carboys. On the Thursday I saw Mr. Schwabe in the dyehouse. I cannot say that he had given me any direction about the acids the day before. I was in another room when I saw him in the dye-room. He went up to the acids, and I went into the room. He appeared to me to be quite distressed and wild: he said nothing, but ran up-stairs back again. He had to pass through the yard. I do not know what he had made any inquiry about the acids within a few days before. I saw him on the morning of Friday, the 10th, between 10 and 11 o'clock. He came running into the dyehouse. He had a little bottle with him. He asked me for a little sulphuric acid to make a "mummy" (or silk pulp). He held the bottle, and I poured the acid into it out of a small jug. It would hold about a wine glassfull. I did not fill it. I put in about half a wine glassfull. I did not see any cork or stopper. He took it from me and went up stairs. He held it under the cock before he took it away. He took out his pocket handkerchief: I did not see if he did anything with it. He usually came to business about 10 o'clock. I was examined before the coroner. I saw the bottle there. There was a little sulphuric acid in it. I never saw Mr. Schwabe alive after he took away the bottle. I cannot remember that anything particular took place between me and Mr. Schwabe on the subject of acids within a day or two before the Thursday. I do not remember that he came on the Tuesday and asked what acids I used. I cannot remember that I said he did. I do not remember his telling me to send away the carboys containing the acid. I mix the acids myself. I do not remember his coming to me a day or two before the Thursday, while I was doing so. I made a statement to the coroner. I repeated a statement to another gentleman about two months after.

Cross-examined.—Mr. Schwabe chiefly attended to the designing department. He had attained great eminence as a designer. He was in the habit of making experiments. At the time I poured the acid into the phial I spilled some of it. He washed that off. On the Thursday he seemed to me quite distracted. I think he was not in a sane state of mind. I observed on it at the time. On the Friday he trembled so that he could scarcely hold the bottle; his eyes were very wild and his face red. He seemed to me to be frequently agitated and distracted since November in last year. I had known him in 1845. I remember his daughter's illness. He was absent from business that year in August and September. I believe he was put under personal restraint in October. He returned to business towards the end of the year 1845. In May, 1844, he went to Paris.

Re-examined.—I gave Mr. Schwabe the acid between 10 and 11. I remained at the manufactory till half-past 6 in the evening. I went to Mr. Schwabe's house on the Monday. I saw Mr. Schwabe's son and his two brothers at the works about half-past 11. I thought he seemed distracted when I gave him the acid, but I was a servant and dare not refuse him. I did not follow and give any alarm. I knew he wanted it for an experiment. I thought so. I believe he did not know the nature of acids. He was frequently in the habit of making experiments.

Thomas White.—I am a cab-driver at Manchester. I knew Mr. Schwabe. I recollect hearing of his death. The day before, I was going along Oxford-street, and he was at the corner of his office. He beckoned to me and got in. He told me to drive to his house as fast as I could go. This was about a quarter to 11. I drove to his house and rang the bell; he got out and paid me 1s. The fare is 6d. He had a pocket-handkerchief to his mouth, and his clothes were spotted with red. He looked very pale in the face.

Matthew Pattin.—I was in the service of Mr. Schwabe as groom. I lived with him about a year about two years and a half ago. I went into his service again, and was with him about half a year before his death. I was in the house when he came home. I was sent for medical aid, and I saw him in the afternoon. Mrs. Schwabe had told me what he had said when he came home. She said he told her he had taken poison, and that he would die. I saw him more than once in the course of the afternoon. He died on the morning of the 11th. I went for Mr. Ransom, Dr. Turner, and Dr. Lyon. They all came.

Cross-examined.—I had heard of the death of Mr. Schwabe's father a short time before this. His daughter had been ill a few days before. He was very much attached to his family. I had lately observed a great difference in him.

Re-examined.—I might have heard of his father's death on the Tuesday or Wednesday.

Mr. Ransom.—I knew Mr. Schwabe since the latter part of 1836. I was his medical attendant. I was sent for to come to him on the 10th of January. I got to the house about a quarter to 12. I had not attended him professionally since November, 1844. I had attended his second son about three weeks before. When I arrived on the 10th I went to his room. He was lying on the bed dressed. He was conscious of pain and of my presence. Mrs. Schwabe was there. She said he used the word "Poison," "Poison," when he came into the house. He said nothing. I afterwards about 3 o'clock went to his place of business. I left him about 2. There was a great discoloration of the lips and a stain upon the cheek. I could not inspect the mouth, the tongue was so much enlarged. Mr. Turner accompanied me to the works. We went to his private room. I found a cork, discoloured apparently with sulphuric acid. There was a stain on the table, and a broken cup, containing some corrosive mixture. In one corner we found the contents of the stomach, containing some corrosive acid. Among some rubbish, shreds, and pieces of paper, in the corner, was the bottle into which this cork fitted. It contained a strong corrosive liquid. The marks on the table were such as would be produced by sulphuric acid. The floor was stained black where the contents of the stomach lay. I returned immediately to Mr. Schwabe. He gave answers by signs to questions I proposed to him. He seemed to understand them. Dr. Lyon was there. I told him I had been to the works, and found the bottle, and I appealed to him, as a man of honour and a gentleman, whether he had taken the contents of that bottle, and he nodded, as I understood, in the affirmative. I next asked was it filled with oil of vitriol? He shook his head. I asked was it nitric acid, or muriatic acid? He shook his head. I then asked was it sulphuric acid, using that term instead of oil of vitriol, and he nodded. I asked him was he willing to use any means for his recovery? He made no reply. This was about 4 o'clock in the afternoon. The stomach pump had been used in the first instance. Other remedies were applied, but he appeared to be dying. I remained with him till 9 o'clock. He got worse. I did not see him alive again. There was a post mortem examination. The death had been caused by the action of sulphuric acid on the stomach.

Cross-examined.—Besides attending Mr. Schwabe I knew him as a friend. He was a very imaginative person. His attention was much turned to the invention of new designs. His mind was always fixed on that object, so much so as to render it a matter on which I expostulated with him. In June, 1844, there was a meeting at Manchester of the British Association. Mr. Schwabe's mind was much excited at that time. I recommended him to abstain from business. He went to the sea coast, and on his return seemed to have derived much benefit from it. In the summer of 1845 his daughter had a very dangerous illness. He paid her the greatest attention, night and day, but seemed remarkably cool. The early part of her sickness, and most severe, was about two or three weeks. His conduct seemed to me to be the result of a forced restraint on his feelings. Afterwards the family went to the sea-side. While there we were in October I was sent for to Mr. Schwabe. He was suffering from a slight feverish attack. In the course of a few days I noticed considerable excitement of mind. He was in a decided state of insanity. Mr. Turner attended him at the same time. He was placed under restraint in his own house. He continued in that state two or three weeks. He then recovered. For some time after he was much depressed when the subject was adverted to. I had not seen him shortly before the 10th of January. It frequently happens that on the near approach of death a man whose mind is deranged recovers his consciousness, especially when the system has sustained a great shock. I have frequently seen Mr. Schwabe in a state of great excitement, not maniacal excitement, but likely to lead to it.

Re-examined.—I speak of consciousness returning at the approach of death, when consciousness has been absent before. I do not mean that that was the case with Mr. Schwabe.

By the JUDGE.—The acid remaining in the cup and bottle was not in a diluted state. The quantity was very small; no more than would remain after taking a draught.

This was the case for the defendants.

Mr. ERSKINE, for the plaintiff, commenced by saying that the question in dispute was one of great interest to his client, whom it was now sought to deprive of the benefit of the contract her husband had made with this office—by the occurrence of an event which was at the best left in mystery and doubt, but as to which there could be no doubt that, whether the poison was taken by accident or design, the unhappy man was not in a sane mind at the time. He said the case quoted so confidently on the other side had no application. In that the only evidence of insanity was the act of self-destruction itself. Here was the strongest evidence that the party was insane. The exception in the policy in "Borrodaile v. Hunter" was, that the party should die "by his own hand." There the term was "suicide," and it was taken for granted throughout that case, that if that had been the word used, the office beyond all doubt would be liable. The question would come to this, whether Mr. Schwabe at the time he did the act was in such a state of mind as—had he committed foul violence on another—would have exonerated him from responsibility? This was the view of the case taken by the judges in "Borrodaile and Hunter," and several other cases were there quoted where the word "suicide" was used, in which juries had found for the plaintiffs, on the ground that the party, at the time he took his own life, was in a state of insanity. Even the phrase "commit" suicide showed clearly that a felonious act was the one which the office had in contemplation. But, even if there were any doubt, the words were those of the office itself, and must be taken most strongly against them. Could there be any doubt that Mr. Schwabe was insane? In the circumstances of his business and in his family was everything to render life desirable, while it was also in evidence that he was a man of that excitable temperament in whom insanity was most likely to supervene, and there could be no doubt from the evidence of the witnesses for the defendants that Mr. Schwabe was at one time insane, and immediately before this transaction showed every symptom of insanity. Even supposing it were placed beyond a doubt that Mr. Schwabe took the poison intentionally, and not by accident, a matter which the evidence left in total uncertainty, no inference could be drawn from the apparent collectedness of Mr. Schwabe just before death. That his signs were correctly interpreted by Mr. Ransom might be a matter of doubt. If was quite possible his inferences might have been incorrect, and, even if they were not, it was known to all that shortly before death insanity frequently disappeared. The learned counsel went minutely through the facts of the case, and contended that the verdict must be for the plaintiff.

Mr. Justice CRESSWELL, in summing up, stated that this was an action on a policy of insurance for the sum of 900*l.*, by the terms of which policy it was provided that if the insured should commit suicide, or die by duelling, or by the hand of justice, the policy should be void. He would direct that, to find for the defendants, they must be satisfied that Mr. Schwabe died by his own hand, and that he was then able to distinguish right from wrong, and able to appreciate the nature of his act as an accountable moral agent. He used precise words, as possibly this ruling might be called in question. The case of "Borrodaile v. Hunter" had been referred to by both sides, and if that case were in point he should consider himself bound by it, as the decision of one of the Courts in Westminster-hall. But the terms of the exception in that policy were in case the party should die "by his own hand," and Mr. Justice Erskine and Chief Justice Tindal both treated the expression "suicide" as one of a different import—as an expression well-known—meaning a felonious taking away of one's own life; and from the judgment of those learned judges there seemed little doubt that if they had had in that case to consider a policy in the same terms as the present, they would have held that to bring the case within the terms of the exception the party taking his own life must have been an accountable moral agent. He would direct them that to find for the defendants they must be satisfied that Mr. Schwabe died by his own voluntary act, and that at the time he was able to distinguish right from wrong. The burden of proof, so far as showing that the party died by his own voluntary act, lay upon the defendants; but, if that were proved, then it lay on the plaintiff to show that he was unable to distinguish right from wrong, as, until the contrary was proved, every man must be taken to be accountable for his actions.

The jury, after a few minutes' deliberation, returned a verdict for the plaintiff.

CENTRAL CRIMINAL COURT, Tuesday, Aug. 19.

(*Before the* COMMON SERJEANT.)

Edward Thomas, a young man of respectable appearance, and described in the calendar as a draper, was indicted for the embezzlement of the sum of 5*s.*, the moneys of James Shoolbred and others, his masters.

The prosecution was conducted by Mr. Doane; and Mr. Clarkson appeared for the prisoner.

From the statement of the learned counsel for the prosecution, it appeared that the prisoner had been in the service of the prosecutors, who carry on the business of drapers in Tottenham-court-road; and on the 18th of July last he had been employed to carry out some goods for the inspection of a customer, a lady named Duncan, residing in Torrington-square. According to the practice of the house, the prisoner registered the goods with which he was intrusted, and received a sum of 20*s.* from the cashier, so as to be prepared to give change to the customer in case it should be required on any purchase that might be made. For that sum the prisoner gave his IOU to the cashier, and proceeded on his mission. On the prisoner's return, he was found to be deficient of the sum of 5*s.*; for this deficiency he was unable to afford any explanation, and in consequence he was instantly discharged from the service of the prosecutors. He left the same evening, but returned on the following morning for the purpose of getting his clothes, and was given into custody on the present charge.

These facts having been proved by several witnesses, it transpired, in the course of their cross-examination, that the prisoner came the following morning not only to obtain his clothes, but, as he stated, for the purpose of explaining the deficiency. It was also admitted that he remained on the premises during the whole of the day, and it was not until very late in the evening that he was given into custody.

Mr. CLARKSON, in his address to the jury on behalf of the prisoner, said that there was no evidence to prove that any embezzlement had been committed. The conduct of the prisoner in returning to, and remaining at, the premises of his employers during the entire day was indicative, the learned counsel submitted, of his innocence. There was every possibility that the deficiency might be the result of a mistake either on the part of the cashier or of the prisoner, and with that possibility the case ought never to have been brought into a court of justice.

The COMMON SERJEANT summed up the evidence; and

The Jury, after a short deliberation, returned a verdict of *Not Guilty*.

John Hutchinson, aged 25, cabinetmaker, was indicted for stealing 97 silver spoons, a writing-desk, and other articles of the value of 30*l.*, the property of James Lambard, in his dwelling-house.

The prisoner pleaded "Guilty," and was recommended to mercy by the prosecutor, who stated that the prisoner had assisted to his house as a suitor to his daughter, and that he had availed himself of the absence of the family to carry off the property enumerated in the indictment. He was taken the following day, and the property restored. The prosecutor was wholly unable to account for the conduct of the prisoner.

The COMMON SERJEANT sentenced the prisoner to be imprisoned and kept to hard labour in the House of Correction for the term of one year, and observed that he might consider himself very lucky that he was not transported.

John Smith, aged 35, was indicted for stealing in the dwelling-house of Peter M'Evoy one dish cover, a silver mug, and an image, value 6*l.* 11*s.* 6*d.*, his property; and also a bank-note, value 5*l.*, and two sovereigns, the moneys of John Caulfield.

The circumstances of this case have appeared fully in the police reports, and it will be remembered that the prisoner had been in the service of the prosecutor, and had absconded on the 1st of August with the property mentioned. On the same evening he was taken into custody in a state of intoxication at the moment he was offering to the conductor of an omnibus payment of his fare.

The case was most clearly established on evidence, and

The Jury, without hesitation, pronounced a verdict of *Guilty*.

The COMMON SERJEANT sentenced the prisoner to be transported for the term of ten years.

NEW COURT.

(*Before Mr. Commissioner* BULLOCK, *&c.*)

Robert Fitzharris, 20, and William Sullivan, 18, were indicted for stealing 17½ yards of cloth, value 4*l.* 10*s.*, the property of Mr. Smith, of Aldgate.

The case was clearly proved against them, and

The Jury having returned a verdict of *Guilty*,

Fitzharris was sentenced to 12 months', and Sullivan to six months' imprisonment and hard labour in the House of Correction.

William Griffiths, a young man of respectable appearance, was indicted for stealing a set of brass castors, value 10*s.*, the property of Mr. Bell, his master.

Mr. Doane stated the case for the prosecution, and Mr. Wilde appeared for the defence.

It appeared from the evidence that the prisoner was in the service of Mr. Bell, an upholsterer, of Old Broad-street. On the 4th of August he was sent by his master to the premises of a Mr. Mann, and in consequence of something that occurred there, he was given into custody. On his person was found a duplicate referring to some castors, and Mr. Bell having such articles on his premises, instituted a search, and found that two pair had been taken. On redeeming the articles from the pawnbroker's, they were found to be of the same size and appearance as those lost by Mr. Bell. The prisoner had free access to the part of the premises where these castors were kept.

Mr. WILDE addressed the jury on behalf of the prisoner.

Mr. Commissioner BULLOCK having summed up,

The Jury returned a verdict of *Guilty*.

A former conviction of felony was then proved against the prisoner.

Mr. Commissioner BULLOCK sentenced him to be transported beyond the seas for the term of seven years.

James Carrock, aged 23, was indicted for breaking and entering the dwelling-house of Charles Turner Bock, with intent to steal therein the goods of Samuel Edward Baldwin.

Mr. Parry defended the prisoner.

Charles Turner Bock stated that he is a law-stationer, residing at No. 11, Castle-street, Holborn. On the evening of the 11th of August, at 11 o'clock, witness was sitting in his seatour when he heard a noise of falling glass in the lower part of the house. He immediately went down, and went into an office attached to the house. He there saw the prisoner sitting on a stool. The window was wide open and broken. Witness gave him into custody.

By Mr. PARRY.—The prisoner appeared drunk, and said that he came to sleep there. He refused to go when desired, and insisted on his right of stopping. The prisoner is a writer to the employ of Mr. Baldwin, who rents the offices attached to the house. It is attached to the house, and is separated only by a glass door. When Mr. Baldwin is addressed by letter, he is addressed as No. 6, Brooke's-court, as a door of the office is in that court.

Samuel Edward Baldwin stated, that he is a law stationer, and occupies the office attached to the house of the last witness. The prisoner is sometimes employed by him to write. On entering his office on the morning of the 12th, he found his desk broken open. There was a cash-box with money in it, and various other articles, but none of them were missing.

By Mr. PARRY.—Never gave the prisoner permission to sleep there, and would have been sorry if he had known him to do so. He never even left him alone in the office, as he knew nothing of him.

A city policeman was then called. He stated that he took the prisoner into custody at the instance of the first witness. On searching him he found some keys and a large screw-driver. On comparing the screw-driver with the marks made on the desk, it was found to correspond with them in every respect. The prisoner was intoxicated, but not so much so as to render him incapable of knowing what he was about.

Mr. PARRY then addressed the jury at some length on behalf of the prisoner, and called several witnesses, who gave him an excellent character.

Mr. Commissioner BULLOCK having summed up,

The jury returned a verdict of *Not Guilty*.

John Williams, aged 18, was indicted for stealing a purse and six halfcrowns, the property of George Johnson, from the person of Mary Johnson.

The prisoner asked if his trial could be put off for an hour, as his friends had gone to engage counsel!

Mr. Commissioner BULLOCK said, that it could not be put off, as the jury had been charged.

The prisoner became much alarmed, and earnestly requested that his trial might be put off for even a shorter period than an hour. His friends had given the money to fee Mr. O'Brien.

Mr. O'BRIEN, who was present, said that a person had spoken to him about the case, but he had no instructions.

Sir G. MARSHALL said, that the prisoner should have spoken before. The trial could not be put off, as the jury were