

THE BUSSELTON TRAGEDY.

VIEW OF THE CHIEF JUSTICE.

VERDICT OF MANSLAUGHTER.

The hearing of the charge against George Anderson (65), of having murdered Thomas Johnson, near Busselton, on October 13, was concluded yesterday at the Criminal Sessions, before the Chief Justice and a jury of 12. Mr. R. B. Burnside, with him Mr. G. T. Wood, prosecuted on behalf of the Crown; and Mr. W. M. Purkiss appeared for the prisoner.

His Honour said that the jury, in approaching the consideration of the case, must remember that the law did not pursue a criminal with the spirit of vengeance. At some length he reviewed the evidence, and pointed out that when he was just after committing the deed, the prisoner said, "I asked him for my bundle. He showed fight. I up with my gun and shot him." If that admission of the prisoner was correct, he was guilty of murder. The law did not, under such circumstances, allow a person to use a deadly weapon. In order to bring the case within the definition of manslaughter, there must be shown great provocation or some sudden heat of passion, or the person shooting must have been in imminent danger of serious bodily harm or loss of life. It was not an excuse for shooting that a man was approaching in a fighting attitude. Nor, if there were a big log between the parties, and the one who fired could have escaped from a blow of a stick by his assailant, was the former justified in shooting. If the prisoner's first statement were true, it was their painful duty to find him guilty, without either excuse or justification. When brought face to face with the dead body of the deceased, Anderson said, "Jesus wept! Who did it? I didn't." His Honour interpreted that exclamation as, possibly, one of remorse. Perhaps it was that the man had not realised at the time that he had committed the terrible deed, and when he uttered those pathetic words—words that for the last 1900 years, when uttered, had touched a strong chord of sympathy in the heart of every Christian person—remorse, regret, and sympathy may have filled his heart, and his better manhood may have come to the front. That exclamation showed that in his better moments he had the feelings of a man, and it was only under the influence of that curse, drink, that those better feelings departed from him. "How terrible it

curse, drink, that those better feelings departed from him. "How terrible it is, gentlemen of the jury," continued his Honour, "when we come to think of the crimes that are committed under the influence of drink, and what remorse it always brings to those who have been guilty of the offences." However, accepting as correct the prisoner's statement that he only wished to frighten the man, that would not justify them in saying that the fatality was the result of misadventure. The lives of the members of the community would be in danger if it were lawful to frighten a man by firing a rifle in his direction. In regard to the question of fear of bodily harm, he pointed out that the deceased was an old man, and probably could not have got over the log between him and the prisoner. Again, it was not until he was in the dock that the prisoner said anything of having been attacked by Johnson with a stick. In none of his previous statements did he raise the question of self-defence. It was peculiar, too, that the course of the bullet in the deceased's body should have been downwards if, as the prisoner said, Johnson, who was the taller man, came on high ground when he got shot. They should recollect, however, that bullets were often deflected in the most erratic manner. If they came to the conclusion that the prisoner fired on the deceased with the intention of frightening him, it would be manslaughter; but if they considered he fired directly upon him, because Johnson had taken his swag, their painful duty was to return a verdict of murder.

The jury, after an hour's retirement, returned a verdict of manslaughter.

His Honour, in passing sentence of 12 months' hard labour, said that it appeared to him that Johnson and Anderson bore friendship towards each other, except when in drink, and no one regretted the deceased's death more than the prisoner.