

SUPREME COURT – CRIMINAL SIDE

[Before His Honor Chief Justice Burt.] Wednesday, October 5, 1864.

Reg. v. Charles Garrett, and William Bates, charged with stealing 200lbs of flour. Bates pleaded Guilty.

Charles Semple — Was a publican on the 23rd- July, on which day a bag of flour was brought to his house by Mr Carr's man, and he helped his servant to carry it to a room close to' the bar. Was at Garrett's house with Serjeant Campbell, and heard Campbell ask him whether any man had left a bag of flour there. Garrett said 'No.' and made a remark about buying some [off] Mr Green. Went a second time to the house with Campbell, and pointed to a bag in the passage, but prisoner said, 'that is not the bag, but if you follow me I will shew you.' He took them into his bake house, raised the lid of a trough, and said, 'there is the flour'.

Robert Campbell, Serjeant of Police — Corroborated the evidence of preceding witness with reference to the visit to Garrett's house. The first time they went prisoner persisted in denying that he had the flour. When they went the second time a man named Turner, who saw the bag of flour carried to the house, went with them, and said he did not think the bag of flour he saw was placed in the passage. Prisoner then shewed them the flour in a bin, and handed down the bag in which it was brought.

William Hayes— Saw Bates take the bag of flour just inside Garrett's door. Was coming out of the house as Bates was coming in.

William Snook, Sergeant of Police. — Flour was worth at that time £2 6s. a bag.

Statement of the prisoner before the committing magistrate was put in. He bought the flour from Bates not knowing that it was stolen.

At the suggestion of the Court the prisoner Bates was placed in the Witness Box and stated that he saw the bag of flour brought to Semple's. Took a bag of sawdust to Garrett's; saw no flour, nor a bag. Did not remove any flour. Sold, on the 23rd July, a bag of flour to Garrett for 30s. Found it on the opposite side of the street, and took it on his back.

Garrett, in defence, acknowledged purchasing the flour, and gave a low price because he was unacquainted with the quality of the flour, of which no baker could judge until it was worked up into dough.

The Court in passing sentence upon Bates alluded to his behaviour in the Witness box. It was in the power of the Court to sentence him from 1 hour's imprisonment to penal servitude for 7 years. In his case it was evident that he would not hesitate to commit perjury if he had any object to gain, and he was not therefore a subject for leniency. It was, however a matter for doubt whether he was an idiot or [a] knave, or both. He had originally been sentenced to 14 years' transportation, and it became the duty of the Court to return him to the Establishment for reformation. Sentence — 5 years' penal servitude. Garrett was told that it was necessary 'to make an example of a baker who used stolen flour, but that His Honor would not deal with him so severely as with Bates, who had added perjury to theft. Sentence — 3 years' penal servitude.