

William Newnham, 196

Perth Magistrates Court, September 1852

4th —W. Newham, t.l., assaulting Private Jeremiah Mahony of the 99th; case dismissed.

The Perth Gazette and Independent Journal of Politics and News (WA : 1848 - 1864), 10 Sep 1852, p4

PERTH POLICE COURT. Monday, March 20th. **Same person????**

W. Newham, charged with being drunk, and assaulting his wife, Mary Newham, on Sunday night, was fined in costs 7s. 6d, and allowed until office hours the next morning to find two sureties of £25 each to keep the peace for twelve months.

Wednesday, 22 March

W. Newham, brought up on warrant of apprehension for not being provided and appearing with sureties yesterday to keep the peace, as required. Not having been able to get them at the present date, he was ordered to be locked up.

Inquirer (Perth, WA : 1840 - 1855), 29 Mar 1854, p3

Police Court, Adelaide. 16 October 1856

REMANDED CHARGE.— William Newham was brought up on remand, on the charge of being a prisoner of the Crown illegally at large. Police-constable Fitzgerald, the informant, was cross-examined by Mr. Ingleby in relation to the evidence taken on Tuesday. Had seen the prisoner about five weeks ago, and that was the first time of his being aware of Newham being in the colony, and recognised him. Had lived in Gouger-street, under Mr. Benney as landlord. Did not know prisoner as living under the same landlord and in the same lot of buildings, and did not think he could have done so without witness's knowledge. Left those premises on the 21st June last, after having lived there nearly six months. Left Swan River nearly four years ago. Became acquainted with the prisoner by seeing him landed as a prisoner in Fremantle. That was between five and six years ago. Saw him at different times afterwards both in Fremantle and in Perth. While in the latter place prisoner was working as a bricklayer— as a prisoner of the Crown— working in plain clothes. None of the ticket-of-leave men wore prison dress. When prisoner was working at Perth he was a ticket-of-leave man. The produce of prisoner's labour would partly go to him, and partly to the Crown. Did not while he was there hear of prisoner's ticket of leave being withdrawn. Did not know that prisoner was the contractor who built the hospital at Perth. The reason of taking prisoner into custody at the particular time was because of the receipt of the private information he had referred to before. The length of time between receiving the information and the arrest might be a fortnight or three weeks, more or less. Did not give any information to the police authorities, as any private information the police obtained they kept to themselves. It would not have been his duty to have reported to his officers that Newham was a prisoner of the Crown illegally at large. Had made no other exertion to arrest prisoner previously than looking about in the streets. If he had seen him he would have arrested him earlier. When witness arrested prisoner he told him unless he showed him his ticket of leave he would apprehend him on suspicion as an escaped convict from Swan River. Did not arrest him then, as there were so many persons present, and he was prevented by Strickland. Arrested him in the Station House. Supposed he must have walked there, but had not the slightest idea why he came there. Could not say whether the prisoner came to lay a charge against informant for being drunk and disorderly.

By the Magistrate— There was no Hue and Cry from Swan River. Did not know the length of the shortest term for which convicts were sent to the Swan River penal settlement. The Magistrate here remarked that the case had been adjourned to enable Fitzgerald to produce the person from whom he got the information on which the present charge was laid. Fitzgerald had just informed him that he had not been able to find that person, though he had used every exertion to secure his attendance. The name of his informant was John Murphy; but did not know where he was living at the time he gave the information. Knew Murphy at Swan River. He was a pensioner, and came as guard over the prisoners. He had seen him in this colony several times. Could not say how long he had been here, but saw him the first time here five or six months ago.

Sergeant Badman deposed that he knew the prisoner, who had told him that he had been a prisoner at Swan River. He also told witness he had been wrecked in the Mozambique off the Coorong, about two

years ago. By Mr. Ingleby— The practice at Swan River was such that a ticket of leave man must not leave the province of Western Australia; a conditional-pardon man would be permitted to go to the other colonies. The police of this province were not furnished with a Hue and Cry from Swan River. Might have told persons of the circumstance communicated by prisoner. Never considered it as his duty to arrest prisoner, as he had said the police had no return of escaped convicts from the Swan. By the Magistrate— Believed the prisoner worked at his trade here is a bricklayer. There had been no charge against prisoner since he had been here, except, perhaps, for drunkenness. Prisoner had always till within six months back denied being a prisoner of the Crown, and witness believed he had told him that he had a conditional pardon, and that it was lost in the wreck.

The Magistrate said he did not look upon the evidence produced as evidently conclusive to establish the charge of being an escaped convict, but he should require the prisoner to enter into his own recognizances for £100 and bring a respectable surety for £50, for six months, to appear to answer any charge that might be brought against him. That, he thought, would give ample time to the police to enable them to get evidence of the fact, if the charge against the prisoner was true.

Remand of Charge of Assault.— George Strickland was placed by the side of Newham, to answer the charge of assault on Police-constable Fitzgerald, in the execution of his duty. Fitzgerald was cross-examined by Mr. Ingleby. When he was about to arrest Newham, Strickland seized him by the arms while Newham struck him several times. Witness struck in self-defence. He was in uniform. He was on duty, but not on beat: on duty, as a policeman was always supposed to be when he saw reason to interfere in anything. When Witness disengaged himself Newham caught hold of him by the hair of his head, and witness in return seized him by the hair of his head, he believed. Some person interfered— witness did not know who it was; and witness then went outside the door, where he saw Strickland. He was going to seize him, but was prevented and then went to the Station House to report and get assistance. Saw Police-constable Smullen outside the Station-House, and asked him to come in to witness what he had seen in the public-house. Was not sure whether he called him to assist him in the row. Made a complaint to Sergeant Burley at the Station-House, stating that he went to arrest a prisoner, when he was assaulted by two men, whom he charged with being runaway convicts. Had then a suspicion of seeing Strickland in Swan River, but would not now swear he was a convict. Took Newham and Strickland in the Station-House, where they had come, even into the room where he was making a charge against them. He immediately took them in charge for the assault and as runaway convicts. To his knowledge they did not offer to make any charge against him. By the Magistrate Was sober, and fit for duty, but he had been drinking.

Police-constable James Smullen deposed that on Monday evening he was on duty in Hindley-street. Hearing, of a row in the Exchange, he went to, and saw Newham and Fitzgerald struggling with each other. Took Fitzgerald out, who went up to the Station; he was sober, though he might have taken a little drop of drink. The two prisoners went to the Station afterwards, and a charge was entered against them by Fitzgerald. By Mr. Ingleby— Did not notice Strickland at the time of going into the Exchange Hotel, nor until he came to the Station-House. Witness did not assist Fitzgerald in an attempt to arrest Strickland outside the Exchange, nor did Fitzgerald call on him to do so. Mr. Claude, watch maker, told witness he ought to take Fitzgerald in charge, but witness did not see him do anything. Did not see Fitzgerald tear off the tail of Strickland's coat. Fitzgerald and witness walked together from the corner of Hindley-street to the Station-House, as there was a riotous mob around him.

Francis Westrop, Grote street, miller, deposed that he was with Fitzgerald in Buun's Exchange on Monday evening, and had a nobbler with him. Fitzgerald said to someone in the room "I knew you in Swan River" and on some answer being given, he said, "If you don't produce your ticket of leave shall arrest you on suspicion of being a runaway convict." Someone laid hold of Fitzgerald, while Newham struck him. Fitzgerald was not drunk. By Mr. Ingleby— He certainly had had a few nobbler, and might be a little the worse for liquor. Witness went to fetch a policeman to assist Fitzgerald, and when he came back tried to part the prisoner and Fitzgerald. Witness then went away with Fitzgerald, but did not remember seeing Strickland there. Came to the Station-House with Fitzgerald, and heard him lay the charge. Did not see Mr. Deacon, of the Windor Castle, nor did he advise witness to go home for fear he should be locked up for being drunk, witness had had a few glasses, but he was not drunk. Police-constable Kennedy deposed to the state of Fitzgerald on Monday evening, stating that he saw that he had had a drop of drink, though competent to, do his duty. If he had been a civilian witness would not have taken him as being drunk. This closed the complainant's case.

Christina Spaulding deposed she acted as barmaid at Bunn's. Recollected a disturbance on Monday, evening, and saw Fitzgerald and Newham having hold of each other. Had seen Fitzgerald during that same afternoon, when he called for a glass, and said Mr. Percy Bunn sent him in. He had a glass, and went away without paying for it. When he came in again she asked for payment, as she had ascertained Mr. Bunn had not ordered any drink for him: and he called her a, dirty, slut, and asked her whether she thought he would do such a thing. He had been there drinking during the day, and she thought he was a little intoxicated. By Police-constable Fitzgerald— When he came in the third time he offered to pay for it, but she did not take the money. Jane Grey, barmaid at Bunn's Exchange corroborated the previous witness's evidence as to the partial intoxication of Fitzgerald.

Mr. Ingleby addressed the Bench, - reviewing the evidence, denying that there had been an assault on a policeman while in the execution of his duty, and treating the case as one trumped up by Police-constable Fitzgerald to cover his own misconduct, and maintain his character before his superior officers. At the conclusion of the case the Magistrate said, under a consideration of all the evidence produced, he did not consider Fitzgerald could have been said to have been in the execution of his duty at the time the assault was committed; and he should bind them over to appear to answer any information that might be laid against them for a common assault.

South Australian Register (Adelaide, SA : 1839 - 1900), 17 October 1856, p3

Prison record:

14 October 1856. William Newham, Offence – being a prisoner of the Crown illegally at large, aged 32, can read and write, married, CofE, a bricklayer, arrived in the colony in 1832 (sic) from Swan River, discharged 16 October.

Assault.— William Newham was charged with smiting Richard Fitzgerald, police-constable, October 13th. Mr. Smith appeared for the prosecution. Charles Strickland, charged with being implicated in the assault, did not appear. His recognizances were ordered to be estreated. The particulars have already been published. The prosecutor met the prisoner at Bunn's Exchange Hotel, and charged him with being a convict escaped from Swan River. Strickland thereupon seized the prosecutor, and the prisoner Newham struck him a violent blow on the face, which caused the blood to flow copiously from his temple. Fined £3. South Australian Register (Adelaide, SA : 1839 - 1900), 6 November 1856, p2