

POLICE OFFICE.

Thursday, August 30th, 1849.

THE KEILOR MURDER CASE.

Before Messrs. Charles Paynter, William Hull, and James Smith, Esqrs.

As it was generally known, that John Morony and Bridget Kane, in custody on suspicion of murdering John Kane, husband of the last named prisoner, would undergo a public examination this day, the Police Court was densely crowded from its opening to the close of the case. Mrs. Kane presented a miserable appearance, being quite emaciated, arising either from intense mental suffering or confinement; Morony appeared in good health and spirits, and was defended by Mr. Paynter. Mr. John Stephen was in attendance to watch the proceedings on the part of the female.

It was observed that on being placed in the dock, Mrs. Kane cast a sidelong glance at Morony, who immediately became quite confused and coloured deeply.

The several depositions taken on the previous private examinations were then read over by Mr. Cadden, District Clerk; they were extremely voluminous, and were to the following effect—

Thomas Austin deposed that, on the 12th July last, he called at Kane's hut, where he saw Kane and his wife: did not see him since; on the Tuesday following he called at Kane's hut and asked Mrs. Kane where her husband was; she required to know his reason for asking, and he told her that having seen Kane's dog on an adjoining station, he came to inform him of the circumstance; she then said, "he's in Melbourne on business;" he then returned to his house, and on the 18th went to see if Kane had come home; saw a large three log fire near Kane's hut, and saw Mrs. Kane standing about three yards from it; she said it was strange what detained Kane, but supposed Mr. M'Manus had kept him at his house: on the 19th went again to Kane's hut, and was surprised at finding Kane had not returned; on the 20th his suspicions were aroused, and he searched the adjoining creek, thinking Kane might have been drowned; he then examined the ashes of the large fire, and found a favourite pipe belonging to Kane; he continued the search, and discovered a bone and a piece of green woollen cloth; on the following Sunday, found several pieces of bone and another piece of green cloth; on Tuesday found additional bones; searched the creek and found ashes similar in colour to that at the log fire, as also some burnt bones; Kane and his wife did not agree, and on the morning Kane left the hut she wished that the next morsel of food he ate might choke him.

James Robertson deposed that he was a settler, residing at Upper Keilor; the missing man, Kane, was known to him, and had been in his employment five years; on the 13th of July, he arrived at his station from the Campaspie, and not seeing Kane minding the sheep went to his hut to ascertain what had become of him; on arriving at the hut he met Mrs. Kane, and asked where her husband was; she replied that he had left her at daylight on the previous morning for Melbourne; on the following Monday went again, and expressed the greatest surprise at Kane not having returned; on the Wednesday ensuing observed a great smoke rising in front of Kane's

having returned; on the 14th of July, he observed a great smoke rising in front of Kane's door, as if from a log fire; on that evening he again asked Mrs. Kane what had become of her husband, to which she replied, in a sharp manner, "I know nothing about him;" he then started for Melbourne, and searched everywhere for Kane, without success; he called on Mr. M'Manus, who was an acquaintance of Kane's, but he knew nothing of him, and did not know that he was missing; having some suspicions on the subject, he waited on Mr. Brodie, District Chief Constable, and informed him of the matter; he then returned to Kane's hut, and, in company with a man, named Austin, searched the Creek, and a heap of ashes, about thirty yards from the hut; Austin, after searching the ashes, called out, "Here's Kane's pipe!" They then found a piece of green woollen cloth and a bone; the cloth was similar to that forming a cloak which Kane used to wear; on the Friday following, he called again at Mrs. Kane's, and asked her where all her husband's clothes were; she replied, that he had none, but those on him when he left the hut on Friday morning; he then said, "You had better give me his clothes;" to which she replied, "Do you think I am going to condemn myself?" The next day, when engaged with Mr. Brodie and Austin, in searching for the body in the Creek, and, examining the ashes, she said, once or twice, "There's a pretty way to look for a dead man; you can't make a live man out of old rage and

burnt bones!" The reason witness thought there was something serious in Kane's being missed was, that he had £70 of the man's money in his hands, and thought it unlikely he would bolt and leave such an amount behind him.

Mr. A. F. A. Greeves, surgeon, deposed, that Mr. Brodie gave him some human bones for examination about the 20th of July; the largest one was part of the skull of an adult, and appeared to have undergone the action of fire.

James Morrice, deposed, that, on the 14th of July last, he was sent with rations to Mrs. Kane's hut, she observed him coming, and hastened towards him, saying, she would carry the rations home herself; he refused to allow her, as he was strongest; on gaining the door, she seemed anxious that he should not go in; he said, he would go in, as he would have to empty and take back the bags containing the rations; he asked where Kane was, and she said, he had borrowed £1 from Mr. Robertson, in order to proceed on business to Melbourne; her fire was out, and she appeared confused.

Charles Brodie, chief constable, deposed, that, on the 22nd of July, he went to the hut occupied by Mrs. Kane; on going to the door, she said, "Is that you, Brodie?" he replied, in the affirmative, and said, "Where's your husband?" She answered, "He left me on Friday morning last, and, if you want any further information, you must find it out;" she was quite agitated, and her hands were clasped in front of her person; she continued walking up and down the hut while he searched it; now and then she covered her face with her hands; her features were quite convulsed, and there was a continual twitching

her face with her hands; her features were quite convulsed, and there was a continual twitching about the mouth; she told him that she had seen her husband on the previous two nights; as he came up to the bed, and said, "Light a candle, and do not be afraid; I am a magic rose, a mystical rose; my body is with Mr. Harpur, down in the dark room; there is no use in people looking for my body;" after stating this she turned round and said, "Brodie, you are cursed of God!" he then searched the room, but she continued to impede his investigation in every way she could; he found some blood on the head-board, and leg of the bedstead; there was a piece of the foot-board cut, as if lately done with a knife; while searching the bed-clothes, she said, "You cannot find a living man there, or even a dead one, but, even if you found a corpse, what could you do to me?" he said, "Whose corpse?" and she quickly responded, "Go, look!" He asked, what had become of her husband's green cloak? and she replied, that she had given it to a traveling man; he then went to search the ashes of the large fire, which was twenty yards from the hut, and thirty from the Creek; she was present, sitting on a log at the time; it was a cold day, and he remarked to her, "This is cold work;" she replied, "Yes, and foolish work—for you cannot make a man out of what you'd find there;" he found several bones in the ashes, which he gave to Dr. Greeves for examination.

Mr. Robertson further deposed that he saw blood on the bedstead and on a piece of board lying near it; several pieces had been chipped off the bedstead.

Cross-examined by the prisoner—On the Wednesday, 18th July, when I met you on the plain I observed a great smoke rising in front of your hut.

By the Court—The distance from my house to prisoner's hut is about two miles.

Thomas Austin further deposed that on the 12th July, when he saw Kane, he wore a light tweed waistcoat, which had been given to him by Mrs. Robertson, a neckerchief with a brown ground and white spots, broad cord trousers, tanned sheepskin leggings, and Blucher boots; the same neckerchief was found a few days after in Kane's box in his hut; it appeared as if placed there not for washing but for wearing.

Cross-examined by prisoner—I am sure the fire in front of your hut was a three-log one, as I afterwards saw the remains of the logs; I am sure the neckerchief found in the box is the same Kane wore on the morning of the 12th July; I have often been at your hut without you seeing me.

Dr. Greeves further deposed that on a subsequent occasion to the one specified on his former deposition, Mr. Brodie gave him some bones, portion of a skull, and two teeth with part of the lower jaw bone attached, they all belonged to a white man, and had been recently burnt.

This was all the evidence adduced against the female prisoner.

On being asked if she had anything to say why she should not be committed to take her trial for the murder of her husband, she replied in a perfectly collected manner and clear tone of voice, "Nothing to say but to declare my innocence, and you, Mr. Payne, (addressing one of the sitting magistrates) are perfectly aware of that."

She was then removed in custody, and the evi-

ding magistrates) are perfectly aware of that. She was then removed in custody, and the evidence against the male prisoner was gone into. He is a young man of prepossessing appearance, and throughout the proceedings evinced the utmost composure.

Walter Higgins, member of the District Police, deposed that, having been informed the prisoner was very intimate with Kane and his wife, he went to Mr. Yuille's station, where Morony was employed, to ask for information about the missing man; he acknowledged to witness that he had been at Kane's hut before and after his disappearance; he confessed he had been at Kane's on the Sunday previous, but denied he had been there on the Thursday before the 17th July; he was then cautioned as to what he was saying, as what he was stating was false, and might injure him afterwards; on the way to the station-house at Keilor, after being arrested, he denied his former statement, and acknowledged that he was with Mrs. Kane on the second night after Kane's disappearance; when he arrived at Keilor, he said that he went to Kane's, on the 11th July, to write out an agreement for the separation of Kane and his wife; that agreement was never entered into, as Mrs. Kane refused to take £40 and some furniture from her husband to leave him; he also stated that he saw Kane on the plain on the day after he was missing; that he was as sure of it as he was of his own existence; that Kane appeared quite melancholy, sighed, and made off in the direction of the interior; Morony told witness that he would give £1000, if he had it, for the recovery of Kane; he made a written statement to the above effect, but subsequently tore it up.

Lawrence Kelly, a shepherd in the employment of Mr. Yuille, deposed that he knew Morony was in the habit of going to Kane's hut, but particularly on Sundays; he used to walk over to Mrs. Kane's, leaving his sheep to come home themselves; saw the prisoner there on the 11th July; on the night of the 12th he came home at a very late hour; he appeared quite exhausted, and, in answer to enquiries from witness as to where he had been, replied that he lost his way, which caused him to walk a great deal.

James Yuille deposed—I know the prisoner; he was in my employment as a shepherd; I recollect the 15th July, a Sunday; he came to me on that day and wished to leave my employment; his reason was that he did not receive proper rations of beef; he was engaged for twelve months, and had been with me ten months; I refused the request, as the reason was so trivial; the prisoner's hut is 5 miles from Kane's hut; I did not hear at that time of Kane's murder; the prisoner mentioned to me on the 18th July that Kane was missing, and he seemed much astonished at the circumstance; I asked him what kind of woman Mrs. Kane was, and he replied that he did not know much about her; I asked him if she was fond of liquor, to which he replied that the only time he saw liquor in her house was on an occasion of going over there at the request of her husband; Kane had informed him, he said, that a difference existed between himself and wife, and wanted him to reconcile them; prisoner also told me that he had lent Mrs. Kane some religious books.

The bench asked Morony if he had anything to say why he should not be committed.

say why he should not be committed.

After reference to an Act bearing on the matter, and a short discussion between the Bench and Mr. Paynter, Morony was admitted to bail, himself, in £100, and two sureties in £50 each.

The prisoner—I have nothing to say more than that I am entirely innocent of the charge. That it is well known I am a hardworking, honest, sober man; and as upright as any person in this court, although not in such affluent circumstances as some of them.

Mr Payne you placed a written statement in my hands some time ago relative to this affair; I shall direct the Clerk to read it, and, if you think proper, you can make any addition to it that may be thought advisable by you.

Mr. Cadden then read Morony's statement, which was to the effect that on the 11th July he went to Kane's hut at his own request for the purpose of drawing out a deed of separation between Kane and his wife; Kane offered to give his wife £40 and a share of the household furniture; this his wife would not agree to, and he remained there all night; in the morning Kane accompanied him to Mr. Yuille's station, and bid him good bye; he never saw Kane after; on the next day, 13th of July, he went over to Kane's hut again, according to promise, to endeavour to effect an arrangement between the man and wife; he found Mrs. Kane alone, and, on asking her where Kane was, she replied, that he left her on the following day for the purpose of going to Melbourne to engage a house, which he heard was to let, and would suit him; she was sitting alone, in the middle of the room, and had no fire or matches; he then started for his own hut, and, having procured a box of lucifer matches, returned to Mrs. Kane's; he made a fire, and procured some tea, of which they both partook; he remained with her till two o'clock next morning, when he returned to his hut; on the 19th he went again to Mrs. Kane's, who informed him that Kane had not come home, but she supposed he was detained in Melbourne by Mr. M'Manus; he had dinner with her, and then returned to the station; on the 22nd he went over to Mr. Kane's again, and she then appeared in low spirits; at her own request he remained all night with her, as she stated she was afraid to remain alone, having seen Kane standing near the bed on the two previous nights; on returning home on the following morning he heard the police were looking for the body of Kane, and never afterwards saw Mrs. Kane.

The prisoner declined making any addition to the above statement, which, he said, was correct, in every particular.

Mr. Paynter contended there was no *prima facie* case made out, against the prisoner, and trusted the Bench would order his discharge.

Mr. Payne said his mind was made up that there was a *prima facie* case fully made out, and would commit the prisoner.

Mr. Paynter trusted the Bench would admit the prisoner to bail.

Mr. Payne had not quite come to a conclusion on that point; however, if he had the power, he would admit him to bail.

After reference to an Act bearing on the matter, and a short discussion between the Bench