

(No. 42.)



1877.

SESSION IV.

---

T A S M A N I A.

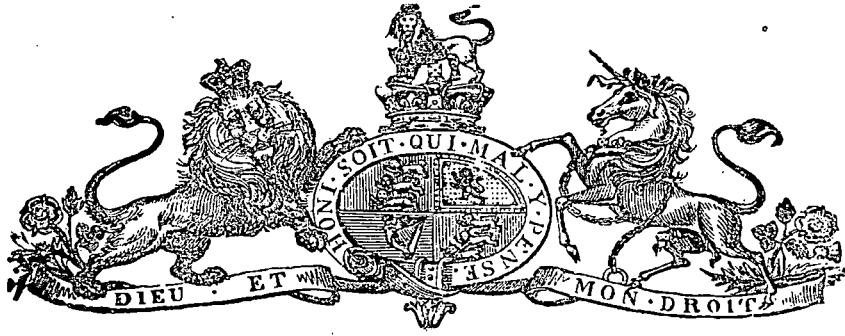
HOUSE OF ASSEMBLY.

---

B. BRUEN'S CASE.

---

Laid upon the Table by the Attorney-General, October 9, and ordered by the House to be printed, November 15, 1877.



*Attorney-General's Office, Hobart Town, 17th February, 1877.*

MEMO.

THE *Tribune* of the 10th instant is forwarded herewith to Mr. Willis, with the request that he will report fully for the Attorney-General's information upon the statements made in the leading article, and at the same time forward all proceedings and depositions in the case or cases referred to for the Attorney-General's perusal.

For the Attorney-General,

F. STOPS.

*The Stipendiary Magistrate, Wynyard.*

ARTICLE in the *Tribune*, Saturday, February 10, 1877.

FOR some time past we have had before us communications from reliable sources describing a state of things at Mount Bischoff which we at first hesitated to believe could possibly exist in any Christian or civilised community. All doubts as to the fidelity of the representations made to us are now removed, at least from our minds; and this being the case, we should fail in our duty as journalists if, from any personal considerations, we hesitated any longer to draw the attention of the authorities to the facts we shall indicate in language which shall sufficiently describe them without shocking the delicate sensibilities of our readers. The facts are these:—Two men, whose names are well known to us, but which, for the present, we shall refrain from publishing, obtained a licence for a public-house some eight months since at Mount Bischoff. One of the licensees is married, but his wife resides at Emu Bay, some forty miles from the Mount. The only female in the establishment belongs to a class which we thought, like the aboriginals, was worn completely out. This unfortunate and depraved creature, while in a state of helpless inebriety, was subjected to treatment, in the presence of one of the licensees, who appeared to enjoy the indescribable outrage, which we dare not attempt to describe. Several savages, in the shape of human beings, acted as principals in this horrible crime, every circumstance of which soon became known to the whole community of 300 or 400 persons, including women and young girls who constitute the population on and in the neighbourhood of the Mount. We mention this circumstance in order to draw more attention to the culpable neglect of the Stipendiary Magistrate and Police of the District who, up to our latest advices, have taken no steps to vindicate the cause of decency and humanity. The Stipendiary Magistrate of the District is, we find by a reference to the Almanac, Mr. Willis, and, upon enquiry, we have ascertained that one of the humbler representatives of law and order at the tin mines at Mount Bischoff is Constable Normoyle. The licensed house referred to, it must be recollected, is the only one at the Mount; and it may be easily imagined, by anyone familiar with what is called "out of the way country practice," how cordial and mutually agreeable the relations generally are between the solitary police office and the sole local dealer in stimulants. When the outrage was reported to the police autocrat of the District at Emu Bay, by individuals whose representations were entitled to the fullest confidence, His Worship manifested no undignified symptoms of surprise, much less of indignation, but met the earnestly expressed horror of his informant by simply and coolly observing "that he directed Constable Normoyle to make enquiries, and that he (Normoyle) had reported that matters were exaggerated." Not a single step has been taken since to bring to justice the participators in a most revolting outrage, or to vindicate the cause of our common humanity, by the Stipendiary Magistrate and his subordinates. The licensees of the public-house at Mount Bischoff are novices in the science and mysteries of "squaring" the minor guardians of the law; and we should be somewhat surprised if we found Constable Normoyle report with one iota more of claim to be credited than that of any other person who might find it to be more for his interest to close his eyes and ears than to keep them open. It is now some months since this unparalleled crime was perpetrated; and nothing more has been done to avenge outrage, decency, and humanity but the mockery of an investigation ordered by the Police Magistrate, and conducted by Constable Normoyle. How is this? For what do we pay the police and subsidise district magistrates? Are we to be told that it matters not what crime is committed in those out-of-the-way localities, so long as murder is not perpetrated? It is impossible to imagine even murder to take place under such hideous circumstances, and with such debasing effects upon society as the crime which the Stipendiary Magistrate and his subordinates at Emu Bay have allowed to pass unavenged. Just at the close of the last Session a motion was tabled in the House of Assembly by the member for South Launceston calling for depositions made in three cases before the Bench of Magistrates at Emu Bay. It is to be regretted that Parliament was prorogued too soon to permit the subject of the motion to be discussed; for it is within our knowledge that it was the intention of the member for South Launceston to call special attention to the character of the administration of justice in the district committed to the charge of Mr. Willis. In the name of our common humanity, and of decency and civilisation, we call upon the Government to have this particular case to which we now draw attention thoroughly investigated by competent and impartial persons wholly unconnected with local parties or interests. If the circumstances of the outrage are such as we have been informed they are—and we have implicit confidence in the truth of our informants—neither the police nor Mr. Willis ought to be allowed to remain in office one moment after their culpable negligence of duty had been established. We are very well aware that the police are very zealous in the performance of their duties whenever people are "troublesome"—as all persons not abjectly submissive to the "authorities" are considered to be—but when such individuals as the licensees of the solitary public-houses at Mount Bischoff break the laws, the vigilance of the police is always found napping, and justice invariably has to give way to mercy and forgiveness. It is quite time that the last traces of the old penal system of administering the laws in remote country districts should be effaced, and that every inch of this land upon which a human foot rests should be guarded by the Ægis of Justice in its purest character. We conclude by once more calling the attention of the Government to this horrible atrocity; and by asking in the name of everything we hold sacred to have all the parties implicated brought to the bar of justice to answer for their crimes.

Police Office, Wynyard, 22nd February, 1877.

SIR,

I BEG to acknowledge the receipt of your letter, enclosing the *Tribune* of the 10th instant, and requesting me to make for the Attorney-General's information a report of the circumstances referred to in the leading article; and I herewith forward the copy of a memorandum I sent to the Chief District Constable on 12th September last, and which made special allusion to a report which had been made to me as to certain alleged improper conduct which was stated to have occurred in the *Waratah Hotel*. Upon the receipt of that memo., and after making due enquiries, the Chief District Constable informed me that he could ascertain nothing to justify him in believing the statements were true, and there the matter has rested ever since.

I may state that the man Bartholomew Bruen, upon whose *ipse dixit* the Editor of the *Tribune* has thought fit to frame his leading article, is looked upon throughout the whole of this District as a man of very bad character, with a somewhat polished exterior, and who has kept the locality in which he has latterly resided, viz. Mount Bischoff, in a constant state of trepidation through his lawless conduct. I am not in a position to forward by this mail the depositions asked for, as I have to obtain them from Burnie, but will send them by next post.

I have, &c.

(Signed)

ARTHUR B. WILLIS.

F. STOPS, *Esq.*, Chief Clerk, Attorney-General's Office.

MEMORANDUM.

A REPORT has this day been made to me by the Rev. M. O'Callaghan to the effect that the public house at Waratah is conducted in anything but a reputable manner. That a "notoriously bad character" is employed by Mr. Hickson as "housekeeper;" a woman who makes a common practice of suffering men frequenting the house to have improper connection with her, often in the very sight, and apparent approbation, of the keeper of the house,—in fact, "that the manner in which matters are conducted in the *Waratah Hotel* forms the subject of a great scandal at Mount Bischoff."

The Rev. Mr. O'Callaghan gives Mr. William Jones, publican at Burnie, as his principal informant, and states that Mr. Jones informed him that D.C. Normoyle lately showed him (Jones) a book in which the names of several men were entered, whom Normoyle stated had had improper intercourse with the woman in question.

I need not point out that if such disgraceful practices as those reported to exist are permitted to continue, the effects must be most suicidal to the interests of public morality at Mount Bischoff; and I trust that the Chief District Constable will make immediate investigation to ascertain the truth of such report, and if such be true, that he will at once institute proceedings against the publican in the first place under the 40th Section of "The Licensing Act," and also against the woman for being a common prostitute.

(Signed)

ARTHUR B. WILLIS,

Stipendiary Magistrate, 12th September, 1876.

The Chief District Constable, Emu Bay.

Police Office, Wynyard, 24th February, 1877.

SIR,

I HAVE the honor to forward under separate cover the evidence taken in the various cases relating to Bartholomew Bruen, with notes of my own on each case attached thereto. As the evidence in the cases *Duncan v. Bruen*, and *Thrower v. Bruen*, will probably be required on 5th March next, Bruen having laid informations for perjury against Catherine Duncan and Charles Burns, (one of the witnesses in the latter case) I shall feel obliged by your causing them to be returned before that date.

I have, &c.

(Signed)

ARTHUR B. WILLIS.

The Hon. the Attorney-General.

ELECTRIC TELGRAPH.

Emu Bay, 5th March, 1877.

PLEASE post depositions *re* *Duncan v. Bruen* and *Thrower v. Bruen* immediately, in order to be here Thursday.

ARTHUR B. WILLIS.

F. STOPS, Attorney-General's Office.

Waratah, Mount Bischoff, 19th February, 1877.

SIR,

I HAVE the honor to bring under your notice the fact that since my arrival here, whither I was attracted from Victoria, bringing with me high testimonials, I have been made the victim of endless law proceedings in the Police Office, in some of which I have been improperly convicted, as I intend to show hereafter. I have been imprisoned and bail refused though it was afterwards found there was no jurisdiction, and in the case where bail was granted the sums were so high as practically to amount almost to a denial; and when in one case I was convicted of an assault the fine and costs amounted to an enormous sum. I have been, though a free respectable tradesman, several times marched down in custody nearly fifty miles over a rough road, and these proceedings have been upon the whole so burthensome—involving such great outlay and loss of time, that the effect has been almost to ruin me.

The police, still unsatisfied, are now seeking to put me to further pecuniary loss, by asking forfeiture of a recognisance, in which I was bound over in sureties of the peace, myself in twenty pounds, and one surety in ten pounds, on the ground of my conviction for damaging property; which I never did.

As I intend to challenge the surety case, and the damage to property and assault cases by prosecutions for perjury; and as I am now collecting magisterial declarations as a basis for a petition to the Executive for an inquiry into the conduct of the police here—especially constable Normoyle—and as further pecuniary loss will ruin and drive me out of the country to seek a living elsewhere, and so stifle the inquiry which justice demands, may I beg the favour of your requesting the magistrate, Mr. Willis, to postpone the case against me fixed for the 15th, for fourteen days from thence, to enable me to get my other cases ready. I need not point to the difficulty and cost of taking any action here and getting legal assistance from Launceston.

I have, &c.

(Signed) B. BRUEN.

*The Hon. C. H. BROMBY, M.H.A.,  
Attorney-General.*

REFERRED TO Mr. Willis with the request that he will at his earliest convenience report fully for the Attorney-General's information upon the statements made in this letter.

*For the Attorney-General,*

F. STOPS.

22. 2. 77.

*The Stipendiary Magistrate, Wynyard.*

THE Stipendiary Magistrate, Wynyard, has already forwarded to the Hon. the Attorney-General the evidence taken in the various cases in which the writer of this letter has recently appeared as defendant, and which will probably afford sufficient explanation of the circumstances referred to.

ARTHUR B. WILLIS, *Stipendiary Magistrate.*

27. 2. 77

*The Hon. the Attorney-General.*

ISLAND OF TASMANIA, }  
TO WIT. }

To BARTHOLOMEW BRUEN, of Waratah, Storeman.

TAKE notice that it is my intention to apply to the Court of General Sessions, to be holden at Burnie, Emu Bay, in Tasmania, on Thursday, the 15th day of February, 1877, at 11 o'clock in the forenoon, for the purpose of having a certain recognisance declared forfeited, which was entered into by you, with your surety, Thomas Wiseman, on the 27th day of November, 1876, at Waratah, in Tasmania, viz.—“That you keep the peace and be of good behaviour for three calendar months.”

Dated this the 1st day of February, 1877.

HENRY BERRESFORD,  
*Chief District Constable, Emu Bay.*

*Attorney-General's Office, 22nd February, 1877.*

SIR,

I AM desired by the Attorney-General to acknowledge the receipt, on the 19th instant, of your letter dated February, 1877, in which, after various statements, you beg the favour of the Attorney-General's requesting Mr. Willis to postpone the case against you, fixed for the 15th, for fourteen days. As your letter was not received at this office until the date stated above, you will

perceive that the Attorney-General was prevented from communicating with Mr. Willis before the 15th instant. I am, however, to inform you that your letter has been referred to Mr. Willis for his report upon the statements contained therein.

I have, &c.

(Signed) F. STOPS.

Mr. BENJAMIN BRUEN, *Waratah, Mount Bischoff.*

---

*Attorney-General's Office, 16th March, 1877.*

SIR,

HAVING gone carefully through the various cases in which Bartholomew Bruen has been involved, either as Complainant or Defendant, I do not see that you could have taken any other course than that taken by you in those cases respectively.

I forward for your information the statutable declarations of various people, having regard to certain alleged improper conduct to a woman at the *Waratah Hotel*; though the facts stated do not amount to a criminal act, yet, if you are of opinion that there is any truth in the statements, they should not be overlooked by the Licensing Board.

I have, &c.

(Signed) C. HAMILTON BROMBY.

ARTHUR B. WILLIS, *Esquire, Wynyard.*

---

DEPOSITIONS in following cases returned, 17th March, 1877:—*Duncan v. Slattery, Assault*; *Bruen v. Grant, Sureties*; *Reg. v. Bruen, Forgery*; *Duncan v. Bruen, Assault*; *Thrower v. Bruen, Destruction of Property*; *Bruen v. Duncan, Perjury*; *Ditto v. Burns, Perjury*.

---

*Attorney-General's Office, 22nd February, 1877.*

SIR,

I BEG to call your immediate attention to a letter signed "B. Bruen," which appears in the *Launceston Examiner* of the 20th instant, and forwarded herewith. As this letter contains statements reflecting upon your conduct as a Magistrate I shall be obliged by your report upon such statements, and by a perusal of the proceedings mentioned in the letter.

I have, &c.

(Signed) C. HAMILTON BROMBY.

*The Stipendiary Magistrate, Wynyard.*

---

[ADVERTISEMENT.]

IS THIS A FREE COUNTRY?

*To the Editor of the Examiner.*

SIR,—As almost a stranger in the colony I crave space to expose the injustice I have, since my arrival here, been subjected to, and to clear myself in the minds of the public from the stigma which has been openly cast upon my character.

In September, 1875, my brother and I came over from Victoria with the intention of settling in Tasmania; and attracted by the accounts of progress at Mount Bischoff we erected a store and commenced business at Waratah, with the publicly avowed intention of applying, as soon as practicable, for a public-house licence, as I held good testimonials from various magistrates in Melbourne, where I had for some years been in that line. From the time of my commencing business till July last I had nothing to complain of, but in that month I purchased a suitable allotment, intending to build an hotel upon it, and this seems to have aroused a feeling of animosity against me on the part of the "vested interests" there. From that time to the close of the year I have been made to suffer one continuous succession of annoyances and indignity, besides heavy pecuniary loss, the object aimed at apparently being to drive my brother and myself out of the district, because we were strangers, and so prevent our opposition in the public-house line. But I am determined to seek redress, if it is to be obtained in the colony, against a system of riding rough-shod over individuals who may render themselves obnoxious to those in position, "clothed with a little brief authority," and so forth—such as I have never before witnessed during eighteen years spent in the other Australian colonies and New Zealand.

In the previous December, just after the arrival of my brother and myself at Waratah, we had purchased from Mr. Peterson an allotment originally sold at the Government land sale; but only a temporary survey having been made no title

from the Crown had been received, and in fact has not been received up to the present date. We erected a building upon it at a cost of £300, furnished the place, and let a portion of it (the remainder being used as a store by us) to a man named Duncan at a rental of £12 10s. per month, these payments constituting the purchase of the whole when £300 had been paid. Knowing that we had received no title Duncan only paid one month's rent, and then refused to pay a shilling more, and kept possession for six months, which brings me down to the time when my troubles commenced. Acting under legal advice, the lease being valueless, we took advantage of Duncan's absence to re-possess ourselves of the place, and after removing his things outside placed padlocks on the doors. Duncan went to District Constable Normoyle, stationed at Waratah, who displaced the men we had put in possession, reinstated Duncan, and took into custody myself and two men who had assisted me in placing the padlocks on the doors for being illegally on the premises where I resided. We were taken to Emu Bay, 46 miles distant, kept in custody two days and nights, bail being at first refused, and when the case came on for trial there the Bench had no jurisdiction, it being a matter of dispute about the right to possession of property, and on the matter being referred to the Attorney-General we were discharged, there being no case against us. It was on the 30th October the case was heard, and I had to wait at the Bay under bail till the 4th November before the decision of the Attorney-General was obtained, and we were discharged.

In the meantime another case was got up against me. About 3 p.m. on the 30th October I was served with a summons signed *that day* by a magistrate, to appear at 11 a.m. *the same day* on a charge of assault arising out of the very same matter about the dispute with reference to the right of possession, laid by a girl named Catherine Duncan, daughter of the man referred to previously, and alleged to have been committed at Waratah on the 17th October, the day I took possession of the premises. The case was heard only about half an hour after I received the summons; this smart practice being very efficient preventing a defendant from procuring necessary witnesses, or preparing any but a hurried defence. The complainant and two other witnesses swore that I struck her on the head, and pushed her out of the house; and I produced three witnesses who happened to be at the Bay that day, and were present when the alleged assault took place, who deposed that I committed no assault. Two others who could have proved the same thing were not allowed to be heard, because they had been present in Court while the case had been going on! The Bench, consisting of Messrs. Willis, Paterson, and Munce, found me guilty, and fined me £10, with £6 3s. 6d. costs, or three months' imprisonment in default—a heavy sentence for a common assault, to say nothing about the question of jurisdiction. This sum, £16 3s. 6d., was deducted from the money taken from me when arrested. Now the complications began to thicken. During the absence of myself and brother at Emu Bay over this trumped up charge a man named Grant, doubtless at the instigation of other parties, forcibly took possession of our store, claiming the ground upon which it was built as his property; and when my brother went back he found a party of men, hired by Grant, in charge, and on attempting to enter the store he was assaulted and ill-used. On applying to D.C. Normoyle, who had been so ready to interfere in Duncan's case, to eject Grant and his men, he flatly refused to move in the matter, and told my brother to obtain a warrant first at the Bay—the course he ought to have adopted in the other case. On the 11th November I returned from the Bay to Waratah, and forcibly ejected Grant. We then found that some of our business account books were missing, a serious loss to us, and we have never since recovered them. Information was given to D.C. Normoyle of this robbery, and my brother applied to Mr. Willis, the Stipendiary Magistrate at Emu Bay, for advice, and was told by Mr. Willis that he had better take out summonses for the assault committed on him, but that he (Mr. Willis) could not do anything in the other matters. Two summonses, one against Grant and another against Duncan, were then taken out for assault on the 27th November, returnable on the 14th December at Emu Bay. That same day (27th November) I made a complaint to the Chief District Constable, Mr. Berresford, against D.C. Normoyle for his action in Duncan's affair; and *strange to say, only a few minutes afterwards*, I was arrested upon warrant on a charge laid by the C.D.C. of having uttered an altered cheque in the previous May!

The circumstances under which this charge was trumped up require explanation. In April I received a cheque in the course of business at the store from William Higgins, a man employed at the Stanhope Co.'s claim, drawn in his favour by Mr. Champion, the mining manager of the Company, for £1 17s. 6d. A few days afterwards I paid it away as £1 17s. 6d. to Mr. A. Littler, the clerk in charge of the Mount Bischoff Co.'s store, for goods supplied; and in May, Mr. Wiseman, a storekeeper at Waratah, showed me a cheque for £4 17s. 6d., and asked me to cash it, which I did. He then gave me back the money and took the cheque, showing me a memo. on the back from the bank that the cheque had been altered, and upon examination I found it was the cheque I received and paid away as a £1 17s. 6d. cheque. Mr. Wiseman told me he had offered it to some

Duncan being a tenant, Bruen, instead of dispossessing him by notice legally, took with him some assistants, and, entering the premises, dragged out Mrs. Duncan and her three daughters, assaulting all, and committed a cowardly assault himself upon the youngest girl outside the house. The action taken by D.C. Normoyle I am not exactly aware of; but I feel sure the statement here made is not true. Late Mr. J. H. Munce, J.P., admitted B. Bruen to bail, I believe.—A. B. W.

A charge was laid by Duncan against Bruen for assault upon his daughter Catherine upon my arriving at Emu Bay; and as Bruen stated he had all the witnesses he required present, the case was proceeded with instead of being adjourned, as would have been the case had defendant applied for such. The evidence, *Duncan v. Bruen*, will give particulars of this assault.—A. B. W.

No evidence to that effect adduced.

twenty other persons already to cash, in the hope of discovering the party who had altered it. He took the cheque away, and I never saw it again till the 27th November, on the same day that I was charged with having altered it. I was tried at Waratah, and discharged, there being of course no case against me, the matter being another of the series of systematic annoyances got up against me, apparently for interfering with vested interests in the place. I have already stated that these never commenced till July last, and I believe they first arose owing to my having in that month drawn the attention of D.C. Normoyle to the gross and shameful manner in which a drunken woman was abused and maltreated at the Waratah Hotel, where she had been drinking for two days and a night, an action on my part which gave great offence to the proprietor of the hotel; and it may be well supposed that the ill-feeling towards me was further intensified by my afterwards stating to both C.D.C. Berresford and D.C. Normoyle that I should certainly oppose the renewal of the licence to the same party at the Licensing Bench to be held on the 1st December, on the ground of the gross maltreatment of the woman referred to, an affair witnessed by many persons on the township, and one which no decent man should have for one instant permitted. Normoyle apparently took no action in the matter, beyond putting her for one night in an open stable.

After my discharge on the 27th November, a charge I had laid against Grant for having used threatening and abusive language to me was heard at the Court, and Grant was bound over in sureties to keep the peace for three months; but will it be credited that I, the complainant in the case, was treated in a similar manner and also made to find sureties? this being the method in which justice is dealt out in these out-of-the-way places. When arrested that morning on a charge of uttering, my watch had been taken from me by D.C. Normoyle, and being naturally anxious to obtain it again I applied to him during the evening for it. He said it was at his residence, and that if I came over there that night when I saw a light I could have it. Normoyle not returning home during the evening, tired of waiting, I walked down about midnight to the Waratah bridge, over which he would in probability pass on his way home from the Waratah Hotel, where he then was, and where, I may mention, *the Police Court was held*. Meeting at the bridge three men named Slattery, Coventry, and Charles Burns, we fell into conversation about the various events that had taken place that day, and about 2 a.m., tired of waiting, I and Burns went across the bridge to Normoyle's house to make sure he had not come home, and to my surprise found he was in bed, so that he must have crossed the river on a log by a by-track and avoided the bridge. I woke Normoyle up by knocking, and asked him for my watch; but he refused to get up to give it me, and told me to come again in the morning, my time being doubtless of small value compared to the grievous wrong of inconveniencing such an important person as a district constable over such a simple matter as the restitution of a watch and chain worth over thirty guineas. I returned to the bridge, and after some conversation with the others there, Burns volunteered to go to Thrower's (Waratah Hotel) for a bottle of brandy, and at the same time he left for the public-house I started for my brother's store, which was in the same direction as Thrower's, but some thirty yards distant, to obtain a tumbler. My brother was in the house, and on my leaving after obtaining the tumbler, being curious to know what I was doing at that hour, which was an unusual one for me to be up at, followed me outside and down the path some distance before he spoke to me. I told him I was going to Normoyle for my watch; but he followed behind me some distance further, and stopped there, and was a witness of my subsequent interview with Berresford and Thrower. It was partially moonlight, and when I had gone about half the distance back to the bridge I saw Burns coming away from Thrower's hotel; saw him stoop down and then throw something at the window, where a light was burning. The crash of broken glass followed, and then Burns ran off at the top of his speed in the direction of the bridge. I walked on slowly, and presently saw Thrower and Berresford come to the door of the hotel, and as by the winding of the path I was then directly in front of the house, some 100 yards distant, they at once saw me and came across. On seeing them coming I stopped till they came up. Thrower at once accused me of trying to murder him; but I said he had made a mistake, and that I was glad to see Mr. Berresford present or I believed he would otherwise try to swear my life away. I solemnly declare I never uttered a syllable of the abusive and blackguard language which was afterwards sworn to as having been made use of then by me. Thrower at once ran off in the direction of Normoyle's house, and left Berresford and myself together. Mr. Berresford asked me what I was doing out at that hour, and I told him, mentioning the names of the parties at the bridge who could corroborate my statement. We walked down there together, but Slattery and Coventry, warned, as I learned next day, by Burns of what had taken place, had left, and when we reached the bridge there was no one there. To explain another circumstance I must now go back a little. Prior to Burns leaving the bridge for the hotel we had a tumbler with us, but it had been thrown down among some sawn timber and could not be found, so that I had to go to the store for another. When coming down to the bridge with

Defendant and complainant being equally blameable, and the residents representing to me (as well as the police) that from what had transpired, and the knowledge of Bruen's quarrelsome propensities, murder would result, if some restraint were not placed upon him (Bruen); I therefore called upon both to find one surety in a sum of £10 to keep the peace and be of good behaviour.—A. B. W.

See evidence *Thrower v. Bruen*.

See evidence.

Mr. Berresford I struck my foot against the missing tumbler, and picking it up mentioned the circumstance to Mr. Berresford, showing him also the other one I was then carrying. As we entered upon the approaches of the bridge, which are very long, I saw Normoyle and Thrower approaching from the other end, and suspecting that some mischief was on foot, I threw the two tumblers on to a soft piece of ground close to the side of the bridge, telling Mr. Berresford that I would leave them there till I came back. Normoyle and Thrower both saw this action, but made a strong point at the trial of their having afterwards found them. When they came up to us, Berresford told Normoyle to take me into custody, which Normoyle did, but he did not in my hearing state upon what charge. I myself presumed what it was, because on the way down to the bridge Berresford had asked me if I had broken the window. Berresford, Thrower, and Normoyle went to the station-house with me, and the latter giving me into the charge of Constable Shaw, who resided there, the three went away. Hearing voices about twenty minutes afterwards, I went outside the station-house, and to my surprise saw the three before named and Mr. A. B. Willis, who was sleeping at Mr. Kayser's that night, in close conversation, about 25 yards distant, this being between three and four o'clock in the morning. About half an hour after that Thrower, Normoyle, and Berresford returned to the station-house, and Thrower then for the first time made a charge against me of having wilfully and maliciously damaged his property by throwing a stone through a window, and signed the charge sheet. About a quarter before eight o'clock, Mr. Willis, accompanied by Berresford, Normoyle, and Thrower, entered the watchhouse, and Mr. Willis taking a seat read over the charge sheet, and asked me what my plea was. I said "not guilty," and now mark the treatment I was subjected to. I had already been arrested by a constable upon a charge which even were I guilty of only amounted to a misdemeanour; and as I was resident on the place, should have been dealt with by summons in the usual way, and why not upon the township? Mr. Berresford now applied for a remand for eight days, which Mr. Willis at once granted! and I had no opportunity of opposing Thrower and Hickson's licence. I applied for bail, as I could have obtained any reasonable amount asked for, but, will it be believed, Mr. Willis positively refused to allow me bail, giving as a reason that I had on the previous day been bound over to keep the peace in the case against Grant, in which I was the complainant! I was marched next day to Emu Bay, 46 miles distant, and again attempted to obtain bail, but was again refused, which as I was at such a distance from Waratah prevented my obtaining some important witnesses for my defence. Instead of eight days I was kept in custody nine! And then my case came on for hearing before Mr. Willis and Mr. R. H. Munce. On that occasion Berresford and Thrower deliberately swore that they saw a figure crouching behind a log near the house after the window was broken, and then saw me running, pursued and caught me; that I used most abusive language and epithets to Thrower, and that they charged me with having broken the window, and that I did not deny it. This trial took place on the 6th December, and I applied for an adjournment to the 14th December, to allow me to summon witnesses to rebut this startling evidence. This was granted, and bail was also allowed, myself in £100, and two sureties besides of £50 each! but when the adjourned case came on for hearing, it was before Mr. Willis and Messrs. C. Mackenzie and T. M. Clerke, two of the three having never heard the former portion of the trial! I called George Jackson and George King, who deposed that Burns had told them he broke the window, a fact to which Slattery had also deposed on the first day of the trial, and W. Coventry and my brother Thomas Bruen gave corroborative testimony to my statement of the case. Burns was summoned, but although he had told others he had committed the offence with which I was charged, and would not see me suffer for it, in the witness-box he, doubtless to avoid criminating himself, denied having broken the window or having told others he had done so. As Chairman, Mr. Willis announced the decision of the Bench to be that I be imprisoned for one month with hard labour, and to pay £2 2s., value of the damage done! Mr. Hall, whom I had engaged on the second day for the defence, pointed out to the Bench that I could not be both fined and imprisoned, and after some argument the fine was remitted, but the imprisonment I had to endure to the bitter end.

Now, Sir, you will see by the foregoing statement the indignity and pecuniary loss I have been illegally subjected to, to say nothing of the hindrance to business. I have been taken into custody for being illegally on *my own* premises! bound over upon my own complaint against another! arrested on a trumped up charge of uttering a forgery! refused bail! granted *excessive* bail! fined an exaggerated amount for a common assault in the face of contradictory evidence! and, finally, after being subjected to constant annoyance, was imprisoned, for the first time in my life, upon a petty charge, again in the face of conflicting evidence. I do not, however, mean to sit tamely down after what I have suffered, and if there is justice to be had in Tasmania I shall endeavour to obtain it.

I remain, Sir,

Yours, &c.,

B. BRUEN.

Waratah, February 13th.

Perfectly false. I simply remanded defendant to Burnie upon application of police, no second Justice being at Waratah.—A. B. W.

Bruen asked me to accept his brother as bail, no other person. This I refused.—A. B. W.

No such bail was fixed by me.—A. B. W.

Case was commenced *de novo* on the 14th, in consequence of Mr. Munce being in a dying state and unable to attend the Court.—A. B. W.

No such amount named.—A. B. W.



P.S.—On the 6th instant Grant, who was under sureties for good behaviour, assaulted my brother, Thomas Bruen, and committed wilful damage to his personal property; my brother reported the case to Normoyle, who refused to proceed as he would not show him his title to the house. Next day he called with me to show his title papers and was told to “clear out;” because I had to explain it Normoyle would not allow him to be present, nor would he take any action because it was not a Deed. On the 15th instant *my* recognisances were forfeited because I had been found guilty of breaking a pane of glass in Thrower’s house! which decision I intend challenging, as I was not guilty of the act, my reasonable application, usually granted without hesitation, for a postponement for fourteen days to obtain legal assistance, being peremptorily refused.

B. B.

*Police Office, Wynyard, 28th February, 1877.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of 22nd instant, transmitting for my perusal a letter which appeared in *Launceston Examiner* of 20th instant, and signed by “B. Bruen.” I beg most respectfully and emphatically to state that the whole composition is a tissue of gross exaggerations and misstatements from beginning to end. I have made a few notes opposite to some of Bruen’s statements in the accompanying paper, on which Bruen’s letter is grounded; and as the evidence taken in the various cases is ere this before you, and which gives such a different coloring to the various incidents alluded to by Bruen, I trust you will deem such sufficient. I need hardly attempt to draw the distinction between the sworn testimony of a man of Mr. C. D. C. Berresford’s character (as to what took place in the matter of the damaging property at Waratah) and that of Thomas Bruen, who has, as I have already pointed out, given two distinct versions of the matter. Mr. Berresford was an entirely disinterested witness, whilst Thomas Bruen, defendant’s brother was not; and his evidence had more weight with the Bench than any other.

I have the honor to be,

Sir,

Your obedient Servant,

ARTHUR B. WILLIS.

*The Honorable the Attorney-General.*

*Waratah, Mount Bischoff, 28th February, 1877.*

SIR,

I HAVE the honor to forward for your perusal a letter published in the *Examiner* newspaper herewith, to the accuracy of which I am prepared to depose, also several declarations which go to establish the *bona fides* of my statements. I could have obtained further declarations at this place. but the local Magistrate is not yet sworn in.

From this statement two things appear; first, that the public-house here requires proper Police supervision; and secondly, that the present Force does not supply such supervision.

My complaint to Constable Normoyle about the treatment received by the woman Trainer was not attended to, no steps whatever having been taken to bring the ruffians to justice, or to punish the landlord for permitting such conduct in his licensed house. Nor has anything been done by District Constable Berresford on my complaint to him in reference to the strange inaction of his subordinate.

The result is that the publican and the others have been allowed to escape, and no step has been taken against the Constable for permitting such escape.

One step certainly was taken by the Police, I myself was proceeded against in such a way as to prevent my carrying out my declared intention of opposing the granting of a licence to either Mr. Thrower or Mr. Hickson for the public-house in question, they being in partnership.

May I therefore request that you will cause the local Magistrate, and not any of those who have been mixed up in these cases against me, to enquire into the truth of the allegations set forth in my letter and in the declarations, and thus give me an opportunity of proving *first*, that gross treatment of an elderly widow woman took place in the licensed house in which Messrs. Hickson and Thrower are concerned; *second*, that complaint thereof was made to Constable Normoyle, who instituted no prosecution; *third*, that further complaint was made of Normoyle’s neglect of duty to District Constable Berresford, who nevertheless took no steps to punish him; and *fourth*, that I have been very harshly and unnecessarily prosecuted by the Police.

I have, &c.

B. BRUEN.

P.S.—I will, very shortly, add two other declarations.—B.B.

*The Hon. the Attorney-General.*

*Patterson-street, Launceston, 3rd April, 1877.*

SIR,

CIRCUMSTANCES have prevented my addressing you in reference to the grounds for the prosecution in Mr. Bruen's two Emu Bay cases at the same time as he wrote in reference thereto.

I need say nothing as to Catherine Duncan's case, except that had Kenally, her witness in the case out of which the perjury arose, been called and gave the same evidence that he did before, two witnesses who had been subpoenaed would have been called in rebuttal to prove admissions of his, going far to show that the girl's mother terrified her into swearing as she did. The course adopted by the Magistrate prevented this being done, although he was informed of the purpose of such evidence by me in my opening address.

In Burns' case the material point was the breakage of the pane of glass by a stone thrown by some person outside. Bruen swore that Burns did know, because he (Burns) broke it himself, and he (Bruen) saw him break it. Several witnesses proved that Burns admitted it directly after he broke it, being the strongest possible corroborative evidence that could be adduced. *Regina v. Lee*, 2 Russ. by G. 650; also, *Alderson B. in R. v. Boulter*. 835 Roscoe, 8th edition (Smith.)

He swore that he did not tell any one that he broke the pane, but several witnesses proved that he told them, and that directly after the occurrence. This evidence was not contradicted. The second count was charged on the basis of *Regina v. Hook*, 27 L. J. M. C. 222. *Vide Roscoe*, p. 837, same edition.

I may add that Berresford, called merely to produce depositions, which at the Supreme Court could be more appropriately produced by the Magistrate, seeing that he acted as his own Clerk, proved on cross-examination a witness for the defence to the extent of fixing some suspicion on Bruen as the party who broke the pane; but then Berresford had prosecuted and gave evidence against Bruen before, and his points of suspicion were cleared up by my re-examination, and they were also fully met by the other evidence.

As to the charge against Merin as it does not enter into the correspondence I shall say nothing, except that having advised an enquiry into Constable Normoyle's conduct in not taking prompt action when the evidence was fresh and at hand, I now consider the late case at Emu Bay (excepting Mr. Murray) was in effect a mere sham, wearing all the appearance of a "fall through," as if the object were not the committal of Merin, but the acquittal of the local authorities themselves. Mr. Berresford should not have been allowed to prosecute a case the discharge of which was to be his best reply to any charge of neglect against him. Again, Hickson the publican, whose conduct was in question, should not have been called merely to allow Mr. Miller the advantage of his cross-examination, but Brown, the chief witness, should have been summoned but was somehow overlooked; also, Bruen ought not to have been called, his knowledge being mere hearsay, this also let in another cross-examination.

I have, &c.

*The Hon. the Attorney-General.*

(Signed) S. MORIARTY.

REFERRED to Mr. Willis for his remarks, so far as this letter refers to the cases of Bruen v. Burns, and Bruen v. Duncan.

*For the Attorney-General,*  
F. STOPS.  
5. 4. 77.

IN the case Bruen v. Duncan referred to herein it was unnecessary to call evidence for the defence, and therefore Kinnella was not called. In the case Bruen v. Burns I did not consider the evidence of B. Bruen to be believed, from its exceedingly suspicious and unsatisfactory nature throughout, and from the fact of some of the most important points in it being contradicted by that of Mr. C.D.C. Berresford (a reliable and disinterested witness). The corroborative evidence Mr. Moriarty alludes to was, in my opinion, most questionable, being given by Slattery and Jackson, who acted throughout the piece as partisans of Bruen, and they being drunken dissolute characters and anything but credible witnesses.

ARTHUR B. WILLIS.  
9. 4. 77.

*The Hon. the Attorney-General.*

*Attorney-General's Office, Hobart Town, 5th April, 1877.*

SIR,

IN reply to your letter of the 3rd instant concerning Mr. Bruen's cases at Emu Bay, I beg to inform you that a Petition from Mr. Bruen to the Governor has been referred to me, and that when further information has been received on the statements contained therein I shall be in a better

position to deal with the statements contained in your letter. I must however say, that I do not understand the objection you make to the proceeding in Catherine Duncan's case. All the witnesses whose evidence could have strengthened the prosecution should have been called for the prosecution. If the case for the prosecution was not considered by the Justices sufficiently strong, it was their duty to dismiss the case. I have been through the depositions in that case, and I cannot see any ground for interfering with the decision given. The same remark applies to the case against Bruen for destruction of property. As to the charge against Merin, I do not understand some of the observations in your letter; but, as further proceedings are to be taken in the matter, I shall be in a better position to consider that case hereafter.

I have, &c.

(Signed) C. HAMILTON BROMBY.

S. MORIARTY, *Esq.*, *Launceston*.

---

*Launceston, Patterson-street, 27th March, 1877.*

SIR,

I HAVE the honor to request that you will be so good as to peruse the depositions in the two perjury cases lately heard at Emu Bay, wherein Catherine Duncan and Charles Burns were Defendants, as I respectfully urge that those cases ought to have been sent on for your consideration, especially the last.

I make no complaints against Mr. Willis, whose experience in criminal cases may be inconsiderable; nor do I insinuate that he was influenced to dismiss those cases because he might have supposed a committal, and possibly true bills and convictions, would have been the very best means for bringing condemnation upon himself and his subordinates for their peculiar, and in some sense suspicious, inaction for some seven or eight months in Merin's case.

But I do submit that his toleration—I might use stronger and more pointed language—of Mr. Miller's extraordinary behaviour and language during his long cross-examinations of me, notwithstanding repeated remonstrances from the lawyer retained by me, coupled with the evident feeling displayed by him against me, when, after over two hours' cross-examination on one day and about the same time on the following day, during the whole of which Mr. Miller kept up a running fire on my replies, apparently either to gain the applause of the rough people in the pit of the Police Office or to excite me so as to cause me to commit myself by showing anger in the witness-box, or to confuse me and so cause contradictions in my evidence, until goaded to such an extent by the jibes, sneers, laughter, and contemptuous remarks with which Mr. Miller received every reply, that I at length, near the close of the second day's cross-examinations, made one retort back upon him; when Mr. Willis, making no allowance for the gross provocation I had received, and not taking into account my previous patience and command of temper, angrily said, "Don't you dare to give Counsel impertinent replies,"—might reasonably tempt me to believe that Mr. Willis was not disinclined to see my cases laughed out of Court, so as to throw discredit upon my conduct in reference to the principal subject,—viz., Merin's offence,—and the long and suspicious delay of the Police in taking their proceedings, should any steps in reference thereto afterwards be taken by me.

If Catherine Duncan had been called upon for her defence, and Kinnella had been called, two witnesses were subpoenaed to prove statements made by him which would have destroyed the effect of his evidence and made her perjury more apparent.

I have, &c.

(Signed) B. BRUEN.

*The Hon. C. H. BROMBY, Attorney-General.*

---

*Attorney-General's Office, 5th April, 1877.*

SIR,

I AM desired by the Attorney-General to acknowledge the receipt of your letter of the 27th ultimo referring to charges of perjury preferred by you at Emu Bay against Catherine Duncan and Charles Burns.

I am also to inform you that your petition to His Excellency the Governor asking for relief in the circumstances therein mentioned has been referred to A. B. Willis, *Esq.*, for his remarks.

I have, &c.

(Signed) F. STOPS.

MR. B. BRUEN, *care of S. MORIARTY, Esq., Launceston.*

*To His Excellency the Governor of Tasmania and the Executive Council, in Council assembled.*

The humble Petition of Bartholomew Bruen, formerly of Waratah, in Tasmania, Storeman, RESPECTFULLY SHOWETH :

THAT on the thirtieth of October last your Petitioner was fined Ten pounds, with Six pounds three shillings and sixpence costs added, on a charge of assault on one Catherine Duncan.

That on the fifth of March last the said Catherine Duncan was charged by your Petitioner with perjury arising out of the above case, when the said charge was dismissed.

That your Petitioner never did commit such assault ; and he respectfully submits that even upon the evidence a reasonable doubt existed, to the benefit of which he was entitled ;—and that now, from the evidence given in the Perjury case, it must be plain that no assault ever was committed.

That on the twenty-seventh day of November last your Petitioner preferred his complaint against one William Grant, seeking to have him bound over in sureties for good behaviour, when to his utter astonishment he was himself bound over upon his own complaint in sureties : himself Twenty pounds and another Ten pounds.

That on the fourteenth day of December last your Petitioner was tried before Messieurs Willis, M'Kenzie, and Clerke on a charge of wilful damage to the property of one William Ignatius Thrower : the said case having been fully gone into on the sixth of the same month before Messieurs Willis and Munce, when it was postponed to the fourteenth aforesaid to procure the attendance of one additional witness for the defence, the effect of which unexpected substitution of one Bench for another having been the loss to defendant of the evidence of one material witness, who having given evidence on the first day did not attend on the adjournment. The witnesses for the prosecution, no doubt duly warned, were in attendance, and were resworn : not so the witnesses for the defence, excepting Thomas Bruen. The result being that Petitioner had a thoroughly unfair, if not illegal, trial. The convicting evidence also being merely circumstantial.

That in consequence of this conviction Petitioner's recognizances, Thirty pounds in all, were declared forfeited ; an application for postponement for attendance of professional assistance from Launceston having been peremptorily refused.

That your Petitioner submits : Firstly, that it is questionable whether he was legally convicted on the wilful destruction of property charge, and certainly he had a weaker defence on the adjourned day than on the first day ; secondly, that it is questionable whether the said charge and conviction came within the scope of his bonds, so as to justify forfeiture ; thirdly, that he ought to have been allowed the assistance of counsel in the forfeiture case ; and fourthly, that the binding over was illegal also.

That your Petitioner has never gained a case before Mr. Willis since he first moved in the matter of the outrage committed upon Margaret Trainer, at Thrower and Hickson's Hotel, at Waratah. On the contrary, he has lost every case and been repeatedly severally punished. The total costs to him and his brother from first to last have amounted to Two hundred and fifty pounds, as he can show from figures, not to mention the distressing loss of time resulting in the ruin, in a business point of view, of them both ; Mr. Thomas Bruen being obliged to work as a labourer, and Petitioner having to look out for some situation.

That your Petitioner begs respectfully to submit the accompanying testimonials as to character.

Your Petitioner humbly prays that Your Excellency and Council will take the premises into your favourable consideration, and grant him such measure of relief as may in your wisdom seem just.

REFERRED to Ministers. Petitioner requests that the enclosed testimonials may be returned to him.

FRED. A. WELD.  
April 4, 1877.

FORWARDED to the Honorable the Attorney-General.

B. TRAVERS SOLLY.  
4 April, 1877.

FORWARDED to Mr. Willis, with a request that he will favour the Attorney-General with his remarks upon the within statements.

C. HAMILTON BROMBY.  
April 5, 1877.

*Police Office, Wynyard, 9th April, 1877.*

SIR,

I HAVE the honor to acknowledge the receipt of a Petition forwarded by Bartholomew Bruen to His Excellency the Governor, having reference to certain cases in which Bruen was concerned,

and which were tried latterly at the Burnie Police Court. In reply, I beg to state with regard to the first case to which Bruen refers, and in which he was fined £10 and costs, (which were heavy through so many witnesses having been summoned from Mount Bischoff,) that you have the depositions, which clearly prove that Bruen committed a most premeditated and cowardly assault on a young girl; and he was also the instigator of another cowardly assault, committed at the same time and place, by a man named Slattery, on the girl's mother. As you have the depositions also in the perjury case, Bruen v. Duncan, referred to,—which in my opinion do not in any way remove the guilt from Bruen, so far as the assault was concerned,—I need make no comment, as you will I am sure admit such is not a case I could do otherwise than dismiss.

Respecting the case of sureties of the peace, in which Bruen sought to have Wm. Grant bound over to keep the peace, I have already had the honor of pointing out to you my reason for exercising the power I possessed to bind over both parties to "keep the peace and be of good behaviour." As I then stated, I was induced so to act upon the representations of the Police and some of the residents of Waratah to the effect that, unless some restraint were imposed, bloodshed would be the result of Bruen's lawless conduct.

Respecting the case alluded to, tried on 14th December, in which Bruen was convicted of wilfully damaging the property of W. J. Thrower, before Messrs. Mackenzie, Clerke, and myself, and which Bruen represents as having been fully gone into on 6th of same month before the late Mr. Munce and myself, I have only to remark that the case was adjourned, at the request of Bruen, from 6th to 14th December, and that on the latter date, in consequence of Mr. Munce being in a dying condition, the case had to be commenced *de novo*, before a differently constituted bench, and Bruen's counsel (Mr. Hall) elected to have the case decided without any further adjournment—no doubt believing that no additional evidence he could produce would strengthen his client's position. Upon the application of the C. D. Constable to the Court of General Sessions, the recognizances entered into by Bruen (himself £20 and a surety £10) to keep the peace and be of good behaviour for 3 months were declared forfeited in consequence of his conviction.

In conclusion, I may state that I am not in any way responsible for the fact that Bruen has not succeeded in gaining any of the cases he has thought fit to bring into Court. The evidence taken in, I think, all the cases has been submitted to you; and the man Bruen has in many instances, to my knowledge, been advised not to take legal steps, but has persisted in following the bent of his discordant propensities in each instance. He has generally been a breaker of the law himself in the first place, and has then sought to punish the injured party by appealing to the law for redress!

I have, &c.

(Signed) ARTHUR B. WILLIS, *Stipendiary Magistrate*.

The Hon. C. H. BROMBY, *Attorney-General*.

---

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

*Attorney-General's Office, Hobart Town, 16th April, 1877.*

BARTHOLOMEW BRUEN. PETITION FOR REDRESS.

ALL the grievances complained of by the Petitioner are matters within the discretion of the Justices who gave the decisions complained of. After carefully perusing the depositions, and making full enquiry into the circumstances of each case, I do not feel that there is any cause to interfere with the decisions of the Justices.

C. HAMILTON BROMBY.

---

THE Governor in Council declines to interfere.

E. C. NOWELL.

23. 4. 77.

---

*Attorney-General's Office, 25th April, 1877.*

SIR,

I HAVE the honor to inform you that your Petition to His Excellency the Governor, referring to certain cases in which you were concerned, and praying His Excellency to grant you such measure of relief as might in His Excellency's wisdom seem just, has been considered by the Governor in the Executive Council, and I have to state that His Excellency, with the advice of the Council, declines to interfere with the decision of the Justices of which you complain.

I have, &c.

(Signed) C. HAMILTON BROMBY.

Mr. B. BRUEN, care of S. MORIARTY, Esq., *Solicitor, Launceston*.

Testimonials returned to B. Bruen.—1. 5. 77.