

"But that he might not be said to make so grave a charge upon light foundation, he would instance the crimes of violence, the murders, manslaughters, in drunken revels, the perjuries, the false witnessing, from motives of reward or revenge, which in the proceedings before him had been brought to light. There were some indeed of so atrocious a character which had occurred before him, that he would briefly instance some of them, which the time that had elapsed might have caused to pass away from their memory.

"The case of Mullany and his wife, who were convicted of stealing from the person of Patrick Sherry, by administering to him some deleterious drug, which for a time deprived him of sense, and perhaps only the quantity prevented his losing his life. The case of Armstrong, the overseer, who was acquitted upon a false charge, brought against him by a convict under his superintendence, of shooting him with intent to murder.

"The case of Cowan and his wife, who were acquitted of the murder of a man named Kerr, embodies in itself a picture of those evils with which the colony is visited. A person of the name of Campbell, and the deceased Kerr, lived near Liverpool, and kept an unlicensed still, and a house to which the gangs of prisoners in this neighbourhood resorted for drink, and they were cattle-stealers. On a Sunday evening this house was visited by a constable from Liverpool, who arrived about eight o'clock, and found the parties, as he expressed it, 'beastly drunk,' and the two prisoners of the crown in the same state; this was the last time Kerr was seen alive by any respectable person.

"Information was given the next day, by two of Cowan's servants, to the magistrates of Liverpool, against him, for cattle-stealing, and it was proved that their having done so was known to Peter Montgomery, a convict, employed as overseer at the Liverpool Hospital, in the afternoon of the same day, and that he had visited Cowan afterwards, and understood from expressions made by Cowan, during his intoxication, that he expected Kerr would give evidence against him. Kerr was murdered by some one on that night, and his body was afterwards found at fifty rods' distance, but the blood was traced to within seventeen yards of Cowan's door.

"Campbell had given a statement before the magistrates, which, if he had adhered to on the trial, would have brought home the guilt of that murder to both the prisoners; but he recanted the whole of his previous statement, and they were acquitted.

"It appeared in evidence, that Campbell had been forwarded from Liverpool to Sydney, handcuffed with Cowan, and was confined in