

MURDER.

Thomas Eva, pleaded not guilty to killing an aboriginal native named Barney at Camperdown, on the 28th of July last, by stabbing him with an open clasp knife.

It being impossible from the position of the reporter's box to hear the witnesses sufficiently to report the case in the usual manner, we give the particulars so far as they could be gleaned. The prisoner had gone to the camp of the natives near **Camperdown** on the evening of the 28th July, 1863. The two witnesses on whom the Crown relied for the prosecution were two aboriginals named Nellie and Edward, and their statement was to the effect that the prisoner sent for a bottle of rum to the public house, and on its being brought he gave them two nobblers each. The deceased then got sulky with prisoner, and the latter attacked the former with a clasp knife, inflicting several wounds, two only of which were dangerous. The dying statement of the deceased taken before a magistrate was admitted in evidence, and that was to the effect that the prisoner came to the mia mia and wanted the lubra of deceased to go with him into the bush. That the deceased refused, and that then the prisoner stabbed him several times with a knife. The statements of the two witnesses differed in some respects from the statement of the deceased, and also from that of each other, the lubra saying that Barney had pulled the prisoner about in the mi-mi before he was stabbed. The statement of the prisoner, who was defended by Mr Aspinall, was to the effect that he was groggy on the night in question, and went to the camp and fell asleep for a short time, that on awaking he found some of the blacks had rifled him of a few pounds in money and some other things

and he accused the lubra of it. Barney, the deceased, became enraged at this and jumped upon him, and laid hold of his throat. He told him if he did not let him go, he would stab him. The deceased not letting him go, he drew his knife and stabbed in self defence. His Honor, in summing up the case to the jury, drew their attention to the fact that there was really no perfectly reliable

evidence before them, and they retired for a few minutes, and returned with a verdict of "not guilty," and the prisoner was discharged.