

Quarter Sessions

The following is an extract from hearings that appeared in the Perth Gazette on Friday 8th October 1852, that were heard before WH Mackie, Esq.; Chairman and a Bench of Magistrates.

James Rourke,¹ stealing a whetstone, the property of Thomas Kneale at Fremantle

Thomas KNEALE, sworn, said - He recollected missing an oil stone about the end of last July; he left the oil stone on the top of a hedge having been engaged in conversation with some one in the street in Fremantle and had forgotten that he had left it. The witness inquired amongst the neighbours if they had seen anything of it; witness particularly asked the prisoner, who said he had seen the stone on the hedge where witness had left it, but that it had disappeared the same day; witness promised him half a crown if he would find and restore it; he said he would look for it.

The witness asked him some time afterwards if he had found it; prisoner said he had not heard anything of it, but said that if the witness would not say anything about it, he would try and get it for him. About five weeks after the witness had missed the stone, WARE told him he had bought a stone and heard he had lost one. Witness gave him a description which Ware said corresponded with a stone he had bought of the prisoner; it has his name "T Kneale" stamped on it.

Cross-examined: Witness left the stone by accident on the hedge; a number of people work near that hedge; he knew the prisoner to be a married man, he did not know Ware till he came to him to speak about the stone.

Charles WARE, sworn said - He purchased an oil stone from the prisoner at the bar; he gave him 4s for it; prisoner told him the day before that he had

brought two oil stones with him from England.

Cross-examined: Witness did not know Kneale till he spoke to him about the stone. The witness had bought the stone about a month before he returned it to Kneale. The prisoner brought the stone to him at his house; witness has known Rourke about twelve month and he knew he had a wife and family.

The prisoner in his defence said he found the stone on a hedge, and took it home and placed it among his tools, along with two hones he possessed before; he then sold a stone to Ware, meaning to deliver one of the hones he had brought from England, but in the dark he placed his hands among his tools and took up the wrong stone.

Verdict: Guilty, but recommended to mercy on account of his former services to his country and of his large family.

Sentence: *Six months' imprisonment with hard labour.*

¹ 'James Rourke was an Enrolled Pensioner Guard who arrived on the Scindian in 1850, accompanied by his wife and five children.

Our thanks go to the Convict SIG (Convict Links December 2009, Volume 23, No 4), for permission to use this information from the Perth Gazette and submitted by their member Harold COPPOCK.