

Dentist and Damsel.

Flighty Flapper Alleges Rape,

Telling a Wildly Improbable Story.

DOCTOR DECLARES HER A VIRGIN.

Accused Man Easily Acquitted.

A dentist amongst the donors was the theme which engaged the attention of Judge Armstrong and a jury at the Darlinghurst (Sydney) Sessions on Friday of last week for nearly the whole day. A bachelor named William Edward Moore, 36 years of age, burly and lymphatic-looking, was charged with having carnally known a girl under the age of 16, named Eileen Violet Durbin, on March 22. There was a second count of indecent assault, the girl's age being given as 14 years 11 months at the date of the offence alleged. Mr. Coyle prosecuted for the Crown, whilst Mr. J. C. Gannon, K.C., and Mr. Gunn (instructed by Messrs. McCoy and McCoy) appeared for accused.

Eileen Durbin, a big girl for her age, living in Camden-street, Newtown, with her parents, and who was about the time of the affair, working at Vienna's Woollen Mills, Marrickville, said that on Monday morning, March 22, about 9 o'clock, she accompanied a young friend, Doris Rosenberg, from Newtown, to Moore's dental parlors, in Elizabeth-street, near the railway station. A youth named Morris, employed at the dental rooms, admitted them, and they sat down in the waiting-room. Moore spoke to Doris at the door of his surgery, and next called her over. She went, and he asked whether she wanted her teeth attended to, but she answered that she was getting them done at Newtown. Doris went and sat down in the waiting-room. Moore took witness by the arm

ANOTHER PARTITIONED-OFF ROOM.

where he pushed her down on a couch, and effected his purpose by force. The girl gave a detailed description of what she said took place. She said that Moore lay on the couch with her for about five minutes, during which time she struggled to get free, but did not scream. Afterwards he gave her 10s. and told her to come back in a week's time. Before leaving she told him that she would tell on him; after she reached home. This was before he gave her the 10s. She left in company with her friend Doris and went home, en route to which Doris wanted all the money, but had to be content with only two shillings of it. She mentioned nothing about it to her mother that day, and next morning she went to her work at the woollen mills, but later on in the afternoon she informed her mother of what had taken place. Her mother, along with another woman and her daughter, took her down to see Moore about it. Moore denied that witness had been there the day before, but afterwards he called her mother aside, so that his conversation couldn't be heard.

To Mr. Gannon the girl said her mother thought she was at work on March 22, but she was waiking it. The girl Rosenberg's mission to Moore was to collect money from him, and not from the youth Morris. When the assault was in progress she cried loudly,

from the youth Morris. When the assault was in progress she cried loudly, yet did not scream. The rooms were only partitioned off from one another, the wooden partition being seven feet high, yet she didn't know if anybody could have heard her in the waiting-room adjoining. She first said that Moore did not examine her mouth at all, but

AFTERWARDS REMEMBERED

that he did so. She didn't know where the boy-Morris had got while she was being assaulted.

Mr. Gannon: Was it against your will that you were ravished, or raped?—Yes.

Is it true that he was intimate with you as all?—Yes.

Do you know that is an offence for which a man is liable to be hanged?—No.

She further said that Moore pulled her down by force, and held her with one arm, and sometimes both. The girl Rosenberg was seated within eight feet of her in the waiting-room, but a door and a curtain hung between them. She had worked at two factories only during the last twelve months, the first being Handman's biscuit works.

Doris Rosenberg, an older yet much smaller girl, wearing a mass of frizzy hair down to her shoulders, said that on her arrival with Eileen at Moore's they found the front door open, and walked into the waiting-room and took seats. She spoke to Moore, and Eileen went with him into his surgery, Moore shutting the door. She, therefore, did not see what went on inside, but after about five minutes Eileen returned to the waiting-room, and they left together for home. She heard no screaming or talking as she sat in the waiting-room. On the way back to Newtown Eileen gave her 10s.

To Mr. Gannon, Durbin said the youth Morris was in and out of the surgery whilst Moore and Eileen were inside, and a man called into the waiting-room before Eileen came out of the surgery. Eileen told her that Moore was examining her mouth in the surgery. She saw another young woman who was employed at the parlors when Eileen was interviewed, she was leaving. Further questions, Eileen said she had been at the surgery before with her sister, and she carried a letter before that day asking for money for her sister. However, she did not get any money. She thought the letter was to Moore.

A JURYMAN:

WHY DID YOU GO THERE?

that day, I would like to know?—The Honor: It is admitted by the girls that they did not go there to have their teeth done.

Mr. Gannon: You going to prove that they did.

The depositor of Dr. Offiers, Government Medical Officer, was read. This was to the effect that he examined the girl Durbin on the night of March 24 and found that she was a virgin, without injury, or marks of any kind.

Alice Durbin, the mother of the girl,

without injury, or marks of any kind. Alice Durbin, the mother of the girl, said she turned 15 last April. On Monday, March 22, she was the girl's mother. She started home from her room, saying she was not feeling well. Next morning she left home as usual about 7 o'clock. That evening, about 5 o'clock, she had a conversation with the girl, who told her what had happened. Accordingly, she made it her business to see Moore immediately and got a friend, Mrs. Thompson, and her daughter to accompany her. At the dental chambers she had to leave, whom she had not seen before. "Are you Mr. Moore?" "Yes," he said. "Have you met this girl before?" she asked, indicating Eileen. "No," replied Moore. "Don't tell me how. You had her here for a certain purpose yesterday," she persisted. Moore then asked her inside, where she said to him, "This is my only daughter, and not 15 until next month. It's disgraceful, and I'll prosecute you." Moore now put his hand upon her shoulder and said, "You are her mother, and she's your daughter. Think of the shame and disgrace." But she persisted in declaring that she would prosecute him. Before the girl called Moore's surgery she had undertaken to have her teeth attended to at Newtown.

Sergeant L. R. Green said that in the afternoon of March 23, he saw the girl and her mother at No. 2 Police Station, and a few hours later he took the girl to be examined by Dr. Gibbes.

Next morning he saw Moore at his place of business, and told him he had a warrant for his arrest. After it was read, Moore asked,

"IS THAT THE CHARGE?"

He was taken to No. 2 Police Station, and asked whether he wished to be lined up for identification purposes. He replied that he did not, but shortly afterwards altered his mind, and accordingly he was lined up with half a dozen others, from amongst whom the girl identified him.

Mr. Gannon: He was first charged with assault with intent to commit rape, wasn't he?—Whatever was on the warrant, I read to him. I did not lay the charge. The girl's mother had seen a Chamber Magistrate.

The Honor here asked the jury whether they were satisfied that an actual assault had taken place, as on that the first charge was based. As for the second count, indecent assault, the consent of the girl deprived it of support.

Mr. Coyle: Oh, no. The law was framed to protect girls even against themselves.

Mr. Gannon: But if the jury disbelieved the girl's evidence concerning the first count, I submit they will not believe her on the lesser.

The defence was, however, gone into. The first witness was Cecil George Morris, a fair-headed youth of 18, under-studied and delicate-looking, whose evidence was mainly brief yeses and noes to whatever was asked him. He was an apprenticed dental mechanic to Moore, and superintended the mechanical work and sterilising. He described the geography of the partitioned rooms on an inked plan of the floor, and said he knew the girl Rosenberg and her older sister, who was about 18. He was friendly in the past with the other girl, and owed her 10s. On March 22 he started work at 8.20 a.m., and was in the surgery cleaning drills when the girls called, and a man came in afterwards. A girl named Rita was employed on the premises, preparing meals and cleaning up. He was in and out of the surgery.

ALL THE WHILE

Eileen was inside with Moore, and he noticed Moore examining her teeth with a mirror. He heard her talking to Moore, but didn't catch the import of the conversation. Doris asked him for 10s. Moore did not interfere with

of the conversation. Doris asked him for 10s. Moore did not interfere with Eileen to his knowledge, and he could not have indecently assaulted her without being seen. Nothing like it could occur, and the girls left the premises laughing. Eileen was not in the little room which contained the couch, but was in the surgery. Yes, he had seen Rosenberg there before, but not Eileen.

Mr. Coyte: When did you find time for being friendly with the girl Rosenberg?—In the morning.

How often had Doris been there?—About three times.

Did she bring a letter for Mr. Moore?—Yes.

And she's the young woman you used to get in from Alexandria before your master arrived?—Yes.

You are getting on. (Laughter.) Did you use as Moore sometimes?—Yes.

Was that with Moore's full consent?—Yes, sir.

How long have you been keeping up this game?—A couple of years.

What for?—I didn't want people to know who I was.

Why didn't you?—Oh, for nothing. Sometimes people asked if I was Moore's son, and I told them I was.

To Mr. Gannon, Morris said he was not upstairs in the workroom while the girls were there, and Moore

KNEW NOTHING OF HIS RELATIONS

with the other girl.

Giving his version of the affair, William Moore, the accused, tipping the beam at 170, or over, said that he lived with his parents at Auburn, where his father was a well-known old-time engine-driver. He had been practising dentistry for 15 years in the city, and this was the first complaint ever laid against his moral character.

Indeed, he had never been inside a court previously, not even as a witness. The girl Rosenberg called to have a gold crown fixed. As for Kitty Payne, she was a girl with whom he had been on friendly terms. No, he didn't know where she lived. Morris was his assistant, who prepared impressions and sterilized the instruments in the little corner room. Moore said he never lent any money to Rosenberg, but a girl named Miller had asked him to lend her £1.

On March 22 Morris told him of the arrival of the girls, so he asked one, Eileen, what she wanted to see him about. She said it was about her teeth, and so he showed her to the dental chair and examined her teeth, which took some minutes, as each one had to be fixed at separately with the aid of a mirror. Her mouth was in bad state, and he advised her that the lowest price he could accept was £3 10s.

She asked whether he could not do it for less, and on his replying in the negative, she didn't want anything done, and vacated the chair. She was never in the room where the sofa stood, and her evidence in detail was quite unimpaired. He never put a hand upon her, certainly not. Nor did he give her any money, as she had stated. When Mrs. Durbin called upon him with another lady the next night, she said, "My daughter was here on Monday morning, and you assaulted her and gave her 10s." He responded, "I neither assaulted her nor gave her any money."

He asked her to look, and told her that he had not interfered with the girl in any way. Moore added that he was a man of means and his father was in a

VERY SUBSTANTIAL POSITION.

Asked about a letter which had been found in his possession, the writer being a girl asking for money, Moore said the letter was delivered to him some time before by Doris Rosenberg. It purported to be from a girl named Miller, asking him to send her £1 or she would go off her head, and saying she couldn't go home without it. He didn't know who the letter was from,

she couldn't go home without it. He didn't know who the letter was from, should he admitted it was from a girl whose surname he was unacquainted with. Asked why he kept such a letter in his pocket-book, if the writer was one he didn't care about, Moore said he kept it in his pocket-book at the moment, and it stopped there. In his depositions taken at the lower court, where he said, "Morris was intimate with the sister Rosenberg said," Moore explained that he did not mean intercourse, but just sitting and talking.

Mr. Coyte: Wasn't your evidence given with a view of showing that the letter was invented for the boy Moore?—No, it was delivered to me, and kept before.

They didn't come to me for money that day?—No, I gave them no money.

Miss Dowley, a girl under 17, living with her aunt at North Sydney, said she had been employed by Moore for the past nine months looking after the housework and cooking. The defendant was a gentle, fair, and the girl Durbin was in the surgery

only two minutes. She heard her talking to Moore, but heard no conversation, and saw no tears about her as she was leaving. As for Moore, she found him a very respectable man, and he had always treated her well.

After the address and summons in the jury recalled Moore of the major offence without leaving their seats, and after a brief retirement, found him not guilty of indecent assault.

Microbes, a scientific journal, says, cannot live long on a coin. Not any one else either, while the highest value of the metal is worth only half its alleged value.