

QUARTER SESSIONS.

MONDAY AFTERNOON, DEC. 18.

(Before the Chief Justice and Juries.)

THE CHARGE OF RAPE.

The trial of Wadgee, an aboriginal native employed as a servant in Perth, for an alleged rape on Mrs. Cadwalder, a young married woman residing at East Perth, was continued in the afternoon. Further evidence in support of the complainant's charge was given by Dr. Waylen, George Cadwalder (the husband), Detective Connel, and a Chinaman named *Jim Ah Long*, their evidence being similar to that given in the police court.

For the defence, evidence was given by Edward Sholl (Wadgee's employer), and Kate Savage, a domestic servant; Mr. Sholl stating that he believed, but was not sure, that he saw Wadgee between half-past two and three o'clock on the afternoon in question, and the girl saying she saw Wadgee in his bedroom at four o'clock and saw him again about half-past six.

Mr. Foulkes addressed the jury, contending that the identity of the accused by the woman was uncertain, and that an *alibi* had been proved.

The Crown Solicitor did not exercise his right of reply.

The Chief Justice summed up to the jury, suggesting that the woman's condition and the state of her clothes favoured the assumption that the alleged assault was imaginary; that the woman had a fit of hallucination which caused her to imagine the outrage, such fancies being not uncommon with women recovering from a confinement; and that if the offence had been committed, the jury had to say whether they believed the girl's evidence as to seeing Wadgee at four o'clock, because if that were true the accused could not have been seen by the woman passing her house several times between half-past three and six o'clock, when the assault took place.

The jury, after conferring a few minutes, found the prisoner not guilty.

The prisoner was discharged.