

*Reg. v. Edwin Torbitt*, stealing a chest of tea and bag of sugar, the property of Mark Dyett, merchant, Perth.

Mark Dyett, missed some tea and rice in January last, from his present residence; on making inquiries, with the assistance of Mr Cole, the property was found at the house of Mrs Rogers; they were brought there by the prisoner, who on seeing the prosecutor, attempted to make his escape.

H. L. Cole, corroborated Mr Dyett's testimony, as to finding the property and the prisoner at Mrs Rogers's.

N. Newstead, was passing Mr Dyett's house on the 24th of January last, and saw the prisoner standing near the paling between the Mr Wittenoom's house and the prosecutor's. He had a bag resting on the paling, and requested witness to help him with it on his back, which he did, and accompanied the prisoner as far as the Devonshire Inn; he there offered to give witness a glass of liquor to carry it for him to Mrs Rogers's public house, the witness did so, and left it there. Prisoner told him he had been obliged to take it for wages. An hour afterwards, heard of the robbery at Mr Dyett's, and told Mr Cole what I knew.

M. A. Rogers deposed, that on the day mentioned, after her being absent for a short time, on her return to her house, saw a bag of sugar lying the door and a chest of tea on the counter, and was told by the barman that the prisoner had brought them. Heard prisoner say he had taken them in lieu of wages due to him from Mr Morley, and that he had a bag of rice to bring besides.

J. Chipper identified the bag and chest produced as those removed from Mrs Roger's.

Guilty. Two years imp. with hard labour.