

Received *ackd 3/2/20*

Exhibits—*A B C D E F G*

Brief Sent—*Myronell*

Copy Sent—

Queries—

*26.2.20. Prep'd to launch Sup Ct.*

*8.4.20. 2 books (Kidd's) to det. Coonan.*

191

Cor.—

Crown Prosecutor—

Defended by—

Plea—

Tried—

Verdict—

Sentence—

Presentment for—

14746.

100.

Supreme Court, Melbourne

*16 February 1920*

*15 March 1920*

The King

v.

*Harry Hardy Bruin and*

*Benjamin Morris (both bail)*

*Buggery*

DEPOSITIONS.

Witnesses.

*Annie Smith  
Thomas Coonan (detsergt)  
Hector Perrin Smith*

Committed at— *Hawthorn*

On *27.1.20*

In the Supreme Court

Criminal Jurisdiction

16 : 2 : 20.

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The King

v.

Harry Hardy Bruin  
(out rife)  
and

Benjamin Morris  
(in goal)

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"Buggery"  
(Both found not guilty)

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Depositions to

---

Witnesses:

Annie Smith  
J. Coonan

and

H. P. Smith

---

Committed at Hawthorn

on 27 January 1920

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FORM XXVII.

RECOGNISANCE OF BAIL FOR APPEARANCE AT TRIAL.

In the *Central* Bailiwick.

*Thomas Coonan* Informant.

*Harry Harchy Brum* Defendant.

Date of Information *January* 1920

<sup>1</sup> To be stated shortly.

Nature of information <sup>1</sup>

*Burgary*

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_

in the year of our Lord One thousand nine hundred and \_\_\_\_\_

<sup>2</sup> Name of Accused.

<sup>2</sup> *Harry Harchy Brum*

<sup>3</sup> Abode.

<sup>4</sup> Trade or calling.

of <sup>3</sup> *Harcourt St. Auburn* in the State of Victoria, <sup>4</sup> *Burke*

<sup>5</sup> Name of 1st surety.

<sup>6</sup> State abode fully.

<sup>5</sup> \_\_\_\_\_ of <sup>6</sup> \_\_\_\_\_

<sup>7</sup> Trade or calling.

<sup>8</sup> Name of 2nd surety.

~~in the said State,~~ <sup>7</sup> \_\_\_\_\_ and <sup>8</sup> \_\_\_\_\_

<sup>9</sup> State abode fully.

~~of~~ <sup>9</sup> \_\_\_\_\_

<sup>10</sup> Trade or calling.

~~in the said State,~~ <sup>10</sup> \_\_\_\_\_

<sup>11</sup> Place of Jurisdiction.

personally came before me, the undersigned, one of His Majesty's Justices of the Peace for the *Central* Bailiwick in the said State, and

severally acknowledged themselves to owe to our Lord the King the several sums following: the said <sup>2</sup> *Harry Harchy Brum*

<sup>12</sup> Amount of accused's bond.

the sum of <sup>12</sup> *Two Hundred & fifty* pounds, and the said <sup>5</sup> *which the said Harry Harchy Brum* has deposited with the

<sup>13</sup> Amount of surety's bond.

*Clerk of Court Melbourne* the sum of <sup>13</sup> \_\_\_\_\_ pounds each of good

and lawful money of Great Britain, to be made and levied of ~~their several~~ <sup>his</sup> goods and chattels, lands and tenements respectively, to the use of our said Lord the

King, his heirs and successors, if ~~he~~ <sup>he</sup> the said <sup>2</sup> *Harry Harchy Brum* fail in the condition indorsed.

Taken and acknowledged the day and year secondly above mentioned, at *Hawthorn* in the said State before me

*[Signature]* J.P.

The condition of the within-written recognisance is such, that whereas the said<sup>2</sup> *Harry Hardy Brun*

was this day charged before me, the Justice within mentioned, for that he the said<sup>2</sup> *Harry Hardy Brun*

<sup>14</sup> Date of offence charged.

on the<sup>14</sup> *3<sup>rd</sup>* day of *October*, in the year of our Lord One thousand nine hundred and *nineteen*, at

<sup>15</sup> Place of offence.

<sup>15</sup> *Amherst* in the State aforesaid, did<sup>16</sup> *commit* the

<sup>16</sup> Here state shortly the matter of the charges or other information.

*abominable* crime of *buggery*

If therefore the said<sup>2</sup> *Harry Hardy Brun*

<sup>17</sup> Sittings of the Supreme Court for the hearing of Criminal Trials or Court of General Sessions, as the case may be.

will appear at the next<sup>17</sup> *Annual Court* to be holden at<sup>18</sup> *Melbourne*, in and for the State of Victoria, on

<sup>18</sup> Place where Court to be held.

the<sup>19</sup> *16<sup>th</sup>* day of *February* 19*20*, and there

<sup>19</sup> Date of holding Court.

surrender *himself* into the custody of the Keeper of the Common Gaol there, and plead to such presentment as may be filed against *him* for and in respect of the charge aforesaid, and take *his* trial upon the same, and not depart the said Court without leave: And as often as leave is given by the Judge presiding thereat, after surrender and before or during the said trial if he shall return to the said Court at the time appointed by the said Judge on granting such leave and again surrender *himself* into the said custody then this recognisance to be void, or else to stand in full force and virtue.

*Harry Hardy Brun* £250

To

The Clerk of Petty Sessions,  
Melbourne.

I consent to leave the within book and cheques  
with the Clerk of Petty Sessions Melbourne until  
after the hearing of the bill for the <sup>off</sup> ~~off~~ <sup>charge</sup> ~~charge~~  
against me. Harry Hardy Bruin

20/1/20

Coonan v Bruin

Received from Harry Bruin  
Savings Bank Book No 142819  
on Balance £325.5.1 and  
signed order for £250 as security  
for Bail in above matter

22/1/1920 }

*[Signature]*  
Clerk of Petty Sessions.

JUSTICES ACT 1915.

SECOND SCHEDULE.

FORM 39.

STATEMENT OF THE ACCUSED.

In the *Central* Bailiwick,

State of Victoria.

*Thomas Coonan*

Informant.

*Benjamin Morris*

Defendant.

NATURE of Information

*Burggery*

The above-named Defendant stands charged before the undersigned one of His Majesty's Justices of the Peace in and for the *Central* Bailiwick of the State of Victoria this *27<sup>th</sup>* day of *January* in the year of our Lord One thousand nine hundred and *twenty* upon the above-mentioned Information, and the said charge being read to the said Defendant and the Witnesses for the Prosecution *Annie Smith*

(a) Names of witnesses.

(a) *Thomas Coonan and Hector*  
and *Perrie Smith*

being severally examined in *his* presence, the said Defendant is now addressed by me as follows:—"Before asking you if you desire to plead guilty to this charge or to make any answer thereto it is my duty to warn you that you are not obliged to plead or make any answer at all; you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to you, to induce you to make any admission or confession of your guilt; but whatever you say, or, if you plead guilty, your plea will be taken down in writing, and may be used as evidence against you upon your presentment for trial. If you plead guilty you will be directed to be tried forthwith at the Supreme Court for the hearing of Criminal trials or the Court of General Sessions of the Peace at *Melbourne* on the *16<sup>th</sup>* day of *February* 19*20*. Are you guilty or not guilty of the charge?"

(b) Here state whatever the prisoner may say, and in his very words, as nearly as possible; let him sign it, if he will, after being read over to him.

Whereupon the said Defendant saith as follows:—<sup>(b)</sup>

*I am not guilty*

Taken before me at *Hawthorn* in the said State,

this *27<sup>th</sup>* day of *January* 19*20*.

*[Signature]*  
J.P.



The condition of the within-written recognisance is such, that whereas the said<sup>2</sup> Benjamin Morris \_\_\_\_\_

was this day charged before — the Justice — within mentioned, for that he the said<sup>2</sup> Benjamin Morris \_\_\_\_\_

<sup>16</sup> Date of offence charged.

on the <sup>16</sup> 8<sup>th</sup> day of October 1920, in the year of our Lord One thousand nine hundred and nineteen, at

<sup>17</sup> Place of offence.

<sup>17</sup> Auburn in the State aforesaid, did <sup>18</sup> commit buggery

<sup>18</sup> Here state shortly the matter of the charges or other information.

If therefore the said<sup>2</sup> Benjamin Morris

will appear at the next<sup>19</sup> sittings of the Supreme Court

<sup>19</sup> Sittings of the Supreme Court for the hearing of Criminal Trials or Court of General Sessions, as the case may be.

to be holden at <sup>20</sup> Melbourne, in and for the State of Victoria, on

the <sup>21</sup> sixteenth day of February 1920, and there

<sup>20</sup> Place where Court to be held.

surrender himself into the custody of the Keeper of the Common Gaol there, and

<sup>21</sup> Date of holding Court.

plead to such presentment as may be filed against him — for and in respect of the

charge aforesaid, and take his trial upon the same, and not depart the said Court

without leave: And as often as leave is given by the Judge presiding thereat, after

surrender and before or during the said trial if he shall return to the said Court at

the time appointed by the said Judge on granting such leave and again surrender

himself into the said custody then this recognisance to be void, or else to stand

in full force and virtue.

B. Morris £250  
A. M. L. Leech £250

FORM 47(a).

RECOGNISANCE TO GIVE EVIDENCE WHEN THE ACCUSED  
PLEADS NOT GUILTY BEFORE THE JUSTICES.

IN THE *Central* BAILIWICK.

*Thomas Coonan* Informant

*Harry Hardy Berrin and Benjamin Thomas* Defendants

Nature of Information—

*Burggery*

BE IT REMEMBERED, That on the *24<sup>th</sup>* day of *January* 19*20*

(a) Name, address, and occupation of each witness bound.

(a) *Annie Smith of 24 McEgor Street Middle Park, married woman;*  
*Thomas Coonan of Melbourne Sergeant Detective and Hector Berrin Smith of 24 McEgor Street Middle Park, workmen*

each personally came before me one of His Majesty's Justices of the Peace within and for the said Bailiwick of the said State, and acknowledged himself or herself to owe to our Sovereign Lord the King the sum of One hundred pounds of good and lawful money, to be made and levied of his or her goods and chattels, lands and tenements, to the use of our said Lord the King His Heirs and Successors, if he or she shall fail in the condition indorsed.

Taken and acknowledged the day and year above mentioned, at

*Hawthorn*, in the said State before me.

*[Signature]* J.P.

(a) Name of  
defendant.

The condition of the within-written Recognisance is such: That whereas  
~~one~~ <sup>(a)</sup> *Harry Hardy Bissie and Benjamin Morris*  
~~was~~ this day charged before me, the Justice of the Peace within mentioned,  
upon the information as within mentioned; if therefore each of the said  
persons so bound shall appear at the next session of the Supreme Court in its  
criminal jurisdiction ~~or at the next Court of General Sessions of the peace~~ to  
be holden at *Woolhove* in and for the State of  
Victoria on the *16<sup>th</sup>* day of *February* 1920, and there  
give such evidence as he or she knoweth, upon a presentment to be then and  
there preferred against the said defendant, to the Jurors who shall pass upon  
the trial of the said defendant, then the said Recognisance to be void as  
regards each of the several persons so bound duly appearing in accordance  
with the tenor hereof or else to stand in full force and virtue as regards each  
of such persons who shall not appear.

JUSTICES ACT 1915.  
SECOND SCHEDULE.

FORM 39.

STATEMENT OF THE ACCUSED.

In the *Central* Bailiwick,

State of Victoria.

*Thomas Cooman* Informant.

*Harry Hardy Brown* Defendant.

NATURE of Information *Burglary*

The above-named Defendant stands charged before the undersigned one of His Majesty's Justices of the Peace in and for the *Central* Bailiwick of the State of Victoria this *27<sup>th</sup>* day of *January* in the year of our Lord One thousand nine hundred and *twenty* upon the above-mentioned Information, and the said charge being read to the said Defendant and the Witnesses for the Prosecution *Annie Smith*,

(a) Names of witnesses.

(a) *Thomas Cooman and Hector and Rennie Smith*

being severally examined in *his* presence, the said Defendant is now addressed by me as follows:—"Before asking you if you desire to plead guilty to this charge or to make any answer thereto it is my duty to warn you that you are not obliged to plead or make any answer at all; you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to you, to induce you to make any admission or confession of your guilt; but whatever you say, or, if you plead guilty, your plea will be taken down in writing, and may be used as evidence against you upon your presentment for trial. If you plead guilty you will be directed to be tried forthwith at the Supreme Court for the hearing of Criminal trials or the Court of General Sessions of the Peace at *Melbourne on the 6<sup>th</sup> day of February 1920.* Are you guilty or not guilty of the charge?"

(b) Here state whatever the prisoner may say, and in his very words, as nearly as possible; let him sign it, if he will, after being read over to him.

Whereupon the said Defendant saith as follows:—(b)

*I am not guilty*

Taken before me at *Hawthorn* in the said State,

this *27<sup>th</sup>* day of *January* 19 *20*.

*[Signature]* J.P.

This deponent Annie Smith.  
on his oath with: James  
woman at 34 Mt Begetts  
Hindale Park

I know accused Thomas.  
I have known him about 18  
months.

He was in the habit of visiting at  
my place to go out with my  
paw

Sept 1914

About end of Sept<sup>r</sup> last I had  
some conversation with him  
in consequence of what I had been  
told.

He said "I want to get away -  
I'll go out and see to Bessie"  
Bessie he accompanied me with  
my son.

Bessie that <sup>having</sup> accused <sup>accused</sup> told me  
Bessie had committed an  
unrestrained offense upon him  
on many occasions.

He said "I first met Bessie  
in Snowden gardens. I was  
taken to

to the picture by him and then  
visited by him at Auburn  
where Benin committed  
unintentional offence upon me.

He gave me money at the  
Commencement and later on  
first and he also promised  
to give me a diamond ring.

I said "I will tell your  
mother and father if you go  
there again."

He "Will you return <sup>these</sup> two books"

This I said to Mr. Benin? (Lending  
me two books one of which was *Crucifixion* &  
*And dides* and the other was

about boys)

I went to Mr Benin accompanied  
by my cousin Morris and my son.

I knocked at Benin's gate.

Answered Benin answered.

"I said to him" Are you Mr Benin?

He "Yes"

I "Benjamin Morris wished me  
to return these two books" (Lending  
him the two I had received).

and

to let you know your relatives  
have been forwarded out, also  
your letters and telegrams  
have been given up by now.  
The letters and telegrams  
produced (Exhibit "A")  
are those I referred to.

Exhibit A:

He said "ok; my goodness!"  
"Where is he? Is he at home?"  
I: "No."

He "Where will I find him?"

I: "You will find that in the  
book."

He "Who might I be speaking  
to?"

I: "That also you will find in  
the book or Benny knows how  
put it there."

He "I will be in the city tomorrow  
at three and I will call and  
see your man."

Luluon I told Benny knows that  
Mr. Bunnis would call next  
day. The boys did not hear  
my

my conversation with accused  
Bevin.

Accused Brown had put a  
name and address in one  
of the books.

Accused Bevin never came  
to that address.

Bevin said "I will send a  
telegram to Mr. Bevin."

He wanted to get away because  
he <sup>feared</sup> feared me.

Lulu Brown accompanied  
me to the detective office where  
we saw Det. Coonan.

Previous to that I had handed  
in the bundle of letters now  
produced (Ex. A. 1).

Exhibit A

Brown reported Det. Coonan  
that unusual offenses had  
been committed upon him  
by Bevin.

He wanted to make a statement  
He reported, ~~at~~ the said. "I know  
I am over the age and it would

go against me

But woman asked him to  
give it 2 or 3 days consideration  
and come again on Friday  
night

Woman said "I am afraid"  
I said "I will accompany  
you"

Being here on Friday  
morning when he said to  
me "I am not going to the  
let office. I intend to drop  
everything"

I said "Don't be foolish"  
At <sup>the</sup> Sunday afternoon train came  
to my place between 2 + 3 o'clock.  
I said "Not working, Ben"  
He "No. I got the afternoon off"  
He then stated "I will go with  
you tonight"

He left for the city about 3 o'clock  
promising to return to tea.  
They are accompanied here  
I did not see them again until  
they were in trouble in Sydney.

There

Then I said to Morris "Will you  
make a statement now?"

As per the same - No: - was  
thing at a time - Let me get  
back to the house:

Then had a conversation with  
Morris' brother.

Subsequently <sup>a</sup> the statement  
produced (Exhibit B) was  
hand to me by a Detective at  
Trilsson Point, Sydney. I  
handed that statement to  
Det. Coonan at my house.

XX "by documentary. My son had been a companion  
of Morris.

January 1919. About January of last year I  
knew my son was carrying  
on with men. I know it then  
of Morris also.

He continued coming to my  
house up to the time he was  
arrested about a week ago.

I know they were carrying on  
this business with men all  
the

the time.

Honey has succeeded into the matter with me. I am out to help the boy by getting at the men who are corrupting them. I frequently spoke to them and their companions. The Police did not assist me, owing to technical difficulties.

Watson

I know a man named Dutra. He was with my son on one occasion.

I received money from him a behalf of my son. I think it was about £9, for his fare to Bristow. He also brought him clothes.

That was about six weeks after my son deserted from the navy. I interviewed Dutra on many occasions on behalf of my son & mine.

January 1919

The first was in January 1919. I mentioned Dutra's name to the

the Police when my son was  
accused for desertion. I told  
the Police about the £4 immediately  
after I received it.

I have never received <sup>money</sup> from a  
man in Fortney.

I have never thought of taking money  
from accused Beech.

I have complained about three  
<sup>times</sup> men to the Police.

Exhibit A  
I received the letters produced  
(Exhibit "A") and handed them  
to the Police a day or two after.

I went to Beech <sup>in</sup> the public  
interest.

I did not go to get money. I expected  
to get help for news from Beech  
so that news could get away.

I wanted to get him away from  
his laptop surroundings.

My interview with Beech was not  
longer than 30 or 40 minutes. It was  
short. I cannot say that Beech  
was the man I spoke to but I believe  
it to be

He was Ben.

I did not say only money  
would settle it. Nothing like  
that was said.

Ben suggested Benia coming to  
my house and sent the telegram  
himself.

By the Bench. Dutton denied having anything to do  
with my son but said "I will  
assist your son" - and so gave  
him the £4 and clothes.

I did not know then he had  
committed the offence.

The £4 was given me by January

A. Smith.

This deponent Thomas Cowan  
on his oath saith: I am a Sergeant  
Lieutenant Melhorn

2. 10. 19

At 7:45 pm on October last  
the witness Melhorn brought  
the accused Brown to the  
lect. office.

She had made a complaint  
a few days before to the office  
in charge.

It is to be noted that  
the name of Melhorn

"Do you wish to make a  
statement and sign it  
about Brown committing  
unnatural offenses upon  
you?"

He "I am 20 years of age and  
of design a statement I  
will be charged with him:

I: "Where did you meet the  
man Brown?"

About 1915

He "About 5 years ago outside  
the Snowden pictures" and  
he

He has been committing various  
notorious offenses on purpose.  
I - "to them?"

He. I intend to visit him for  
the week-end at his house  
102 Hancock St. Auburn.

But I don't want to make  
a statement now. I'll  
consider it for a couple of  
days and return with you.  
Smith.

I'm very well. It's a serious  
matter. Consider it and come  
back again.

Exhibit "H" Smith handed me the  
bundle of letters produced  
(Exhibit "A") They are addressed  
to accused Brown and signed  
Harry.

Exhibit "B" I also produced <sup>carbon</sup> copies of those  
letters (Ex. B.). They were  
handed to me by accused  
Brown at his home on the  
10th October last.

I also

also produce letters from  
accused known to Beaman  
which were handed to me  
Exhibit C at the same time by Beaman  
(Exhibit C).

accused known and Mrs  
Smith then left.

known did not return.

10: 10: 19

Beaman's sister last in company  
with her sister Mendick Beaman  
an accused Beaman of his  
house.

Isaac: are you not Harry  
Beaman?

He Yes.

I appeared detectives  
making enquiries about  
a statement made by  
Benjamin known.

He I know Beny known  
for about 5 years.

I: He alleges you have been  
Committing, unauthorised  
offences or have been here.

He

He "It is not true! Mavis  
has visited me here and  
stopped for the week-end.  
I will give you a statement.  
Q. Where did Mavis sleep  
at the week-end?"

He "In bed with me there"  
pointing to a bench which  
was the only bed in the house.  
Barin then made a statement  
which I produced to writing.

That statement I now produce  
Exhibit D. (Exhibit D) and read to the Court.  
I said to accused Barin "Have  
you any letters of Mavis?"

He looked round the Bench  
and handed me the letters

Exhibits B+C. already produced (Exhibits B+C).  
I now read those sent by accused  
Barin to accused Mavis.

I said to accused Barin "Have  
you any of these Iniddle's Books?"  
He said "Yes" and handed

Exhibit E. me over the two produced (Ex E.)

asked for them to verify the statement  
made to me by Dr Smith  
concerning some books she  
had returned from Morris to Bruin

24/11/19

- On 22<sup>nd</sup> October November last.

Dr Smith handed me a  
statement purporting to be made  
by accused Morris.

13/1/20

On 13<sup>th</sup> inst. I obtained warrant<sup>15</sup>  
~~for the arrest of~~  
accused

16/1/20

On 16<sup>th</sup> inst at 10 o'clock Det.  
Woolfkey & I arrested  
accused Morris on this  
charge.

At the Detention Office I showed  
him the statement handed  
to me by Dr Smith. He  
acknowledged it as his. I  
~~was produced and~~

17/1/20

On 17<sup>th</sup> inst I arrested accused  
Bruin.

I said to him: "I have a warrant  
for your arrest for committing  
an