

an unusual office in
Birmingham.

He made no reply.

He took him to the best
office and presented him
to Morris and then read

Exhibit 1st the statement handed to me

by W. Smith. (Exhibit 2^d)

I said to Morris "Is that
statement true?"

He said "Yes."

I said to Ben "What
have you say to that?"

He "What I said before
I - What do you mean
by that?"

He "What I said before"

I "Are you referring to your
statement?"

He "Yes."

He was then charged with the
offense.

He made enquiries at a local
hospital and failed to get
any

This document Hector Perrin Smith.
on his outth said. I am on Lion - woman
and reside at 24 Hebeys St.
Middle Park

I know both occurred.

3. 10. 19

About 1:30 pm. on 3rd October last
I encountered a woman in the
city.

We had lunch at Sargents and
then went to my place at
Middle Park.

Went back to town and
remained there till 5 pm.
and then out to my place
91 Palmerston Avenue South
Auckland.

- woman packed up his clothes
and we brought them into
British Coffee Palace. where
we engaged a room.

During the afternoon woman
said - I am going out
to Business! Will you come
with me!

impoverishment of Nauru being
treated there.

and there has been no Customs
House office named Robinson
on the wharf for some years.

X 2nd.

. Business declined the office from
beginning to end

Hoover

agreed and we went out that evening about 7 o'clock to Buiss's place.

It was not in so we came back to town.

I made a statement in which I said he was there. That statement is not true as to the latter portion. The first part of the statement is correct. ~~It is not true that~~

Exhibit C.

The statement produced (Exhibit C) is the one I made.

Should I know I made a similar statement it is not true as to Buiss committing an offense.

I told the lie as I know I had a hold over me. I wanted to help Morris by covering Buiss.

No one ~~has~~ except Detective, have interviewed ^{me} in this matter.

At about 10:30 I saw around Morris last night and told her I was going to tell the truth and then I walked away.

I have since told my mother
all about what I ^{feared} feared
from her and so I can
now speak the truth.

I was travelling about with
her for some time in
Sydney.

I then stole a suit of clothes
and was arrested and convicted.
My mother paid half the fine.

Obector P. Smith

The foregoing depositions of Annie
Smith, Thomas Coonan and
Hector Perrin Smith were taken
and sworn at Howrah this 27th
day of January 1914
Beynon

W. H. P. Smith

CRIMINAL APPEAL RULES 1915.

SCHEDULE.—FORM XXXII.

Rule 8 (c).

Criminal Appeal Act 1914.

R. v. *Bruin & Co.*

LIST OF EXHIBITS

Number or other identifying mark on Exhibit.	Short description of Exhibit.	Produced by Prosecution or Defence.	Directions of the Judge of the Court of Trial, with name and address of Person retaining Exhibit.
A.	Bundle of letters (original) from Bruin to Morris	Prosecution	Forwarded to Crown Solicitor under separate cover
B.	Carbon Copies of above	"	
C.	Bundle of letters from Morris to Bruin	"	
D.	Statement made by Bruin to Det. Coonan	"	
E.	Two books, viz. "De Profundis" and "Charrides" by Oscar Wilde	"	
F.	Statement by Morris, made at Toth Sydney.	"	
G.	Statement by Hector P. Smith made at Long Bay, Sydney	"	

C R Stappert

Rail.

100.

Robt Green
and
Morris

Ann Smith

Thomas Coonan

Hector Perrin Smith

108

Gorman & Brown

22. 1. 20

Melbourn District

City Watch House

This warrant was
by me
executed, this 16th
day of January 1920

W. Gorman

W. 5917

27. 1. 20

W. Gorman

INFORMATION FOR AN OFFENCE AND WARRANT TO APPREHEND.

IN THE *Central* BAILIWICK.

Thomas Coonan Informant,
Benjamin Morris of *Auburn* Defendant

The information of *Thomas Coonan*
 of *Melbourne* in the State of Victoria,

Sergeant of Police
 who on his oath saith that the said *Benjamin Morris* on
 the *third* day of *October* 19*19*
 at *Auburn* in the said Bailiwick and State

did commit the abominable crime of
 buggery with *Harry Hardy Bruin* a
 male of the age of *over* *twenty* years.

Coonan
 Informant

To *William Gange*
 and to all other Members of the Police Force of the State of Victoria.

WHEREAS the above information has this day been laid and sworn by the
 above-named *Thomas Coonan*
 before me, one of His Majesty's Justices of the Peace in and for the
Central Bailiwick of the said State: These are therefore to command you
 in His Majesty's name forthwith to apprehend the above-named
Harry Hardy Bruin and bring him before me or some other
 Justice of the Peace in and for the said Bailiwick, to answer to the said information
 and to be further dealt with according to law.

Dated at *Melbourne* the *15th*
 day of *January* 19*20*

C. R. Smithwick J.P.

DEPOSITIONS OF WITNESSES.

In the *Central* Bailiwick.

Thomas Coonan

Informant.

Harry Hardy Bruin and Benjamin Morris Defendants

Date of Information—The *15th* day of *January* 19*20*.

Nature of Information—~~For that on the~~ day of.

~~191~~ at

in the said Bailiwick the

said defendant did

Burgery

(a) Give the names, abodes, and occupations of all the witnesses.

THE Examination of^(a) *Amie Smith*
Thomas Coonan ~~in the State of Victoria,~~
and *Hector Perrin Smith*
~~in the said State,~~

taken on oath, this *27th* day of *January* 19*20*,
at *Hawthorn*, in the State aforesaid, before the undersigned, one
of His Majesty's Justices of the Peace for the said Bailiwick, in the State
aforesaid, in the presence and hearing of the said defendant, who is charged
this day before me, upon the above-mentioned information.

(b) Name of 1st witness.

~~This deponent~~^(b)

(c) Stating the deposition of the witness as nearly as possible in the words he uses. When the deposition is complete, it is to be read over to and signed by the witness.

~~on h~~ oath, saith as follows.^(c)

This

116

Looman Brown

22. 1. 20

Mr. Looman Brown

City. Wash. D.C.

This warrant was

executed by me this

17th day of January 1920

W. H. C. [Signature]

Dec.

27. 1. 20

W. H. C. [Signature]

=====

INFORMATION FOR AN OFFENCE AND WARRANT TO APPREHEND.

=====

IN THE *Central* BAILIWICK.

Thomas Coonan
of
Harry Hardy Bruin
Auburn

Informant.

Defendant

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of *Melbourne* in the State of Victoria,

Sergeant of Police
who on his oath saith that the said *Harry Hardy Bruin* on
the *third* day of *October* 19 *19*
at *Auburn* in the said Bailiwick and State

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of buggery with *Benjamin Morris*
a male of the age of twenty years

Coonan

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To *William Change*

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before me, one of His Majesty's Justices of the Peace in and for the
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Harry Hardy Bruin and bring him before me or some other
Justice of the Peace in and for the said Bailiwick, to answer to the said information
and to be further dealt with according to law.

Dated at *Melbourne* the *15th*
day of *January* 19 *20*

C. R. Smithwick J.P.

Exhibit C.

Common v. Brumby

Hawthorn P.S.

State Penitentiary

27.1.20

Long Bay, Sydney

C.P.

23rd December 1919

Hector Ferrin Smith States:-

I am a houseman and waiter and at present living at Long Bay, N.S.W. I formerly lived at ~~the~~ ^{middle} Park, Victoria. I left Victoria in the beginning of October this year in company with Ben Morris and Jimmy Stowers and came to Sydney. I know a man named Harry Bruin. I have been to his place once or twice. I went to Bruin's place in company with Ben Morris the night before we left for Sydney. The place is a kind of workshop but he has a bed there. Morris got on the bed and took down his pants and Bruin committed an unnatural offence on him. I was present and saw all that took place. I saw Bruin give Morris £15. afterwards. We both told Bruin we were going to Perth. after we arrived in Sydney we met Bruin here in the street one day. only a few words passed between Morris and Bruin and we then parted and I have not seen him since. I make this statement of my own free will and I am prepared to give evidence in the Court if required against Bruin.

Hector Ferrin Smith

Witness

W. E. Busketh

Det Sgt 3/c.

Exhibit F.

Coonan v Bruin & Co.

Hawthorn St.

27.1.20
C.R.L.

North Sydney, Police Station

NO 6 Police Station

North Sydney

18th / II / 19

Benjamin Morris states I am a clerk lately residing at 91 Parmeston Crescent, South Melbourne. I am desirous of making a statement against a man named Harry Bruin, a Builder of Harcourt Street, Auburn, Victoria. In October last, Bruin gave me the sum of Fifteen Pounds to leave Melbourne, as he Bruin had been committing unnatural offences on me, and knew that Detective Coonan was desirous of getting a statement from me, as he had the matter in hand. I have known Bruin for about 5 years, and during that time he has committed unnatural offences, with me on various occasions, the last time being in October last, at his residence in Auburn, when he handed me the money to leave Melbourne. Since coming to Sydney I have seen and spoken to Bruin, but have not kept his company. Hector Smith of 24 McGregor Street, Middle Park, Melbourne, accompanied me to Bruin's residence, and saw Bruin commit an unnatural offence upon me the night prior to leaving for Sydney. I wish to state that I have made this statement, of my own free will.

Signed

Benjamin Morris

Witness Thomas E White

18/II/1919.

Constable 2/c.

91 Palmerston Crescent
Albert Park

Sept 18th 1919.

Dear Harry,

I am back in town, will you give me a ring on the phone (but 2832) anytime before or after twelve on Saturday. How is it you do not write me while I was at Warburton, I could not stay up there and I am back again at Stones well satisfied. I trust you are well, never felt better myself.

Louy can't get out to see you before the week end.

Heaps of love

Yours very sincerely

Ben.

Copies of letters written
by Morris to Brumm
"Exhibitor"
Commonwealth
Hawthorn Pl. 27/1/20
E.H.

91 Palmerston Crescent
Albert Park.
May 31st 1919.

My Dear friend,

I am breaking into the commonplace routine of a particularly tiresome business day to give myself the pleasure of writing to you, and I sincerely trust that you will not mind if I purposely avoid business for it seems to me today, that life might be so pleasant without work. You might think that I am impudent writing to you, you might put it down to my being ignorant, I care not what you think all I am writing to you is to thank you for the way you treated me during my recent illness, you might laugh at this juncture and think how long I have been in writing, but you were good to me and I want to be man enough to acknowledge your goodness.

Oh my good friend the turn of life's wheel has learnt me more than libraries of books could have taught and it is with a strong will power, that I have set about writing to you. This all reads very formal I fear but your kindness must interpret the spirit rather than the letter.

Don't I implore you, belittle the possibility of friendship, surely the value of it is only proved by its needs, maybe a friend will mean much

91 Palmerston Crescent
Albert Park.

May 31st 1919.

18th Letter
My Dear Friend,

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Don't I implore you, belittle the possibility of friendship, surely the value of it is only proved by its needs, maybe a friend will mean much

H
to you, can I hope that my privilege may be to fill the need.

I have suffered all my life from a sort of stupid reticence, probably cowardly, but to you I want to throw off the habit of years, and not miss, before it is too late, the luxury of being natural.

I am writing this way to you because I must though conventionally the distance between our acquaintance does not justify me.

I see the great scheme of the world why some suffer and some enjoy, what God means by it all, in my visions it is blindingly brilliant and clear.

I have always lived like this, save during those frenzied months when I thought love was the expression for which I had waited and with my eyes on the stars blundered into a morass.

I no longer feel a pariah and an outcast with all the world pointing at me: the degradation is only a nightmare, something that never happened.

I shall hardly dare to read over what I have written, for I should be conscious that it is inadequate to express what I have wanted to say to you or that I have presumed too much in writing what is in my mind.

I do not ask you to write to me; remember me as a friend, if you would write, words fail to express the joy you would give me.

yours sincerely

Ben Morris.

2nd Letter



91 Palmerston Crescent
South Melbourne.
June 12. 1919

Dear Harry,

I have read your letter ten-twenty times. My business day was filled and transformed by it, now it is midnight and I am alone in the stillness of my room, the routine of the day and the evening over, and my brain, not always very quick, alight with the wonderment of your words, and my restless anxiety to respond.

I hope the interest you will find in me, will afford you some relief during this time of trouble and anxiety. Did I tell you how much I enjoyed your letter? Just please understand I am doing so now.

How can I ever begin to tell you how my thoughts have corroded today. Have I awakened from a dream but of all my so-called friends I chose you, it was something far back in my mind that made me write to you, I tried to put it off but in the end I gave way to my mind, and believe me, I am not sorry. I thought that I would receive only mockery of the past, but I see that you do understand, and for this reason I like you. Don't I implore you belittle the possibility of friendship.

Surely the value of true friendship is only proved by its needs.
 Can I hope that my privilege may be to fill the need.

I have suffered all my life from a sort of
 stupid reticence, probably cowardly, but to you I want
 to throw off the habit of years, and not miss, before it
 is too late, the luxury of being natural.

The Gods only rarely offer gifts and the
 blackness and blankness follow their refusal, so
 I cling to the hope that they have now offered me a
 precious gift in sympathy and understanding, at
 least the hope of forgetfulness.

It has been a sort of joke in my family
 that I am over cautious and too deliberate, but for
 tonight at least, in these still quiet hours, I mean to
 conquer this, and go out to post this letter myself,
 just as I have written it, with no alteration, yet
 with confidence in the kindness you have already
 shown me.

The joy of your letter and the golden
 castles I am building help the hours until I hear
 from you.

Yours very sincerely
 Ben.

P.S. The enclosed will bring you back to me, just the same as
 it returns to the sender.

Ben.

I thank you for the
phrase, I think it means
fidelity always, but I am not
sure, kindly explain in your next
for my sake I will always know it.

3rd Letter

91 Palmerston Cres.
Albert Park

Wednesday 18th.

My Dear Harry.

Can you ever know what your dear wonderful letter has given me, I passed through moments of doubt of bewildered unbelief into a golden trance of joy and hope. And as again and again I read it some of your far braver personality fills me and I refuse to think this new spring of hope is a mere dream, and I take courage and tell myself I am something to you.

Thoughts, hopes, ideas, things to tell you crowd upon me tonight, and I feel as if I am longing to be with you again. Let me revel in this new strange happiness, you are too kind too generous to destroy it. Oh my wonderful friend don't let us miss a relationship which on my part, I swear to you, shall be consecrated to your service, to your happiness in any and every way you decide or will ask.

I am excited, exhausted, bewildered, nothing is more wonderful as a perfect friendship between a man of your age and a boy of mine.

III

I am naturally much more outspoken than you although my troubles, have made me so much more fearful than I used to be. You are a strange man and when I try and recall you, you don't always come whole, only bits of you, inconsistent bits, a gleam of humour in your eyes. I like you Harry, I'm sure; that aggressive humility of yours is a subtle appeal to my sympathies, although I don't want to sympathize with you, with the loneliness of your life or anything about you.

Can I take your strength and lean upon it the tenderness you promise me, it has all come so quickly, so unexpectedly. I have never had a real friend and now to undrape that shy soul of mine and pour it out on you would be too much to even expect from one whom I feel sure now will be a friend.

Harry my friend I offer you an undying friendship, not love, if my friendship with you blooms into love, which I hope it may, then it will be a love of a very different kind than the ordinary: but for the time being it is friends we are, friends we will remain from now until the end.

I have your letter it is so much 'you' that I am not even lonely any more, and yet I long to see you, hear you talk, be near you, it is as if I have wakened in a new and so beautiful country.

yours very sincerely
Ben.

14
The Little
Enter Between

91 Palmerston Crescent
Albert Park
Friday 20/6/19.



My Dear Harry,

I fear, what I wrote to you the other night was not at all pleasing, and I feel now, that I wish I had thought before I posted the letter to you. I said it was not love I sought, only friendship, my dear wonderful friend it is just the reverse, I have lived in a sort of stupid reticence always, save during those months of upheaval when I thought that love was the one expression for which I had waited and so with my eyes on the stars I blundered, blundered into a morass: there is no one, I feel sure, with a more tender heart than I have got I give my sympathies everywhere and I like to hear other peoples sympathies heaped upon my own head, and so dear Harry I want your love, as you say one in body soul and mind. I say I want my thoughts held not my hands, if our love is strong my thoughts can never be forgotten and that is how I want, you, me, us, to be. My sweet darling you will read gravely, patiently and I shall know when you have read once you will read again and wonder what I have done

(2)

to deserve you, if I am nothing to you, I am your worshipper. Some day perhaps you will let me do something for you.

I can never tell you half that is in my heart, I want to tell you such a lot, yet I don't ^{know} where to begin, it seems as though I am on my knees to you all the time, it will not be always like this between us, tell me that it will not.

How I long for this waiting time to be at an end. I hope you do not take me too seriously, misunderstand me, I don't think I quite understand you yet. Do I?

Dear Harry I am rarely twice alike, often I feel as though I am acting a part, thinking myself a strange character in a drama, I am genuinely uncertain of myself, my love flames wild sometimes, and when it does I pull myself together and remember that something like this I have felt before and it had proved a will-o-the-wisp over a bog.

Trust me Harry, trust yourself!

I received your short note about the 'Age' and I called ^{at} the office to get it for you but because it is in March so far back I have to call tomorrow to get it. I will post it to you then.

With every good thought for your happiness -

Yours very sincerely
Ben.