

Launceston Advertiser 6th July 1846

Supreme Court - Criminal Side **2nd July**  
Before His Honour : Mr Justice Montague

Thomas SOMERS, Richard NEWMAN, Geo EVANS and **Robert BLYTH**, were charged with stealing on the 13th March, forty five bushels of wheat, and fifteen bags, the property of David Walters.

Prosecutor deposed that he resides at Norfolk Plains. On the night of 13th March left a waggon containing thirty bags of wheat (each bag holding about three bushels) standing near his own door ; the next morning missed one half of the wheat, and looking round observed the tracks of a cart, extending to within about a quarter of a mile of Perth ; all along the track was scattered a quantity of wheat, closely resembling that stolen from his cart ; the footmarks of several men were also distinctly visible in the same direction, and the cart appeared to have turned off through "Balls Forest" and to have stopped within about two hundred yards of the prisoner Newman's house.

Mr James Hortle deposed to searching Newman's premises on 20th March ; the prisoner Evans accompanied him ; the latter conducted him to a spot within a short distance of the house, and pointed out to him a quantity of fallen timber, amongst which the bags now produced were found. Evans subsequently went to a large tree, and described to witness the manner in which the wheat had been shot down under it ; he added that he himself had been present at the robbery, and helped Newman to remove the wheat from the premises of the prosecutor.

The jury under the direction of His Honour, acquitted the prisoners.

Three of the prisoners were remanded to take their trial on a second information, Somers being the only one discharged.

In consequence of the indisposition of the Attorney-General, the court was adjourned untill ten o'clock the following morning.

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Richard NEWMAN, John WILLIAMS and **Robert BLYTH** were put to the bar, charged with feloniously breaking and entering the dwelling house of James Cutts, on the night of 26th March - putting him in bodily fear, and stealing from him nine coats, a quantity of tea, sugar, bacon, tobacco and other articles.

Prosecutor deposed that he resides at Longford ; on the night in question he was in bed ; about the middle of the night the window was forced in, and two men entered the apartment ; presently afterwards somebody exclaimed " Stand or I will blow your brains out". The prisoner BLYTH asked for a candle - prosecutor told him where he would find a lamp ; having lighted it, witness then observed Newman standing at the bedroom door, armed with a gun ; he threatened if witness attempted to stir, that he (Newman) would blow his brains out. Whilst uttering the threat, he held the gun pointed at witness's head. BLYTH also had a gun in his hand. He (Blyth) advanced to the side of the bed, and demanded to know where witness kept his money ; witness replied that there was none in the house, he (witness) having paid away a large sum to his landlord ; Newman then joined in assuring witness that it would be better for him to "turn it up" at once.

They then searched the house, rummaging over a desk, pulling the clothes off the bed and committing similar outrages. Witness told them that if they would remain quiet, he would get up and show them his landlord's receipt for C101. Having done so they appeared satisfied in that respect, and commenced tying up witness's clothes in a counterpane ; they also took possession of half a chest of tea, 40 Ibs of sugar, some Ibs. of tobacco, a watch, nine coats and other articles. Witness was sure of the identity of BLYTH, from the circumstance of his having two or three times approached him with the light in his hand.

By NEWMAN - " I came to your house after the robbery, in company with Mr Hortle, I immediately recognized BLYTH and was pretty certain of you". Witness could not swear to the prisoner WILLIAMS.

By the Court - A little dog came in during the time the prisoners were in the house, and fawned on the third man ; the articles now produced are the property of the witness ; Newman's face was partly concealed under a black handkerchief, and he wore a cap ; it was not until after seeing him two or three times at the police office, that witness was enabled to swear positively to him.

The testimony of Mr James Hortle was to the effect that a "day or two after the robbery, he searched the house of the

prisoner Newman, and found some articles which the prosecutor immediately identified. The following day, Newman himself took him to a tree, and pointed out to him where the rest of the property was concealed within its trunk ; witness afterwards found three pairs of boots hidden in some tussocks of grass ; George EVANS subsequently claimed a pair of them, and not having been sworn to by the prosecutor, they were given over to him.

Thomas BURKE, the next witness, deposed that he is under gaoler at Launceston, and received the letter now produced, from a javelin man named Thomas, who stated that he found it concealed in a shirt belonging to the prisoner Newman.

Thomas THOMAS deposed to finding the letter in the manner described by the last witness. A stranger had that day been permitted to visit Newman, and the latter had given him a shirt to carry out, in which the witness ultimately discovered the letter.

The letter was produced and read : It was addressed by the prisoner to one of his acquaintance's requesting as he valued his (the writer's) "precious" life, to come and prove an alibi in his favour at the ensuing Sessions. The epistle contained ample directions as to the mannner in which this object was to be effected ; it bore the signature of prisoner Newman and was altogether very explicitly indited.

George EVANS, a probationer - (having previously been admitted as evidence for the crown) - deposed to the following effect ; that on the 13th March last, he and BLYTH, were in the service of the prosecutor ; the forenoon of the 20th was very wet, and Newman remarked that as he could not work outdoors he would take the opportunity of going to the New River ; he came home about half past six in the evening, and about half past eleven at night, witness, NEWMAN, WILLIAMS and BLYTH (having previously arranged their plan of operations) started for the residence of the prosecutor, three of the number being armed with guns, whilst witness carried a bag. Arriving on the premises, NEWMAN went up to the bedroom window and forced it out ; witness at the same time heard him tell Cutts to "stand" or otherwise he would "blow his brains out". BLYTH and NEWMAN then got in the window, whilst WILLIAMS and witness remained outside ; BLYTH lighted a lamp, and demanded Mr Cutt's money; the latter replied that he had none, having just paid it away to his landlord; NEWMAN then remarked that "it would be better for him to turn it up at once" and BLYTH confirmed his words; Cutts then got out of bed and shewed them the receipt for E101, which he had just paid away. Witness having been formerly in the employ in the service of the prosecutor, to avoid being recognized, was of course compelled to remain outside.

Upon going away, Newman told the prosecutor to remain quiet and keep within his house for at least half an hour, for that if

within that time he attempted to create any alarm, he (Newman) would return and blow his brains out.

The property was carried home and taken in-doors, until the next morning, when part of it was taken out and concealed in a hollow tree. WILLIAMS came to the house only a few days previous to the robbery ; he was not in the service of NEWMAN, but lived with a person at Westbury ; witness had just left the service of Mr Cutts, and entered that of Newman. It was in the course of a conversation about wheat that the robbery was first spoken of ; Newman remarked to witness "that as the prosecutor had so much wheat, it was probable he had also a good deal of money by him".

The prisoner WILLIAMS having called the evidence of his master, a small settler near Westbury ; the latter stated that he had given him a pass to go to the house of the prisoner NEWMAN, to ask whether he would (according to promise) come and saw some timber for him ; the prisoner remained absent nearly a week, and witness in consequence reported him to the chief constable of the district.

His Honour summed up with his usual impartiality ; and the jury returned a verdict of guilty against NEWMAN and BLYTH, but acquitted WILLIAMS. The two prisoners were then sentenced to transportation for life.

The two men charged with the murder of Miles Careless, were remanded till the next session, or at least untill the Attorney-General had finally determined whether or not he would indict them.

There being no other case for trial, the business of the session terminated.

Postscript Robert Blyth had his sentence reduced to 10 years and was sent to Norfolk Island just prior to Christmas 1846.