

fully and religiously brought up, and are a credit to their parents and to their Church. A *Requiem* Mass was said on the 21st and also on the 22nd, large numbers of the faithful being present on each occasion. On the second morning, as the remains were in the church, the celebrant, Father Golden, referred feelingly to the life and edifying death of deceased. His death was a great loss in all respects to the parish of Kaikoura; but his name would never be forgotten by the present generation, and his example would be a stimulant to all, the young as well as the old. To show the respect in which he was held, one member of the congregation had Mass said for him the very morning of the day of his death, and another claimed for him the Mass on day following his demise. It goes without saying that there was a representative funeral procession from the Church of the Sacred Heart to the cemetery.—*R.I.P.*

THE STOKE INDUSTRIAL SCHOOL CASES.

At the Supreme Court, Wellington, on Thursday morning the Crown Prosecutor intimated that he did not intend to proceed with the remaining charges of common assault against Brother Kilian.

On the same day the trial of Edouard Forrier (Brother Wybertus) on a charge of indecent assault on William Hardwick, a former inmate of the Stoke School, but now confined at Burnham, was then proceeded with before Mr. Justice Edwards. The offence was alleged to have been committed in 1897, but no particular date could be fixed by Hardwick. The only witness called by the Crown was the boy Hardwick himself. In cross-examination he stated that when he gave evidence before the Royal Commission he was working for Mrs. Holt. He told her that the boys who gave evidence at the Commission were telling a lot of lies. He also told her that he had nothing to complain of against the Brothers. Witness in reply to the Crown Prosecutor (Mr. Bell) admitted having committed improprieties with other boys. Witness contradicted the evidence given by him in the Magistrate's Court, and explained that he did so because 'he had been thinking over the matter since.' His Honor said he supposed the jury had come to a conclusion. Personally he would not punish a cat on the boy's evidence. Mr. Bell said he had no further evidence to tender, and would be content with a verdict of not guilty. His Honor directed the jury to return a verdict of not guilty. This was accordingly done.

On Friday Brother Wybertus was charged with having committed an indecent assault on Thomas Owens, in 1896. The defence was a complete denial of the charge. In his address to the jury, Mr. Skerrett (counsel for the accused) said the charge was that certain events had happened four years ago. For four long years, according to the evidence for the prosecution, not a whisper of complaint was ever heard. That was the very acme of injustice and hardship. It was very like tying a man's hands behind his back and then setting him to fight an adversary. It had to be borne in mind that they did not know even the month or the day of the week on which the crime was said to have been committed. Neither was there any certainty about the year in which it was said to have been done. The circumstances under which the charge was brought ought also to have consideration. As he had already pointed out there was no whisper of it for four years. The boy, it must be supposed, had chums at the school, but he did not breathe a word to any of them. Was there any reason why he should not? Yet he said he did not mention it to a single boy during the whole time he remained at the school. He left the school, and he did not say a single word till a detective waited upon him. Now that was a very curious time. It was a time of great excitement. It was a time when the boys of the school were encouraged in their resentment against the school and their anger against the masters. There was most congenial soil for the tree of falsehood. Up sprang a series of falsehoods or exaggerations which were quite as wicked as falsehoods. And up sprang the present charge. It had to be remembered that the school was a prison for these boys. They had the same hatred of a prison that anyone would have who was placed in confinement. They were always struggling to get free. Brother Wybertus, moreover, occupied a position in which he was likely to incur the resentment of the boys. For some years he was the disciplinarian of the school. A whipping-master was never popular with those who were whipped, or likely to be whipped. It was, in the circumstances, not unlikely that he should be made the subject of charges. The jury had to remember that this institution was a school for neglected boys, most of whom were sent to it by magistrates. They were herded together, and it was not in the least surprising that they should be found to be unsatisfactory and untrustworthy in character. They were witnesses without home training or home influences. In their early life they had been neglected. They had mixed with all sorts and descriptions of boys. Was it at all surprising that there should be found among boys who came from the school some who had grave faults such as untruthfulness, lack of moral character, lack of that courage which would keep a boy straight when he was tempted to go wrong, and lack of that high principle which would prevent a boy from standing up and concocting a story for the purpose of being made much of and posing as a hero in the eyes of his friends? The excitement of a case like this was the very sort of excitement which in all ages had given rise to false accusations and led people to tell lies which were marked by the most complete detail. He put it to the jury that from the knowledge which boys at the school had of indecent practices, and the hatred or dislike of a master, it was a very short step to the invention of a story of the kind told against the prisoner. If the boy Owens were an innocent boy, a boy who knew nothing of these practices, the case might be different. Counsel submitted that a boy who had been treated as Owens said he was would never have written the letters he did to the accused—letters in which he spoke of having received kind treatment from him, in which he also said he was sure his younger brother would be safe with him.

His Honor, in summing up, said the case for the Crown depended upon the evidence of the witness Owens. In regard to him his Honor said the boy's evidence disclosed serious discrepancies. An evil boy introduced into an institution of this sort was far more likely to do ill to its morals than a teacher, however evilly-disposed the latter might be. It was on this account that the importance of classifying neglected children was becoming so widely recognised, and it was also on this account that the lack of classification in this school had borne such bad results. This matter of the Stoke school had not been treated by the public as being simply between the country and the accused persons. It had been treated by the public as being a matter between the country and the denomination to which the accused belonged. The jury, after 20 minutes' retirement, returned a verdict of not guilty.

Brother Wybertus was next charged with having committed a common assault on William Ross on May 1, 1894, and on Frank McCormick on June 1, 1895. Ross's evidence was that he was flogged for stealing bread. In cross-examination witness remembered Lynch's case. He knew that Lynch said the allegations made in it were untrue. He heard that Lynch said that because Maher gave him a shilling. (Laughter). He had not, to his knowledge, said in a Nelson Hotel, speaking of the brothers, 'I will crucify the —.' In reply to a question by his Honor, witness stated that he might have said something like it. In reply to further questions by Mr. Skerrett, the witness admitted that he had run away from one employer and stolen money from another. McCormick deposed that he was flogged by Brother Wybertus for running away. He ran away twice. Cross-examined by Mr. Skerrett: The flogging in question was inflicted about six months before he left the school. He could not explain why he said in the Magistrate's Court that it was twelve or eighteen months before he left. Neither could he explain why he said there that he got eighteen cuts. He could not say now exactly how many cuts he got. He could not recollect the number. He had made a statement to Mr. Rout. Had been 'shouted' for (treated) by many persons in Nelson. Mr. Rout might have 'shouted' for him. He had addressed a public meeting in Nelson in regard to the Stoke Industrial School and made a few personal remarks. One of his remarks was: 'I have thrown off the yoke of Papacy.' He had not narrated this punishment for six years.

Brother Wybertus gave evidence in his own defence. He ceased to be disciplinarian at the school in the second week of 1895. Thraashing on the bare back was discontinued then. Witness had objected to it in February, 1891. At that time witness, under instructions from Brother Loetus, punished six boys who had run away. The boys received ten cuts each. The cuts were given over the trousers. The punishment was inflicted in front of all the boys. As a result the boys took a resentment towards witness. There was no punishment of this kind after the beginning of 1895. Witness remembered the stealing of bread by Ross. It happened in 1893. It was reported by the baker. Six boys were concerned, and they were punished. Witness gave them six strokes on the bare body. Witness had never given a boy more than 12 strokes on the bare body. Only two boys received that many. The scale was six strokes for the first time of running away, eight for the second, and 12 for the third. McCormick ran away on January 5, 1896.

Mr. Bell at this stage said that in view of the evidence of the boys as to dates he thought it would be unsafe for the jury to go any further.

His Honor said to the jury the Crown was content that they should return a verdict of not guilty. He directed them accordingly.

The foreman, after consulting with members of the jury, said they would like to consider it.

His Honor (to the jury): Of course, you have a plain duty. It has been established to the satisfaction of the Crown Prosecutor, and I suppose to every one, that it is quite impossible that the prisoner could have done what he is charged with in the indictment.

Mr. Bell said it was clear from the evidence that the occurrences could not have happened about the time stated.

His Honor (to the jury): You cannot find the prisoner guilty because you think he has committed an assault. You must find him guilty on the evidence of witnesses. The evidence of the witnesses in this case cannot be supported. They have made a mistake. It is quite impossible these things could have taken place as they described. I cannot understand what you want. Do you want to spend the whole afternoon over it, after the intimation from the Crown which has been given?

Mr. Bell said that after the evidence which had been given as to dates, he did not think it safe to go further with the case.

A verdict of not guilty was formally returned.

On Monday Brother Wybertus was tried on a charge of indecently assaulting a lad named Gucker. The jury were unable to agree, and a new trial will take place next week.

Sergeant Thomas Dalroy, of the Royal Dragoons, a native of Kildare, is the biggest man in the English Army. He stands just 7ft 6½in in his stocking feet, and is splendidly proportioned in every way.

The *Daily Chronicle* says:—'Mr Lyall, a resident in South Kensington, whose death has just occurred, held perhaps a unique position in this country. Let Mr Kensis listen. Mr Lyall was a Catholic in receipt, up to the day of his death, of an income paid to him as the Anglican incumbent of a city church. This is how it came about. The city church was "improved" off the face of the earth some years ago; but the incumbent was to go on drawing his stipend as long as he lived, but without having duties of any sort to perform. Soon after his retirement Mr Lyall joined the Catholic Church. Nobody could object, for he had no cure of souls, so the salary went to him as before. It may be added that he devoted the whole of it to works of charity, many of which will now suffer heavily by his death.'