

of a riot on the part of the people—about 4 o'clock I saw a slight convergence of people towards the Nelson Column—I saw no great number of roughs in the crowd.

Cross-examined by the SOLICITOR-GENERAL. I went there because I thought that something would happen; I expected that some attempt might be made to get into the Square, and I went to see it.

MR. ALBERT DAYNES. I a student, of Dalmene Road, Holloway—on 13th November I was in Trafalgar Square from about 3.30 till close upon 5 p.m.—about four I was in front of Morley's Hotel facing it—I saw Burns first, and I afterwards saw one whom I have since learned was Mr. Graham, walking arm in arm with him from the direction of the Strand—about six or seven persons were following who seemed to recognise Burns more than Graham; Mr. Burns was on Mr. Graham's right; they were crossing the road in the direction of the Square—I heard the police say "Here is Burns," and some other expression was used I am not certain about like "Now for him"—five or six of the police seemed to be anxious to get at Burns—one seemed as if he was going to draw his truncheon to strike him—Mr. Burns and Mr. Graham seemed be coming forward to get into the Square—I did not see them actually in contact with the police—I only saw them at the corner on the road to Morley's Hotel—there were scimmages going on all round; there must have been a hand-to-hand encounter with the police, who were the aggressors in the first instance—in my opinion, if the police had used more forbearance I do not think any possible disturbance could have taken place—the crowd was very orderly, more so than ordinary.

Cross-examined by Burns. I did not notice any constables drawing their truncheons from down their overcoat sleeves or out of their right-hand trousers pocket, but the one I have alluded to would have drawn it from his right-hand side from the case.

Cross-examined by the ATTORNEY-GENERAL. I did not see the actual scimmage with the police, but I saw scimmages all round—the crowd was an orderly one engaged in a general scimmage through the police entirely.

GUILTY of an unlawful assembly.—Six Weeks' Imprisonment without Hard Labour.

OLD COURT.—Thursday, Friday, and Saturday, January 19th, 20th, and 21st, 1888.

Before Mr. Justice Charles.

224. LEON SERNÉ (38) and JOHN HENRY GOLDFINCH (30) were indicted for feloniously setting fire to the dwelling-house of the said Leon Serné, persons being therein. MR. GEORGE HEGAN on the part of Serné put in a plea in bar that the matter had been previously tried and determined by a former Jury. MR. POLAND submitted that the plea was wholly bad, it was not a plea of *autrefois acquit*, and that although the prisoners had been acquitted of murder, they had not been acquitted of arson. MR. BODKIN took the same course for Goldfinch. By the permission of the COURT, MR. POLAND put a special replication upon the Record that the prisoners had not been acquitted of arson, and praying that the matter be enquired of by the Country.

HENRY KEMP AVORY (*Examined by Mr. GEOGHEGAN*). I produce the indictment upon which the prisoners were tried for murder before Mr. Justice Stephen, also the caption and the minutes; the verdict was Not Guilty against both prisoners. MR. POLAND then submitted that there was no evidence in support of the special plea. MR. JUSTICE CHARLES ruled that the acquittal of the prisoners for murder was no bar to the present trial, and, as to the plea, directed the Jury to find a verdict for the Crown. MESSRS. POLAND and CHARLES MATTHEWS Prosecuted; MESSRS. GEOGHEGAN and BODKIN appeared for Serné, and MR. FULTON for Goldfinch.

The witnesses in the former trial were examined from the Sessions Paper, as reported at pages 122 to 147, and the following additional witnesses were called.

FREDERICK WILLIAM LANCE. I am a clerk in the North British and Mercantile Insurance Office—it is part of my duty to survey premises when proposals are made for insurance—in consequence of an application by Serné I went to his shop—I did not make a detailed valuation, I only roughly guessed the value—I roughly guessed that there were between 2,500 and 3,000 tins of capuala, they were in the top floor front room, I took up one or two to see whether they were full—Serné gave me the selling price at 2s. 6d.—I do not think they were in a bedroom, I do not remember seeing a bedroom—I saw no articles of clothing except what the people were wearing—I saw no drugs or stuff for making the ointment—I valued the stock in the hairdresser's shop at 20l., and the fittings at 80l. I think—I asked Serné how he lit the premises, he said with gas and paraffin lamps—there was a place for heating water for use in the business, that appeared secure to me—I reported it to the office, and the insurance was taken for 700l.

Cross-examined. I was not examined at Bow Street or on the last trial here—I was first spoken to about the time the prisoners were tried for murder—Inspector Conquest spoke to me first before the trial began—I gave the police my statement before the trial.

Re-examined. I was in attendance at the last trial on one occasion, but went away on some business.

CHARLES KURD (*Policeman E176*). I was examined before the Coroner—on the night of 17th September I was on duty in the Strand, and at 1.35 on the 18th I saw No. 274 on fire; I was one of the party who went to 275—I afterwards went to 277, and rescued the prisoner Serné and his wife.

Cross-examined. I was the third constable on the scene, the other two were Burt and Grimwood; Blunden, Ross, and Johnson came up pretty well together, and Burt and Grimwood shortly afterwards—I saw one fire at the back on the ground floor and heard screams, that was at the back of the ground floor, the ladies' room, the back of the shop—I saw the fire through the window—I only saw one fire.

Re-examined. That was in the left-hand corner, at the back—I then heard screams and went to 275, and was one of the constables who burst the door open.

JOHN GRIMWOOD (*Policeman E 397*). On 18th September, about 1.35 a.m., I was on duty in the Strand, and saw smoke issuing from the top window of 274. I came from the east, from Temple Bar; I ran for a fire-escape and called the firemen—the escape came about three minutes afterwards—I assisted the constable in trying to force the doors open,

and rescue the inmates—I went to 275, and had to come back—I then went to 277, where Mrs. Sernó was rescued.

The witnesses called for the defence on the former trial were examined from the Sessions Paper (see pages 147 to 153), and the following additional witnesses were called.

ARTHUR MILLS DRIVER. I am No. 255 of the Fire Brigade—on this night I was on duty at St. Clement's Church, which is a night fire station—a civilian brought an alarm of fire—I went there; there were very few people in front of the fire—the house was burning from top to bottom at the rear.

Cross-examined. I arrived at 1.41, almost at the same time as the fire escape; I followed it round the corner with the hose cart along the Strand—I had no chance of getting to the back of the premises, but I could see from the front when I arrived that the rear was alight—the front part was well illuminated, and the glass was broken through the heat—I ascended the fire escape with the escape man.

Re-examined. The station is about 40 yards from the fire, about six houses.

EDWARD HENRY DAVIS. I am in the employ of Messrs. Smith and Son—on 18th September at night I heard a policeman's whistle, and about three minutes afterwards went into the Strand, and saw No. 274 on fire—there were not many people there; the shop only was on fire—the escape was just coming round the corner.

Cross-examined. It was about 1.30 when I heard the whistle; there may have been four policemen there when I got there—I did not see McGore—when I got there the shop was in flames, but I did not see smoke coming out—I got near enough to look; I was on the pavement in front of it—there were shutters, but I looked over them, and there was hair oil or something in the window—it was the back part of the centre which was alight; I could see the flames.

HENRY BURTON. I am manager to Messrs. Partington and Co., advertising agents—Sernó came to me, and proposed that I should take the side of 51, New Oxford Street, for advertising—he asked what I would give for it—I offered him 150*l.* a year, and he left—that was in the middle of last year.

Cross-examined. I cannot tell whether it was July, August, or September—I had the front of his premises in the Strand for advertising, and paid him 30*l.* in advance from April till October.

SERNÉ—GUILTY.—*Twenty Years' Penal Servitude.* GOLDFINCH—NOT GUILTY.

ESSEX CASE.

Before Mr. Recorder.

225. JOHN FRASER (29) was indicted for an indecent assault on Eliza O'Donnell.

MR. BURNIE *Prosecuted.*

GUILTY.—*Twelve Months' Hard Labour.*