

## UNFOUNDED CHARGE OF RAPE.

From what transpired at the Emerald-hill Police Court on Saturday, it is plain that the young man, John Lynch, who was arrested a few days ago on a charge of committing a capital assault upon the girl Eliza M'Kay Gunnell, has narrowly escaped from being made the victim of false accusation. The prosecutrix repeated to the magistrates, Messrs Martin, Finlay, and Iffa, the story she had told to the police—of having met the prisoner in Bourke-street on the night of the 1st of January, of his having promised to find Morley's Hotel for her, and of his taking her to an unfrequented spot between Melbourne and Emerald-hill. After a great deal of hesitation, and after the court, at her request, had been cleared, she stated that a capital offence had been committed; but on being asked by the Bench whether it was with her consent or not she seemed to be quite uncertain about it, and said she "thought" it was not with her consent. After what she complained of had taken place, however, she walked about with the prisoner for a time, and she alleged that the offence was then repeated. Sufficient transpired in the course of a cross-examination by Mr Read, who defended the prisoner, to show that the prosecutrix was not only a consenting party, but that she induced the prisoner to accompany her from town. She admitted that she had left her place of service at Dow-street, Sandridge, at nine o'clock at night, without the knowledge of her mistress, for the purpose of meeting in Melbourne a person with whom she had been improperly intimate on board the Essex, in which vessel she recently came to the colony. She denied that she had been similarly intimate with any other person on board; but from a statement which she afterwards made voluntarily to the Bench, it seems that she had been the inmate of a Roman Catholic Refuge before she left London. The most remarkable part of the girl's evidence was, perhaps, that portion of it in which she acknowledged that after the commission of the first assault she went to her place of service, at Dow-street, to see if the family had gone to rest, and then returned to the prisoner—the person who, according to her complaint, had committed upon her the worst possible outrage that a woman can suffer. Of course, the Bench dismissed the case, and effort was made by them to induce the girl, who is only seventeen years of age, to go to the refuge at Abbotsford, but the suggestion did not seem to meet with her approval. She was reprimanded, and cautioned as to what would be the result if she persisted in following the kind of life to which she appeared to have abandoned herself. At the close of the proceedings, the accused wished to make a statement, but the Bench would not permit him to do so.