

Arrest of the Escaped Prisoners.

The sheriff, Wm. Conroy, accompanied by that well known mountaineer, Charles Gage, known as "Fighting Charley" or "Bloody Gage," (from the number of Indians that he has slain in battle during his twenty years residence in this country) pursued and overtook the fugitives, Hewitt and Jones, on Sunday last, about fifteen miles from San Diego. They were making for Lower California when captured.

JUSTICE'S COURT.

Monday, September 6, 1853.

Before Lewis A. Franklin, Esq., J. P.

William Jones, tailor, examined on a charge of stealing sundry articles, amounting to a grand larceny. In default of bail (\$3000) committed to await his trial at the Court of Sessions.

Juan Carillo, alias John Hewitt, examined on a charge of "assault with attempt at rape," on the person of Martina Bareles, his step-daughter. The prisoner is a slightly-built man, of light complexion, dull expression of countenance, but by no means ill looking; apparently about thirty-two years of age. Counsel for prisoner, Hon. O. S. Weatherby; for the State, Hon. J. W. Robinson, District Attorney.

Don Pedro Honsenborger, sworn as Interpreter.

The principal witness for the State, Martina Bareles, having refused to appear, she was arrested by order of the Court, and brought in, in custody of the sheriff. Martina is rather a pretty little girl of dark complexion; appears to be about sixteen, but says she is but twelve years of age.

Question by the Court.—Why did you decline appearing?

Witness (with a slight laugh.) Felt ashamed to testify before so many men.

Corrected by the Court, and her obligation to appear explained.

By Court, to Martina.—I understand the nature of an oath. In case I should commit perjury I ought to suffer the same penalty—I would wish to see inflicted on the prisoner.

Prisoner arraigned—Plead "I am not guilty of any such thing."

all the time. I punish my daughter myself sometimes, with a rope, and sometimes with my hand. When my daughter went out, the prisoner was only playing with her. I did not believe I do not like such play. I understand these things, and so do all of you. I never saw him do anything more than stand by my daughter's bed. He has described to me how my daughter was made.

William Hewitt (brother of the prisoner, sworn.)

Hewitt edified the Court by an anecdote of the girl boiling coffee by mistake, for corn, but knew nothing about the assault.

Mr. ——— Johnson, sworn. Nothing elicited bearing on the case.

Argued by District Attorney, and Counsel for the prisoner, and prisoner discharged from custody by the Court.

The District Attorney then had the prisoner arrested on charges of assault and battery on his wife, assault and battery on the girl, and breaking jail. Committed on the last charge to await his trial before the Court of Sessions. Court adjourned.

Martina Bareles sworn—

By District Attorney—My name is Martina Bareles. I am a native of Ures, Sonora. I live with my mother. I know the prisoner, became acquainted with him in Sonora, where he married my mother. In Sonora he told my sister that if she would live with him as married people do, he would treat my mother well—he told me the same thing about a year ago. In our journey up from Sonora he used to come to my bed frequently in the night, and feel of me all over. He would feel of me unclothed in bed. I would resist him and call my mother, when she came he would go away. I was so afraid of him I tied myself.

Counsel for prisoner—How?

Witness—I tied my legs together.—Direct resumed. In Santa Margarita he did the same, and told my mother which caused a fight between them, and he broke my mother's head. My mother pretended to be asleep, but saw him, and got up. He touched me all over. I was asleep, but woke when my mother made a noise, and told him to keep away. This was about six weeks since. We left him after that, and have not lived with him since. He has abused me greatly, struck me, and told lies about me. On the road from Lower California he beat me with a cabrista. (Objected to by C. P., objection sustained by the Court.) At San Marcus he struck me with his hand, and I am sore yet from the effects of the blow; this occurred before the quarrel he had with my mother. At San Marcus there was a Sonoran and an Indian in the house; he locked the door and fastened the windows, and asked me to come and lie with him. I resisted, and locked myself up in a room. He asked where my mother was, who had left the house. I told him I didn't know, and he threatened to kill me if I did not tell him.

C. P. declined cross-examination.

By the Court.—He has laid by my side in a state of nudity, and I had to push him away; the prisoner did not sleep in the same bed with me, though we always occupied the same room. I slept very sound and don't know what he has done, but my mother has seen him, and pulled

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—*Francesca Bareles, sworn.* Direct examination by District Attorney.—I live in San Diego, and do all sorts of work. The prisoner is my husband.

Between San Miguel and Ures, the prisoner tried to persuade Martina to live with him. (Thrown out by the Court.) The witness here went off at a rattling 2.40 pace, in a Spanish patois, that the interpreter could not understand, and that individual becoming excited, appealed to the Court to stop her. Examination resumed. At San Marcus the girl was inside the house, and the prisoner took her by force and laid her on the bed; she cried out; this was about two months since. The prisoner endeavored to tie me up outside the house, but I ran away and hid myself. He then locked himself, my two daughters, a Sonoran and an Indian, in the house, and barricaded the windows; he broke up a table to do this. I came in the night and listened at the windows, but could hear nothing but low conversation. I have frequently seen the girl leave her bed and run out of doors for fear of him. Frequently at San Marcus has my daughter called out to me that he was touching her, in the night. He was in a state of nudity on these occasions. He treated me so badly I was afraid to say anything. When I caught him with my daughter, he would say he was only joking.

Cross-examined.—At San Marcus we were always quarrelling. I was quarrelling with the prisoner one day when my daughter came up. He asked her what she wanted, and knocked her down. He would curse the girl and call her "*mal pata grande*," without any cause. He is an ill-tempered man, and easily gets angry with me, then I get angry with him, and we quarrel about

SAN DIEGO HERALD

SAN DIEGO, CAL., SATURDAY, SEPTEMBER 10, 1853.

HERALD	SAN FRANCISCO ADVS.	SAN FRANCISCO ADVS.	SAN FRANCISCO ADVS.
Sewing Machines, GROVER, BAKER & CO'S.	R. E. Raymond, Shipping and Commission Merchant.	NEW STORE OF HARDWARE, ETC., CHAPIN & SAWYER.	MARSH