

TRANSCRIPT OF NEWSPAPER ARTICLES

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The following is a transcript of the court case against Sarah Phillips and Alphonsus Rush concerning the destruction by fire of the Phillips' house at 'Kaiwarra' on 10 May 1879.

FIRE AT KAIWARRA. SUSPECTED INCENDIARISM. **Evening Post, Volume XVII, Issue 507, 12 May 1879, page 2.**

About 1 o'clock yesterday morning the discovery was made that the dwelling-house of Mr. Abraham Phillips, at Kaiwarra, was on fire, and while the neighbors were called up to do what they could to save the property, a messenger was despatched to town to ring the bells and alarm the brigades. The brigades turned out with their usual promptitude, and were soon at the scene of the fire, but when they arrived they found that it was too late to save Phillips's cottage. Therefore they set to work to save the adjacent buildings, one of which was already on fire. They were successful in their endeavours, as far as the adjacent buildings were concerned, but Phillips's cottage was completely destroyed. It was a six-roomed house, and there were none of the family at home when the fire occurred, Mr. Phillips having gone to Palmerston, and his wife and family to the Hutt. The Central men pumped up water from the bay, and they had a good supply. The building was insured in the South British Company for £150, and the furniture in the National Company for £100. Mr Chapman's house (adjoining Phillips's), which was somewhat damaged, is insured in the Imperial Company for £150. There appear to be some suspicious circumstances connected with the fire. It is stated that the house has been found to be on fire two or three times lately; but the facts will come out at the inquest, which will probably be held to-morrow. Two members of the Central Brigade, under Superintendent Moss, started with their reel for the scene of the fire as soon as the alarm was given, but when they had reached the top of Molesworth-street they observed that the fire was at Kaiwarra, and knew at once that, as there was no water supply there, their reel would be of no use without an engine. Accordingly, Superintendent Moss told some of his men to go on with the reel while he and others went back to the Hill-street station for an engine. Having got the engine, they hurried to Kaiwarra with it, and with great difficulty, succeeded in getting

it over the railway line to the seaside, and then began to pump up the water. The Wellington Brigade were present, but they had only a reel, and were without an engine. Superintendent Moss asked Superintendent Whiteford, of the Wellington Brigade, to order some of his men to assist in working the engine, but the latter refused to do so, saying that Kaiwarra was not in his district, and he advised Superintendent Moss to call on the bystanders for assistance. Superintendent Moss has informed us of these facts, and he states, moreover, that on several occasions the Wellington Brigade have turned out without their engines, although it was highly important that they should be on the ground. The Armed Constabulary men deserve great credit for the manner in which they worked, for if they had not come to the rescue there would probably not have been sufficient water to prevent the spread of the fire. It certainly seems strange that the Wellington Brigade did not utilise their engines, and that they refused to assist the members of the other brigade. Probably Superintendent Whiteford may have some explanation to offer.

THE KAIWARRA FIRE. ARREST OF MRS PHILLIPS.
Evening Post, Volume XVII, Issue 508, 13 May 1879, page 2.

Mrs Sarah Phillips was arrested on warrant this morning on a charge of arson. It appears that the police were of opinion that they were in possession of sufficient information to justify them in bringing Mrs Phillips before the Resident Magistrate, and therefore they procured a warrant, and as we have already stated, she has been arrested. It will be remembered that her husband's house at Kaiwarra, which was completely destroyed by fire early on Sunday morning, had been discovered to be in flames on two or three previous occasions, and that the neighbors were of opinion that the fires were caused intentionally. Mrs Phillips was taken before Mr Mansford this afternoon, and remanded until Tuesday next. She was admitted to bail in two sureties of £50 each, but up to the time of our going to press the sureties were not forthcoming.

RESIDENT MAGISTRATE'S COURT
Evening Post, Volume XVII, Issue 514, 20 May 1879, page 2

ALLEGED ARSON

Sarah Phillips, of Kaiwarra, was charged with having, on the 11th May, 1879, unlawfully, maliciously, and feloniously set fire to her dwelling-house at Kaiwarra.

The Hon. P. A. Buckley defended the accused. The Insurance Companies were represented by Mrssrs. Boardman, Nancarrow, and Wallace.

Daniel Marbrook, Government Inspector of Works, living at Kaiwarra, deposed to the house in which accused dwelt being burned down on the 11th inst. Witness lived about two chains away. He did not see the accused near the house.

Jabez Chapman, a sawyer, residing at Kaiwarra, deposed that he and some other neighbors tried to save the building, but they could not do so. On the morning of the 7th instant, about 3 o'clock, witness was aroused by Mrs Phillips, who said, "For God's sake come out, my place is on fire!" Witness went with her, and found that the kitchen wall was on fire. The flames were not near the fireplace. He and others soon extinguished the fire. About three weeks previous to that time Mrs Phillips ran into witness's house, and said to his wife, "Mrs Chapman, my house is on fire." Several people ran in and found that the kitchen was on fire in the same place. Mrs Phillips accounted for the first fire by saying that the rats must have carried some matches into the partition. Mr Phillips was not at home at the time of the second and third fires.

The case was proceeding when we went to press.

ALLEGED ARSON

Evening Post, Volume XVII, Issue 521, 28 May 1879, page 2

The charge against Mrs. Sarah Phillips was resumed. The Hon. Mr. Buckley defended.

W.F. Hooper deposed that he was a railway guard, and on the night of the 10th instant, he was in charge of the 11.45 train from the Hutt. The accused was a passenger by that train. She had done to the Hutt from Wellington by the previous train. On leaving this train at the Hutt she went to the ticket window and got a second class ticket for Wellington. She did not leave the station. Witness asked accused why she was going back so soon. She replied "because there is no bus for the Taita." She also

said that she wished to return to Kaiwarra where she had some friends. She had a shawl round her head. She was the only passenger, and the witness was quite certain as to her identity. Accused was muffled up rather more than ladies usually were. She got into the train at the Wellington station although her ticket was from Kaiwarra.

Alfred Boardman, agent of the South British Insurance Company, deposed that he had become acquainted with the accused since the fire which occurred on May 10th. In December last year a policy was issued for Phillips's house at Kaiwarra, the sum for which it was insured being £150. The policy was issued in the name of the Equitable Building Society. After the fire accused went to witness's office. She said there had been fires in the house previously. She also said that on the night of the fire she slept at the Hutt with some friends, and knew nothing of the fire until the following evening. She said her husband was with some friends at Palmerston North. Witness asked her whether she had not telegraphed to her husband from the Hutt. She replied that she had not yet done so, but intended to do it that day. Witness then wrote a telegram for her, and sent it away to the husband. No formal application had been made for the insurance money by her or anyone on her behalf. She said that on the day of the fire she had taken a perambulator and a shawl from the house. The Building Society expected to get the insurance money.

R. Bruce Wallace, agent for the National Insurance Company, deposed that in May, 1878, Mr Phillips effected an insurance on his furniture for £100. The furniture was contained in the house which had since been burnt. No application had been made for the insurance money. The policy was renewed on the 1st May, 1879.

J. H. Otto Schwariz, secretary of the Equitable Building and Investment Society, stated that he knew the accused. Her husband, A Phillips, made an application to witness's company, through T. K. Mackonald and Co., for an advance of £125 on his property at Kaiwarra. The application was made on 10th October, 1878, and the money was advanced. The property belonged to the accused. The money was to be repaid by monthly instalments, extending over three years. As only one instalment was paid, witness wrote to Mr Phillips, and in March last accused called on witness and said it would be very hard if she were pushed for the money.

Mr Buckley said this was only a case of suspicion at the most, and contended that there was not sufficient evidence to justify his Worship in committing the prisoner for trial. He submitted that the witness Hooper had mistaken some other woman for the accused. He proposed to call evidence to prove that accused did not travel by the train at all on the night of the fire.

James Rumble, of the Taita, deposed that on the 10th May he was at Ngahauranga about noon. He saw the accused and a young man named Rush in a cart. They were going in the direction of the Hutt. The train passed while they were together, and he was quite certain that the accused did not get out of the train. Witness had known her from a child, and was quite certain that he was not mistaken.

Alphonsus Rush deposed that on Saturday morning, the 11th instant, he called at the house of the accused, who was his sister, and took her and her child to the Taita with him. On the way they stopped at Ngahauranga and some conversation with Mr Rumble. The accused did not leave the house until the following Monday. She could not have come to town without his knowledge. The accused slept in a room with her sister, and anybody leaving or going into it would have to pass through his room. They all went to bed about 12 o'clock and nobody left the house afterwards. The night was very wet and stormy.

John Rush, father of the accused, deposed that the latter was at his house at the Taita on Saturday, the 10th. They were all together during the evening singing and playing the piano, and retired to rest about a quarter to 12 o'clock. Between 7 o'clock and midnight accused could not have left the house. About half-past 2 o'clock in the morning witness heard a dog barking and went out into the garden, where he saw a calf. Having turned it out he returned to the house. He heard accused speaking to her baby as he entered the house. Accused was in the habit of visiting at his house for days at a time.

Miss Rush, sister of the accused, stated that accused went to their father's house at Taita, on the afternoon of the 10th instant, and they were together during the rest of the day, and all night. Accused never left the house, and witness slept in the same room with her.

Mrs Rush, mother of the accused, gave similar evidence.

Cecilia Moore deposed that about eight months ago she had heard a man named Bailey threaten to “do for Phillips”.

George Layfield stated that he had frequently heard Bailey make use of threats against Phillips. On one occasion he said that if they were in the house he would shoot Phillips. He had also said he would burn Phillips’s house over his head.

His Worship said he did not think the evidence was sufficient to justify him in committing the accused for trial. The evidence was of a most conflicting nature, and he would give the accused the benefit of the doubt.

Accused was then discharged.

THE KAIWARRA FIRE.

Evening Post, Volume XVII, Issue 534, 12 June 1879, page 2

MRS PHILLIPS RE-ARRESTED. HER BROTHER ARRESTED FOR PERJURY.

It will be remembered that early last month a house at Kaiwarra, belonging to Mr Abraham Phillips, was destroyed by fire. Mr Phillips was at Palmerston North on the night of the fire, and Mrs Phillips, his wife, was supposed to be staying with her relatives at the Taita. Mrs Phillips was arrested on suspicion, and charged at the Resident Magistrate’s Court with arson. At the preliminary inquiry at the Resident Magistrate’s Court, a railway guard swore positively that Mrs Phillips went from Wellington to the Hutt on the night of the fire, and came back by the return train about midnight, or shortly before the alarm of fire was given. On the other hand, the father, mother, brother, and sister of the accused – a family named Rush – stated on oath that Mrs Phillips went to their house at the Taita about twelve hours before the fire occurred, and that she never left the house afterwards until the day after the fire. The Resident Magistrate before whom the case was heard gave Mrs Phillips the benefit of the doubt, as the balance of the evidence was in her favour and discharged her from custody. The police authorities, however, were of opinion that they would yet be able to bring the charge home to her, and with that object in

view they have been making diligent inquiries ever since, and believing that they have a good case, Detectives Brown and Warren to-day re-arrested Mrs Phillips on a charge of arson, and her brother, Alphonso Rush, on a charge of perjury, alleged to have been committed at the preliminary inquiry at the Resident Magistrate's Court. They will be brought before Mr Mansford this afternoon, when a remand for a week will be applied for.

RESIDENT MAGISTRATE'S COURT
Evening Post, Issue 535, 13 June 1879, page 2

ALLEGED PERJURY

Alphonso Rush was charged with having, on 28th May, "falsely, knowingly, wilfully, and maliciously committed wilful and corrupt perjury," by swearing that on the night of the Kaiwarra fire Mrs Phillips, the accused, was in his father's house at the Taita, and in his (prisoner's) company, and that she never left him until the day after the fire.

M. Bell prosecuted, and the Hon. Mr Buckley defended.

Mr Bell, in opening the case, said he proposed to prove that at the recent enquiry at the Resident Magistrate's Court into the facts attending the fire which occurred at Kaiwarra on the morning of the 11th May, Mrs Phillips, who was accused of arson, called the prisoner who gave evidence in her favour, and that at the enquiry in question prisoner stated that he drove Mrs Phillips home to his father's house some hours previous to the fire, and that she never left the house until two days afterwards. Prisoner had also sworn that Mrs Phillips slept in a room with her sister on the night of the fire, and that she could not have left that room without passing through the one in which he slept, and further, that he never left the house after his sister arrived. He (Mr Bell) intended to bring forward evidence to prove that the statements then made by the prisoner were false.

Sergeant Anderson deposed that he was in the Resident Magistrate's Court on 28th May, when prisoner gave evidence in the case against Mrs Phillips. He was sworn in the usual manner by witness to tell "the truth, the whole truth, and nothing but the truth," and having been so sworn he gave evidence in favor of the accused.

Ebenezer Baker, clerk of the Resident Magistrate's Court, deposed that on 28th May he took the depositions of the prisoner in the case of Mrs Phillips, who was charged with arson. Prisoner, who was sworn in the usual manner, gave his evidence as in the depositions produced.

According to the depositions the prisoner swore that he was never absent from his father's house on "Saturday, the 11th May," but it appeared that there had been some misapprehension, as Saturday was the 10th.

Mary Ann Williams deposed that she was landlady of the Albion Hotel, Taita. She remembered Saturday, 10th May, when a fire occurred at Mrs Phillips house at Kaiwarra. On the evening of that day prisoner went to the Albion Hotel. That was about 7 o'clock. He went into the back sitting-room with witness's servant, but she could not say how long prisoner stayed. Prisoner was keeping company with the servant girl. Witness remembered the day perfectly well.

Lizzie Jane Mellem stated that she was a domestic servant at the Albion Hotel, Taita. She knew prisoner, with whom she had been in the habit of keeping company. She had heard of the fire at Mrs Phillips' house at Kaiwarra. The fire took pace about midnight on Saturday, 10th May. On the evening of that day she saw prisoner at the Albion Hotel. That was about seven o'clock in the evening. They remained together for about an hour. After he left her witness went upstairs about eleven o'clock, and sat at her bedroom window looking out. She supposed it was love that induced her to look out for prisoner. About midnight she saw prisoner walking along the road from the direction of the Lower Hutt. Witness had seen prisoner since the information against Mrs Phillips for arson was dismissed. On Friday, 30th May, prisoner went to the hotel, and saw witness. They had a conversation about the Police Court proceedings. Prisoner said, "Lizzie, I want to see you very particularly." They then went into the sitting-room together, and prisoner grossly insulted her. She threatened to leave the room, but he called her back, saying he had something particular to say to her. On several previous occasions prisoner had asked her to enter into a private marriage with him. He said, "Will you go to town with me next Friday and get married without speaking to anybody." She said nothing, and prisoner said he would return for an answer on the following Saturday night, but he never did so. Prisoner said, "Lizzie, I tell you this with the view of making you my wife. Mrs Phillips was the woman the stationmaster saw in the train, but as she was our sister had we not every right to protect her all we can?" Witness asked him why

he told her this, and subsequently she asked him how Mrs Phillips returned home. He said, "She came up on Sunday morning by the back lanes." He also said his father had helped Mrs Phillips several times, but could do so no more. Witness had not a spark of love left for prisoner; it had all died out long ago. Messrs Dash and Avery were in the Albion Hotel on the Saturday night when witness and prisoner were in the back sitting-room.

Boardman deposed that he was in the Resident Magistrate's Court when the case against Mrs Phillips was heard. He heard the evidence given by prisoner, who stated that he drove Mrs Phillips out to the Taita on Saturday, 10th May, and that she remained there all night.

H.F. Hooper, a railway guard, gave evidence to the effect that on the night of 10th May, a woman, whom he believed to be Mrs Phillips, was a passenger from the Hutt to Kaiwarra by the train which arrived at the latter place at twenty minutes past 12 o'clock. This woman was the only passenger by the train, and as she had only gone up by the previous train, he spoke to her, asking her why she was going back. She replied, "Because there is no bus for the Taita." The woman asked witness to stop at Kaiwarra. A few days after the fire he identified Mrs Phillips as the woman who had travelled with him. He had no doubt that she was the same woman.

John Unsworth, stationmaster at the Lower Hutt, stated that he saw Mrs Phillips in the train on the night of 10th May.

Superintendent James stated that Phillips' house was burned about 1 o'clock on the morning of 11th May. When Mrs Phillips was charged with having set fire to the place she got off, because she produced five witnesses who swore that she never left the Taita on the night of the fire.

Detective Warren, who had examined the Premises of Mr Rush, sen., at the Taita, stated that the bedroom occupied by the prisoner had no connection with the room in which his sister slept.

Prisoner, who reserved his defence, was committed to take his trial at the next criminal sittings of the Supreme Court, bail being allowed in his own bond of £100, and two sureties of £50 each.

ARSON

Sarah Phillips, charged with having, on the 10th May, wilfully and maliciously set fire to a house at Kaiwarra, belonging to Abraham Phillips, was remanded till to-morrow.

RESIDENT MAGISTRATE'S COURT

Evening Post, Volume XVII, Issue 536, 14 June 1879, page 2

ARSON

The case against Sarah Phillips, who was charged with having on 11th May, wilfully set fire to a house at Kaiwarra, belonging to Abraham Phillips, was resumed. Mr Bell prosecuted, and the Hon. Mr Buckley defended.

Several witnesses were examined, but nothing new was elicited.

His Worship thought that a *prima facie* case was made out, and therefore the accused was committed to take her trial at the next criminal sittings of the Supreme Court.

SUPREME COURT, CRIMINAL SITTINGS

Evening Post, 7 July 1879,

... His Honor also instructed the jury that if they believed the evidence in the case against Mrs Phillips, who was charged with arson, they should return a true bill. The Grand Jury then retired.

SUPREME COURT, CRIMINAL SITTINGS

Evening Post, Volume XVIII, Issue 10, 11 July 1879, page 2

ARSON

Sarah Phillips was arraigned on an indictment charging her with having, on the 11th May last set fire to her husband's house at Kaiwarra.

Prisoner, who pleaded not guilty, was defended by Messrs Buckley and Stafford.

The facts of the case are familiar to our readers. On the night of 10th May, according to the prosecution, the accused went from Kaiwarra to the Lower Hutt by the last up train, and returned to Kaiwarra by the midnight train. A short time afterwards the house occupied by Mrs Phillips and her husband was discovered to be on fire, and before the brigades arrived it was totally destroyed. The police had reason to believe that the fire was caused purposely by the accused, and hence the present prosecution.

The case was proceeding when we went to press.

Evening Post, Volume XVIII, Issue 11, 12 July 1879, Page 2

His Honor, in summing up in the case against Sarah Phillips, charged with arson, expressed his disapproval of the action of Insurance Companies offering a standing reward for the conviction of incendiaries. Where a fire or series of fires occurred in a place, and were supposed to be the work of incendiaries, it might perhaps be advisable to offer a reward, but the effect of a standing reward being offered must, to a certain extent, have a demoralising effect. He did not mean to impute any mercenary motives to the witnesses in the present case; but thought it would be well to discountenance a practice calculated to be subversive of the ends of justice.

...

The case against Sarah Phillips, for alleged arson at Kaiwarra, occupied the attention of the Supreme Court all yesterday, and until two o'clock this morning, at which hour the jury returned a verdict of not guilty, and the accused was discharged. The verdict was received with applause, which, however, was quickly stopped by the police. The Crown Prosecutor said that after the verdict in Mrs Phillips' case he would not proceed with the charge of perjury against Alphonsus Rush, the two cases being closely connected with each other. A *nolle prosequi* was entered, and Rush was released from further attendance. The Court adjourned shortly afterwards at 2 o'clock a.m. until Monday next.
