

William Burnett, a general dealer at Gatton, gave evidence before the Commission:

Q. (By the Chairman) What is your occupation?

A. I am a general dealer at Gatton.

Q. You knew Day?

A. Yes.

Q. Did you associate with him?

A. No.

Q. But you knew him?

A. I used to serve Clarke with vegetables and fruit.

Q. I understand you want to say something with reference to him.

Q. Did you ever give the police any information with regard to him?

A. Yes, I told several of them.

Q. Do you remember whom?

A. I told Detective Toomey and Detective Head.

Q. When?

A. After the murder.

Q. Soon after?

A. Yes.

Q. What did you tell them?

A. I told them I met Day on the road.

Q. On the night of the murder?

A. Before the murder.

Q. You met him on the road?

A. Between Clarke's and the sliprails.

Q. What was he doing?

A. Walking down towards the sliprails.

Q. Was he smoking?

A. No.

Q. You have heard the evidence that sometimes he used to go out strolling up and down the road smoking at night?

A. He was not smoking when I came up. I generally go home on Wednesday night. I usually do that round on Wednesday. I said "Good night" to him, but he never answered me. He was quite close to the cart.

Q. Did you give any other information?

A. No, that is all.

Q. What sort of a man was he?

A. He was dark-about the build of Christie here.

Q. Somewhere about that build?

A. Somewhere about the build of Christie-a man of about fourteen stone [eightynine kg].

Q. (By Mr Dickson) About fourteen stone?

A. Well, between twelve stone [eighty-two kg] and fourteen stone I should take him to be.

Q. You really gave the police no information about Day other than the fact that you saw him near the sliprails one night?

A. No, I met him twice.

Q. Before the murder?

A. Yes.

Q. (By Mr Sadleir) It is only a very short distance?

A. It is between 200 and 300 yards [180 and 270 metres] from Clarke's to the sliprails, I suppose.

By the Author. The only Wednesdays Day could have been seen are the 14th when he arrived in Gatton 21st of December, the 28th of December and the 4th of January as he didn't start with Clarke until Friday the 16th of December and left on the 10th of January.

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