

**21/07/1899**

The appointment of the Police Commission has now definitely been decided.

It will consist of Judge Noel (chairman), Messrs. F. W. Dickson, barrister-at-law, T. Garvin, a superintendent in the New South Wales Police Force, J. Sadler, late inspecting superintendent of the Victorian Police, and T. O. Unmack, with Mr. J. W. Blair, barrister-at-law, as secretary.

The inquiry will be of a comprehensive nature, judging by the recital of the commission.

It will go into the constitution, administration, and working of the Criminal Investigation Branch of the Police Force, as well as the relations existing between it and the Police Force generally, and into the general organization, distribution, control, and enrolment of the force generally, including the Criminal Investigation Branch; the discipline and efficiency thereof; the system under which promotions, transfers, and appointments are made; and any other matters not specifically included, but which the commission may think it likely will be of assistance to them in the inquiries intrusted to them.

The commission is made returnable on or before the 31<sup>st</sup> October, 1899.

**4/08/1899**

The second meeting of the commission appointed to inquire into the working of the Police Department was held in Judge Noel's chambers at the District Court yesterday. It was resolved to ask the Press to reprint that portion of the reference to the commission which recites its working powers, and to publicly invite people who are desirous of giving evidence, or who could in any way assist the commission, to communicate with the secretary (Mr. J. W. Blair), Lutwyche Chambers, Adelaide street.

It was agreed that the Press should be admitted, the chairman to communicate the conditions at the first meeting for taking evidence, which will commence on Monday morning next, at 10 o'clock, in the committee-room of the Legislative Council.

It was recognised that it would be necessary for the commission to visit the large centres to take evidence. The names of these places were left over for consideration.

It is said also that if the general public desire to be present they should communicate with the secretary, when the requests will be considered.

**8/08/1899**

The inquiry into the working of the Police Department was commenced at Parliament House yesterday. His Honour District Court Judge Noel (chairman) presided.

The other members of the commission, all of whom were present, are: -Mr. F. W. Dickson, John Sadler (ex-Superintendent of Police, Victoria), Thos. Garvín (Superintendent of Northern District, New South Wales), Theodor O. Unmack, and Mr. J. W. Blair (secretary). A couple of other persons were present.

At the opening of the proceedings the Chairman said: I have been asked by members of the commission to say they desire that the proceedings may be as public as possible, but the members of the Press must understand that the commission reserves the right to withhold, or to ask members of the Press to abstain from printing, any name of a witness who wishes that his name be not disclosed at preset; and further, if there is any portion of evidence that

the commission deem it advisable not to publish, the members of the Press will abstain from publishing it.

Inspector Urquhart was called first- He said he was in charge of the Criminal Investigation Department, and had been twenty-one years in the public service, seventeen years and a-half of which he had been in the Police Force, which he joined as a cadet.

The branch worked under the Police Act, and was subject to the control of the Chief Inspector and the Commissioner.

There were two books of rules under which the department worked.

There was a Manual of Police Instruction included. In connection with this, he had made recommendations in favour of having a properly revised manual of duties for the Police Force generally. He had not been alone in this, since the matter had been much spoken of, and there was a quantity of correspondence in the office.

He had been in charge of the Criminal Investigation Branch since December, 1895.

The strength of this force was twenty-two. He was the only officer.

There were one senior sergeant (stationed at Townsville), four sergeants, and five acting sergeants. There were sixteen men, exclusive of himself, stationed in Brisbane, and one each at Bundaberg, Rockhampton, Mackay, Charters Towers, and Townsville. Deducting the men employed as clerks and photographer, there remained only eight workmen in Brisbane.

How were these men selected?-From the general police.

There is no special training?-No.

How do you judge of their qualifications for the Detective Branch?-Such men as I have recommended since I took over the branch were men in the general police whom I had employed at inquiry work, and who I noticed showed capabilities for that kind of work.

It is left to your judgment?-Not entirely. Some men have been appointed to the branch without reference to me.

How were they appointed-through outside influence?-I don't know.

Is it possible?-It is possible.

Is it probable?-I don't know that

Have you had any objection to the appointments; if not actually expressed, then mentally?-I would not say that. There were men whom I would have put on probation first. There was one man taken right on as a sergeant, and placed in the branch. I would have had him for a time on probation.

Who appointed him?-Possibly it was the Commissioner.

Continuing, the witness said there was no such regular institution as plain-clothes constables, who could be put on as detectives.

There was no school for training men taken into the branch, and if there was a man appointed to impart instruction he would not have time to give it, owing to the few men in the branch.

There was no literature for teaching men except what they purchased themselves.

Are the rank and file instructed?-No.

I suppose you trust to the school of experience?-Yes.

Are men ever appointed to the Criminal Branch who were never in the force before?-I never knew an instance. Continuing, the witness said the Criminal Branch was practically amalgamated with the Police Department, and the men held rank as policemen. If there were any vacancies in the branch he would write and recommend the appointment of a certain number of men. Then he would inquire from the officers in the city districts as to the men they had who were fitted for such work, and these, were then recommended for appointment. If they did not suit they would be sent back. When a man was sent out upon a special case he was given a report of the facts, upon which instructions were written. There was a crime report book kept, and all men had access to this.

The men in the morning usually went down to the police station, where the prisoners were paraded for their inspection.

There was no insistence upon this, however, if their services were required elsewhere.

Does the branch, work harmoniously with the Police Force?-Oh, yes.

There is no jealousy?-No; I am certain there is nothing of the sort.

Witness, continuing, said all offences were reported to the branch-by telephone if reported to the general police. This was communicated in important cases to ether stations by telephone, and it was followed by a circular letter worked off immediately on a cyclostyle.

Do you know if detectives make a charge to the public who make complaints?-I never beard of such a thing. I have heard of similar things in past years; but no cases ever came under my notice.

You never heard of blackmail?-No.

Witness, continuing, said he considered the allowances made to men who went on special work were not sufficient. They were 5s. per day if a man was absent from his station for the night at a distance of more than seven miles. If it was less than seven miles he got nothing at all.

Do you mean to say that if a man was, say, two or three miles away for several days, probably watching a man he could not leave, the department would allow him to be out of pocket?-Yes.

Mr. Garvin: Then it is wrong.

Witness: Applications for a refund are usually favourably considered by the Commissioner; but I have known cases where, though I considered the men were entitled to expenses, the applications were refused.

Constables of the branch are paid the same as constables in the general force, and the former had often a great many expenses, which did not fall upon the latter.

There was no provision for disguises.

Do detectives have to appear in court in uniforms?-Yes.

Then they advertise themselves. Why are they compelled to wear uniforms?-Because of an order issued some time ago.

Are you aware that a previous commission recommended increases for the branch? -Yes ; it was never put into force.

In performing their duty they are put to extra expense, and there is no provision for that? -No.

Do you believe in detectives having wear uniforms in court? -No ; but I don't like to say anything.

You don't like to criticise your superior? -No.

Have you ever heard of detectives anywhere having to go into court in uniforms? -No.

Mr. Garvin: I should think not. Do you think it would be a good thing to do away with uniforms in the branch? -Yes, I think uniforms are unsuitable to detectives; but I defer to the opinions of my superiors, who think otherwise.

Witness, continuing, said he had never heard of friction among members of the branch. There was nothing to prevent known criminals from entering the colony; but he considered something of the kind was badly needed. The branch exchanged Photographs with branches in the other colonies; but there was no correspondence between them except intimations concerning the departure of criminals.

This was done through the Commissioner's Office? A letter was sent to the head of the other force, who sent the letter on to the Detective Force. The reply came in the same way. He did not think the circumlocution was necessary. He considered that the position of the Criminal Branch and the Commissioner's Department should be put beyond doubt. He could make suggestions that would increase the efficiency of the departments. The position was somewhat hazy at present. If he as head of the Criminal Branch, for instance, was sent with a couple of men to investigate a crime say in the Roma district the officer there was his senior in the force. Even if he went into a district -where there was his junior he was doubtful about his powers. He had seen letters from officers to the Chief Inspector complaining that he had not sent correspondence through them.

He would like arrangements made so that he could communicate direct with members of the force, so as to secure greater efficiency. An officer of the branch, when sent to any officer's district, should be able to claim as a right that all the resources of that district should be placed at his disposal for the detection of the particular crime he was sent to investigate.

Then you have had obstructions? -No: but occasions may crop up, and the matter should be placed in the proper position.

Witness, continuing, said he thought the numerical strength of the branch should be largely increased. They had eight working men for a population of 105,000; but he had also to send men to all parts of Southern Queensland. There should be six more men in Brisbane, and further increases as occasions arose. There should be a man also at every seaport town. He had frequently asked for more men. It was not that the Commissioner or any one was at fault; it was simply that there were no men to be got. The general force was so short that they could not spare any men.

Do you find there is any outside influence to advance men over others? -Speaking of the Criminal Branch, no.

Witness, continuing, recommended that the pay and allowances of men in the branch should be the same as in New South Wales. Speaking personally also, he thought it would be better for the branch and himself: if he had the same rank as his predecessors. Inspectors Lewis and Lloyd. It was a matter of money, of course, also. He considered it would be an advantage to have some books. They wanted text-books. The branch did not get the

"Weekly Notes" or the "Law Journal." Sergeant Shanahan conducted prosecutions in the lower courts.

Do you think it is possible for the sergeant to be defeated by a skilful lawyer? -It is possible; but I don't know of any cases.

Don't you think a legal adviser is of assistance? -We can get assistance by applying; but it has hardly ever been considered necessary.

Take the Gatton case. Did you want it there?-It never came into court. A legal adviser was sent up.

How long after?-When the inquiry opened.

Not in the preparation of the evidence, and in deciding what evidence should be given?-It is not required.

That is your opinion?-Yes.

The Chairman: Some authorities consider it is necessary. I think it would be an advantage to have a legal adviser there. Mistakes were made that might not have been made.

Witness, continuing, said the percentage of cases which fell through in the upper courts was small. He did not think it was altogether necessary that there should be a legal adviser.

Do you consider a man who rose to be a sergeant is as good as a trained solicitor? Not as a rule; but in the case of Sergeant Shanahan we have a man equal to any solicitor.

Do you find that an officer in a difficult case is ready to ask for assistance?-Yes.

Witness, continuing, said he found no difficulty in immediately securing warrants. After 11 o'clock at night a man was kept on at the branch; if complaints were made at the Roma-street station this man would be rung up. He held that the Criminal Branch of the whole colony should be organised thoroughly; but as the subject was so difficult he was not prepared to say how it should be done.

Some of the officers appointed never went through the Brisbane branch. They took their orders from the local office; and some of the men he did not even know. A man was recently appointed from the general police to Townsville by the Commissioner. He did not know anything further concerning the manner of the appointment; the man got promotion.

The Chairman: We intend to make inquiries concerning the Gatton, Oxley, and Woolloongabba murders. We will go into such things as when the police first received official intimation, and we shall require correspondence.

Inspector Urquhart said there might be some difficulty in the matter. When he knew he was to be a witness he applied to the Chief Inspector for authority to get the official documents. He saw the Inspector during the morning, and was informed that he had in turn applied for the authority; but had not yet received an answer.

He also pointed out that he was at Gatton when the Oxley murder occurred, and in-the case of the Woolloongabba murder that certain inquiries were going on which, if divulged, might frustrate the ends of justice, and it was better that the public at present should not be informed of them.

The commissioner agreed that in the case of an answer to any question that might frustrate the ends of justice a witness should state that fact, and discretion would be used.

It was resolved that the investigation into the Woolloongabba murder should be taken after the others.

The commission adjourned till 10 o'clock the following morning.

11/08/1899

The Police Inquiry Commission resumed its sittings to-day.

Detective Shanahan expressed the opinion that the detective service was quite undermanned for the extensive work expected to be dealt with by the Criminal Investigation branch.

Sergt. Jas. Haliday, a clerk in the Criminal Investigation branch, stated that no ill-feeling existed between the Chief-Inspector and the men under him, as was popularly reported.

**24/08/1899**

The sittings of the Royal Police Commission were continued at the Commissioner's office, Treasury Buildings, yesterday afternoon, under the presidency of his Honour Judge Noel.

The Chief Inspector (Mr. John Stuart), who was again called, said he desired to amend his evidence at the part where he said he "performed his duties in a perfunctory manner." What he meant was that he did not perform his duty with close supervision.

Mr. Sadlier stated that the return of arrests for drunkenness presented showed that those on Sundays were very much less than those on weekdays.

The Chief Inspector said he had prepared a précis of facts concerning the Oxley murder.

The Chairman: Understand this: If you are not cognisant of the facts as well as the officer who really superintended the whole thing, we don't want to force you. The officer who conducted the inquiries might be able to do it better.

Sub-Inspector White conducted all the searching, and he could give you all the facts better. I came in with the finding of the body, and supervised matters afterwards. That is not what we want particularly. Sub-Inspector White conducted the inquiries up to that time.

As to the Gatton matter, were you the officer in charge from the inception? -Up to the 30<sup>th</sup> I was in charge from the date it was reported to me.

But were you the officer who first got the information with regard to the murders? -Yes; the official information. I received the telegram.

Then we will go on with the Gatton murder. When did you receive that? -The first intimation I received was about 5 o'clock in the afternoon of the 27<sup>th</sup> December, 1898. I was at my home at Bowen Hills.

In telephonic communication with this place? -No.

How did you receive the information? Inspector Urquhart called in me, and said he had heard a rumour that a murder had been committed at Gatton.

Mr. Unmack: When was the murder committed? -On the night of the 26<sup>th</sup> December, supposed to be between 9 and 10 o'clock.

The Chairman: At 5 o'clock on the 27<sup>th</sup> (about twenty hours after) you received the first official intimation of a rumour? -Yes.

Did Urquhart tell you why he called it a rumour? -He said he had given Constable Murphy leave to go to Gatton; that he had received a telegram stating that his brother and sisters had been killed. He thought that the telegram was a hoax. He asked if I had any information. I said, "Certainly not;" and that if it was a fact, I ought to have been apprised at once.

Did he say what time Murphy got the telegram? -He said some time in the afternoon-about 1 o'clock. I was suffering from anthrax in the leg, and was in the act of poulticing it. I said, "Go into town at once, and make inquiries." I heard nothing further until I came in to the office in the usual way in the morning. I saw an ordinarily-addressed telegram, addressed to the Commissioner of Police, on my table.

This was a telegram from Sergeant Arrell, saying Murphy and his sisters had been murdered at Gatton.

What time was that telegram despatched? -I have all the records here-"December 27, at 10.55 a.m." "Murphy and his sisters murdered. Can you send some black trackers?"

What time was it received? -It is timed 11.16 a.m., "B." (Meaning Brisbane).

You found this telegram waiting on your table on the morning of the 28<sup>th</sup>, it having been here nearly twenty-four hours: -The 26<sup>th</sup> was a holiday. I came into the office, and, there being no clerks, I opened all the correspondence.

This telegram had not arrived then? -No. I telephoned to Inspector White, and asked him if there were any reports. I stayed till about 12.30 that morning, and then-I was suffering from anthrax-went to my home at Bowen Hills.

When was it delivered? -I don't know.

Is there anyone whose duty it is to attend to telegrams on holidays? -They should be delivered here or at Roma-street.

Is there no record in the books as to when that was received by any police officer?-No.

How did it get on to your table in the morning? -I don't know.

What does the messenger say? -There are a great many contradictory statements.

We have this telegram here at 11.16, and you were here till 12.30 on that morning, and the telegram did not get to your notice until 9 o'clock the next morning? -That is so.

I have a statement here from H. Massie. Is he the person who was on duty here to receive telegrams? -No; this is the messenger (from the Telegraph Department. He states: "I took it out at 11.52 a.m. and, as the office in the Treasury is generally closed on a holiday, I took it to the Roma street station, where I arrived at 12.15. The constable in the office told me I could deliver it at the office at the Treasury, as they were up there. I took it up there, and delivered it to the messenger, Mr. Hurst. I had a message to deliver at Lennon's Hotel before I went to the Treasury, Building, and that was what made him take some time in getting to the Treasury Building."

And it just missed you? -If his statement is correct.

Do you doubt it? -Yes, I do.

Why? -I did not leave exactly at the half-past.

Then you doubt his statement? -Yes.

Then what does Hurst say? -Constable Hurst reports: "At about 12.30, the senior sergeant telephoned from the Roma-street Police Station, asking if the Commissioner was in. I said no; but that the Chief Inspector was here, and he was acting for the Commissioner. He stated there was a message there, and asked if he sent it over would be all right. I said, yes. After about five minutes a messenger arrived with two messages, and handed them to the constable. He handed them to the Chief Inspector immediately they were received from the messenger." These were not the Gatton telegrams. With reference to the telegrams delivered by "a" telegraph messenger, I have them here.

When did you get these telegrams? -I cannot remember exactly. It was between the hour I arrived and the hour I left the office. My memory is not sufficiently accurate.

For instance, don't you note in the office the hour received? -No.

Does not anybody? -Not as a rule.

At any rate, neither of these telegrams referred to anything at Gatton? -No.

Does Hurst say anything about the telegram stating about the murder? -(Witness looks over papers).

Mr. Garvin: I have gone through the papers. Hurst states he went into the office, and there were two telegrams on the table: but neither of them was the one from Arrell. He is positive about that. (Witness goes through the papers.)

The Chairman: We don't want you to give the evidence if you are not cognisant with the facts. -I would suggest that you get the evidence direct from Hurst.

Mr. Garvin: How do you account for finding the telegram on your table on the following morning? -All the telegrams received a little late, when everyone is away, Hurst generally puts on my table, immediately in front of my seat.

So telegrams coming like that would not be opened by anyone? -That was a holiday.

That does not matter. -No one opens them on a holiday.

What is the practice on a holiday? -That was the usual practice.

If it was a holiday a telegram would have to wait till the following morning? -Yes, unless marked " urgent."

Then Hurst would send it away at once, either to some sub-Inspector, myself, or the Commissioner.

The Chairman: Ought telegrams to be marked urgent? -Certainly.

Mr. Garvin: Up to the time of the murder a telegram would be merely put aside until the next morning? -It would be put on my table.

Is that not a dangerous practice? -It has been altered.

Mr. Garvin: Never mind about that. Mr. Dickson:

When did Murphy receive that telegram? -About 1 o'clock.

To whom did he apply for holidays? -He should have applied to White; but he was away, and he then went to Urquhart.



What did you do in the morning? -I inquired where Urquhart was, and I was informed he had left in the morning train for Gatton. I asked for the Commissioner; but he was not in. I waited until the Commissioner came in.

The Chairman: When was that? -About 10 o'clock.

Is there a telephone connected with the Commissioner's house? -Yes, from Roma street.

Did you ask them to telephone to the Commissioner? -No; I thought he was on the way in. I handed the Commissioner the telegram, and he said he heard about it, and had sent Mr. Urquhart away in the morning train.

Mr. Garvin: When Urquhart told you about the rumour did you instruct him to telegraph to Gatton? -No, I thought it was a hoax.

But this is a serious thing. There is a rumour that three persons were murdered. Did you ask him if he saw the telegram that Murphy received? -No.

You say it was the practice prior to this offence being committed for telegrams arriving at the office to be allowed to remain till next day. Who gave the orders for that? -It was the practice. I don't know who gave the orders. But if the telegrams could not be left here, they would be sent to Roma-street.

Do you know what hour of the day Murphy applied for leave to go away? -No.

Do you know if Murphy went and had that telegram verified? -No; I don't know any thing about his actions.

Did Urquhart not tell you he went to the telegraph office and had it verified? -No. I thought it was a hoax.

The Chairman: You jumped to that conclusion? -It was an unheard of thing for a private telegram, to come and no official word.

Did you make inquiries from Arrell whether he sent the telegram "urgent"? I did. From what I understood from him, the stationmaster, who is also the telegraph master, would not send it urgent. At the time I was up I could not make proper inquiries, as I wanted to go to the scene of the murder. I left the other for inquiries after. It has since been inquired into by the Commissioner.

You don't know anything about it? -No.

Mr. Garvin: Is not a responsible person left to open telegrams on holidays? -It has now been arranged that all telegrams shall be taken on holidays to the Roma-street police station, and opened.

That is only since the Gatton murders? -Yes.

The Chairman: Is there not an arrangement with the Telegraph Department that telegrams on police matters should be sent at once? -I cannot say.

Mr. Garvin: Is it a practice for telegrams to be sent at all hours? -I have received them at all hours.

Is there not an officer always kept at the telegraph office on holidays? -Yes. There is always a man on duty at Brisbane.

Prior to these murders, it was perfectly useless to send telegrams to the Police Department on holidays? -I could not say that. It depends who was in the office.

But you said there was no one in the office? -I always come in on holidays. I don't know a holiday when I did not.

When would you leave? -Between 12 and 1 o'clock.

Any telegrams coming after that would have to stand over? -Yes, if they were delivered here.

What- would be the first train leaving here after it was shown the telegram was delivered? - Five o'clock in the afternoon.

Urquhart was the first officer who went? -He went up at 7.30 on the morning of the 28<sup>th</sup>. The Chairman:

I don't propose to go further with Mr. Stuart on this matter; but with other officers. On the other murders we were going to ask some questions, but we will defer them. As to the Woolloongabba murder, we are going to ask very few questions, for several reasons.

The Chief Inspector was then examined on general matters. He said he would like to see a new manual issued to the force: the men supplied with books on law, the Acts, &c; and increased pay given to men in the extreme West and North. Rent allowances might be made to men with four years' service when they married. There was a difficulty in getting men who could comply with the measurement and medical requirements. Instead of men - receiving what was called "long-service pay," it should be named "good-service pay." He would also like to see sub-officers and sub-Inspectors qualify by examination.

He would also like to see the heads of the colonial police forces confer on the best means of detecting criminals and arranging a telegraphic code.

If a man had a warrant issued to him, and in following a criminal he got into a district other than that in which he was stationed, he would not have to give the warrant up and allow a man in that district to make the arrest.

At the request of the commission, Superintendent Garvin, who is one of the commission, gave complete evidence concerning the working of the New South Wales Police Force. In the course of his statement, he said Inspector-General Fosbery, the head of the force, had held that position for twenty five years, having been promoted from superintendent. He had been in the force for some years previously, and before that had been in the Victorian force.

The commission adjourned till 10 o'clock on the following morning, when Sub-Inspector White will be examined.

**24/08/1899**

The police inquiry was continued this afternoon.

Inspector Stuart was examined, chiefly with regard to the Gatton murders.

The fact was elicited that a telegram from Gatton announcing the murder was despatched a few minutes before 11 on Tuesday morning, the day after the murders, and reached Brisbane the same morning at a quarter past 11, but was not opened by Inspector Stuart until the following morning at 8 o'clock, when he found the message lying unopened on his office table.

Though no one appeared to know how it got there, a telegraph messenger stated that the message was delivered at Inspector Stuart's office about noon on Tuesday.

The message was sent as an ordinary one because the operator at Gatton refused to send it as an urgent telegram.

**2/09/1899**

The sittings of the Royal Police Commission were continued yesterday, under the presidency of his Honour Judge Noel, at the office of the Commissioner of Police, Treasury Buildings. All the members of the commission and the secretary (Mr. J. W. Blair) were present.

Samuel Lloyd, a retired Inspector, gave evidence. He stated that he joined the Queensland force in 1864, having previously had nine years' experience in the force in Victoria. He retired in 1896.

When he organised the Detective Branch he had two men under him.

The branch was under the sole control of the Commissioner, and the men did not wear uniforms. When the change of name was made to the CI. Branch there was no change in work. He did not hold with the system of detectives wearing uniforms in court. He could not see that the public were less likely to recognise them when they saw them outside without uniforms. He did not agree with the adoption of disguises.

Mr. Dickson: Nethercote was in the branch in your time. What sort of a man was he? -A very good man.

Was he the best man you had in the force? -Yes, I recommended him for the promotion he got.

Was he not an excellent man in getting up a case? -Yes.

What sort of a prosecutor was he? -A good prosecutor.

A good disciplinarian? -Yes.

And do you think he was perfectly competent to fill the position of head of the Detective Force? -I do. Continuing, witness said he thought if a good solicitor was secured legal assistance to the police in prosecutions would be found a great help. In outside places, where the Crown Law Office was not available, it could not be expected that a police officer could be successful against a smart and trained lawyer. When he was connected with the Detective Branch he had sufficient men for the work, which derived upon them.

There were when he left sixteen, including clerks.

The men in other places were connected closely with the head detective office, and this was preferable to the present system. He thought a trained man might be stationed in the Wide Bay district and another in the Mackay district.

Detectives should not be called upon for such work as inquiring for missing friends, into petty larcenies, and distributing lists of stolen property to pawnbrokers.

He believed in detectives being drafted from the general police. Plenty of good men suitable for detective work could be picked out. He did not altogether agree that men should be taken in as detectives without previous police experience.

Questioned at some length on the system of keeping records of crimes, he thought it would be an advantage to keep a sheet showing at a glance all undetected important crimes.

Detectives were bound to reveal to the officer in charge, for the benefit of the whole force, information which they had gathered during the day; but he had known cases where men had retained information so as to secure kudos for themselves.

Some system by which men would be forced to give up the information to the head of the department would be of benefit. He never knew of cliques existing in the Detective Branch, or jealousy between the two branches, while he was in charge. He had never known the want of a Criminals Influx Act; but he thought such an Act would be of assistance. He certainly thought that an officer who was in charge of the district within five miles of the centre of the city would have sufficient to do without having to attend to inspections of outside places. He knew Nethercote was gazetted some time ago to be a sub-Inspector, but he did not know to what rank. He found Nethercote a good man in dealing with the criminal classes. He was a man of strong character, and had a good hold over his men.

Inspector Urquhart said he would like to ask a few questions. (To witness): You know from your experience that it is necessary to allow detectives greater liberty of action and freedom from restraint than uniformed police?-Yes, I always allowed it in my time.

When you were at the Criminal Investigation Office were your staff working up to its full capacity. You had no idle men? No; but there was not very much to do.

Was there sufficient to keep the staff you then had occupied?-Yes; pretty well.

Well, if you knew that since that time the returns showed that the work had actually doubled, would you consider that the staff was sufficient to cope with the prevailing amount of work?-I suppose if the crime doubled you want more men.

In your time had you any systematic method of registering and classifying criminals?-How do you mean by classifying?

Well, I will put it to you in this way: Did you arrange the criminals in classes?-No.

Were the photographs in the book indexed?-Yes, I think so.

Did you have the names arranged according to the nationalities and heights?-The system we adopted was a system from Victoria, and the Victorian system was the London system.

It does not bear any resemblance to the present Victorian system. Had you no guide beyond a man's name to trace him through the books?-Well, we traced them.

But how did you trace them?-Let me go to the office and I will show you quickly.

I want you to answer the question?-Oh! (Contemptuously).

Can't you?-I can't, and won't.

Do you think the present system is better?-There have been fads introduced into that service, and I think if there were less of them we might have the Gatton murderers.

Can you describe a fad?-I decline to answer any more questions.

Mr. Lloyd then rushed for his hat, seized it, and hurriedly left the room.

Inspector Urquhart: I am sorry I offended him. I did not mean to do so.

The Chairman: He is a voluntary witness.

Inspector Urquhart: I did not know that.

SUB-INSPECTOR NETHERCOTE'S EVIDENCE.

Sub-Inspector James Nethercote stated that he joined the force as a constable in June, 1876, having previously had experience in England. In 1879 he was appointed a second-class detective, and in 1885 a first class detective. In the latter end of the same year he was raised to the rank of senior detective in charge of the Detective force. He was afterwards appointed a second-class sub-Inspector, and on 1<sup>st</sup> July, 1892, he was promoted to the rank and pay of a first-class sub-Inspector. It did not appear in the "Police Gazette" until September; but the appointment dated from July. He did not know whether this was stated in the "Gazette"; but he drew the pay of £260. He drew the pay up to July, 1896. He was then appointed to the temporary full charge of the C.I. Branch on the retirement of Inspector Lloyd. On the 1<sup>st</sup> July, 1896, he was reduced to the rank of second-class sub-Inspector.

The Chairman : In what way were you reduced?-At that time there was a reclassification of ranks of sub-Inspectors. A new third-class was made at £200; the second-class was made at £250; and the first-class £300.

Did you complain about your reduction of rank?-Yes, I complained of the reduction, and I pointed out that I would lose £10 per annum by the change.

Did you point out that you had lost rank?-Yes.

How ?-I sent in a letter to the Chief Inspector.

Who was the Chief Inspector then? Chief Inspector Stuart.

Mr. Unmack : Have you a copy of that letter?-Yes. I may say that the Commissioner knows now that I complained to him. He did not, remember it when he gave his evidence.

Did he know of the letter at the time you wrote it, or has he only got information since?-At the time. I have spoken to him since, and he remembers it.

Where is that letter?-I have it.

How did you get it?-It was rejected.

Will you let us see it?-I don't care about showing it. But you can see it if you care to.

The Chairman; It need not be published if you do not care for that?-I would rather it was not published.

Mr. Unmack: Of course, we understand you are reluctant to produce it. (Letter read.)

Witness: That was in 1896. On 29th April, 1897, I handed over the C.I. Branch to Inspector Urquhart.

Mr. Unmack: Were you junior to Urquhart before being reduced?-I was twelve months his senior.

The Chairman: Was Urquhart then an Inspector?-He had just been promoted.

Was he promoted on the reclassification? -No. He was promoted just before he took charge of the branch.

You had been temporarily in full charge of the branch then for eighteen months?-Yes.

Mr. Unmack: Had Urquhart any previous experience in detective work?-Not that I am aware of.

The Chairman: Where was he previously doing duty?-In the city. Witness continued that he (Nethercote) was promoted to the position of first-class sub Inspector in 1897- There were four men of the same rank with him at the time of the new classification, but he was senior to them. They were, however, placed over his head by the new arrangement.

The Chairman: Without any explanation?-A circular was issued stating that a reclassification was made, and that the salaries of certain officers had been increased; but

that Sub-Inspector Nethercote's salary would remain at £260.

Mr. Sadlier: Did you ever make a fresh application to be reinstated?-No.

You never repeated the experiment?-No. You were promoted afterwards?-Yes.

But you never regained the lost ground?-No.

Mr. Unmack: Your last promotion was for the General Force?-So was the other.

Mr. Garvín: Was any difference made in the salaries of a sub-Inspector in the Detective Branch and one in the General Force?-No.

Mr. Sadlier: Have you spoken to the Commissioner about being reduced?-No.

Have you to other officers?-Yes.

Can you understand why the Commissioner forgot the matter?-The Commissioner has had a great deal of worry, and I don't wonder at it. I will tell you what I thought. The Commissioner has always had a good name for justness, and I thought that some day he might possibly see he had wronged me, and rectify the injustice. I have expressed that opinion to other officers.

Mr. Unmack: How could you possibly expect him to see it if you did not make a complaint?-I did make a complaint. I didn't expect that the Commissioner would forget that I had made that application.

The Chairman: Was your restitution because of your previous degradation ?-I don't know. I remember that after I wrote that letter the chief clerk told me that the Commissioner had said he would make up the £10 to me that year, and he would put me up the next year.

But not ahead of other officers who were put over you ?-No.

Mr. Unmack : What was the amount of salary you lost altogether ?-£40.

The Chairman : You might reasonably have expected, having been temporarily In charge there, that you would be appointed to the position. Urquhart had been junior to you?-Yes.

Mr. Sadlier: Who were the officers put over you?-Sub-Inspectors Urquhart, White, Galbraith, and Durham.

How many years' experience had you in the Detective Force?-About nineteen years.

How many men had you under you? There were six working men when I handed the branch over.

How many of the men are still in the branch?-I think only five of the working men.

Have you had an opportunity of judging how the men do their work?-They seem to do their work pretty well.

Witness, who was examined at some length in connection with the working of the police in the city, said there was no check to show that the sub-Inspectors had visited the men on the beats at night. He recommended that the title of superintendent should be adopted; and also that the city be divided into two divisions, with two Inspectors and an officer in charge in each. There were now twenty one men in the Roma-street station with less than twelve months' service. Young men as a rule were not so attentive to their duties as older police, and in that respect the city force was not so efficient as in other times when the city police were as a whole older and more experienced men.

Mr. Garvín: Do you find that these young police interfere unnecessarily with the public?-I believe there is a leaning that way, and it is necessary to speak to them about it when going on parade. I notice they are brusque.

They are not civil? - Not so civil as they should be.

Do you think they resort to extra force in arresting men for simple offences?-No, I don't think so. They were checked of that some time ago.

Have you had any complaints?-Yes, two or three. A case cropped up lately. One man was dismissed, and there is an inquiry going on now in the case of another man.

The Chairman : Do you remember a case of pocket-picking at the Exhibition. A Miss Green had her pockets picked, and two detectives bullied her, and made her come as a witness and turn her pockets out?-I never heard of it. Witness, further examined at some length, expressed himself in favour of drafting men from the Detective Force from the general police.

The commission adjourned till 10 o'clock on Monday, when Sub-Inspector Nethercote will be further examined.

**7/09/1899**

**POLICE COMMISSION. FURTHER EVIDENCE.**

The sittings of the Royal Police Commission were continued yesterday afternoon at the office of the Commissioner of Police, Treasury Buildings.

His Honour Judge Noel presided. All the commissioners, and the secretary (Mr. J. W. Blair) were present.

Sub-Inspector **Galbraith** was further examined with reference to his unpleasantness with Inspector Urquhart.

Mr. Dickson: Did you find out that Mr. Urquhart had gone to Mr. M'Dermott, the chemist, and asked him to sign a letter concerning the conversation that took place before between you in reference to the Seymour case?-Yes.

Do you mind telling us what took place? Witness said he went into M'Dermott's shop as he was passing and had a yarn with the man. Who was known to him for some time, M'Dermott mentioned the Seymour case; but he (**Galbraith**) said he could not go very much into it, because it was subjudice, or something to that effect.

They yarned for about a-quarter of an hour.

Subsequently he learned that a detective had been there immediately he left, and had spoken to M'Dermott; and he subsequently learned from the chemist that he was taken to Mr. Urquhart's office and asked to sign a certain document, which charged him (**Galbraith**) with certain offences. He refused to sign it, saying not a word of it was true, and it was torn up.

The Chairman: You are perfectly convinced about that letter you received, as far as you could see concerning it?-Yes.

Was it a draft of a report? -Yes.

Mr. Dickson: I understood you to say that that report was in Shanahan's handwriting?-Yes.

He has seen what you said, and he denies it. Are you sure it was his handwriting?-Yes; I may be able to produce it when I go home.

Mr. Sadler: There was another trouble that arose between you and Urquhart once when you met in the street?-Yes.

He was looking for you, and when you met you had some slight misunderstanding?-I am not seeking to say anything about this.

You wish to know, do you?

Yes?-Well, yes, it is so. I have not seen the papers in that matter.

The papers went back to Urquhart? -I never saw the papers.

Inspector Urquhart (who was present): They did not go back to me.

Mr. Sadleir: There is a minute here signed "Urquhart."

Inspector Urquhart: I don't remember that. I may, possibly, if I saw the papers. (After looking at papers:) Oh, yes.

Mr. Sadleir (to Inspector Urquhart): Did you read that to Mr. Galbraith?

Inspector Urquhart: No.

Mr. Sadleir: Is not that a breach of the rules?

Inspector Urquhart: No, not in the face of the instructions of the Chief Inspector.

Mr. Sadleir (to witness): I am not going into the merits of the case.

You did not know anything about the paper?-I don't know anything about it. I did not know I was reported.

Mr. Unmack: Is not it a rule of the service that men should be informed of reports?-I was not informed of that.

It allows a want of discipline.

Mr. Garvin: Is not it a rule that reports should be handed to the men? -Yes.

In this case it was not done?-No.

Mr. Sadleir: I should like a portion of that read.

Mr. Unmack: I should like to read it myself.

I am perfectly astounded.

The Commission decided that the reports should be read.

The Chairman read, first, a report by Inspector Urquhart, dated July, 1898, stating that while at the court the C.I. Branch men were asked by Sub-Inspector Galbraith if there was to be any objection to bail in a certain case.

They said yes. He said, "By whom." They said, "By Sergeant Shanahan." Galbraith refused to take instructions from Shanahan, saying he wanted them from the officer: of the branch.

Urquhart's report went on to say, "I did not see him in the office; but he caught me up in the street, and asked me if I wished to see him. I mentioned the matter of bail, and asked him if he had spoken to the men as above, adding, if he had done so it was not the proper



thing to do.

He said he was not in the habit of doing improper things. I said I did not know about that, but that the C.I. Branch men had their instructions about cases, and he should be guided by them. He said they had no instructions, and flatly contradicted every statement I made, accused me of bringing false charges against him in reference to a man named M'Dermott, and wound up by saying he was an older man than I, and had far more experience. I said I knew he was against me, and would make things as difficult for me as he could; but that I would insist upon my orders being carried out, and the work done in my way. He said, "My work is properly done." I said, "I don't think it is; but it is no use wrangling here in the street.

The sub-Inspector's tone, words and manner were most offensive and defiant throughout, and the spirit of ill-will and opposition towards me animating him was so plain that I feel it is impossible that I can ever treat him with cordiality or confidence, and I urgently press for his removal from this sub-district, so that I may no longer be embarrassed by an inimical and subordinate officer working immediately under me, whose vanity will not allow him to serve quietly and properly under a man whom he openly regards as his junior in years and inferior in experience."

On this report there was the following minute, addressed to the Chief Inspector by the Commissioner:-"It appears to me that the sub-Inspector has a right in any matter affecting his duty to expect that instructions should, reach him as from his Inspector. If in any such cases as the one under notice general instructions were issued to the sub-Inspectors by the Inspector that his wishes (in cases where questions of bail from time to time arise) would be made known through Sergeant Shanahan, I feel sure trouble would be avoided.

I cannot believe that Sub-Inspector **Galbraith** was objecting because of any personal ill-feeling against Sergeant Shanahan, for he has previously spoken in the highest terms of him, but rather because he felt it was due to him to be instructed by his superior officer. I consider he was entitled to expect it. It is not right to say he should be guided by the C.I. Branch unless he was generally instructed as to particular action when occasion arose for him to act. As to the unfortunate feeling that exists between these two officers, I deplore it: Men are likely under the circumstances to quarrel. I cannot help it. I have told them they owe to the service and to me forbearance.

I do not think there is any justification for pressing, as the Inspector does, his strong views of the case in the manner he has done. I have not spoken to Sub-Inspector **Galbraith**. I have judged entirely by this report. I must have more proof that Sub-Inspector **Galbraith** is what the Inspector says he is before I can believe it. I do hope this bitter personal feeling will be buried."

Mr. Garvin: Would it not be a wrong thing for a superior officer to take instructions from a subordinate?-Certainly. I had and have very strong view: on the subject.

Mr. Unmack: For all you know, there might be a dozen more of these accusations against you?-Yes, there might be.

Mr. Sadleir: To return to the Seymour case.

There was an inquiry held. I think the Commission found against you?-Yes.

He found you guilty of intentional suppression of evidence?-That is hardly the fact. The Commissioner did not adjudicate on the case. He sent it on to the Minister, and his minute is anything but that.

And when the Commissioner stated that I made wilful misrepresentations I sent a letter in which I denied it.

The documents connected with the matter were read.

These showed that the Commissioner had considered Galbraith guilty of the intentional suppression of evidence; that he thought his memory had been defective; and that he should have admitted his fault instead of trying to justify it.

The Minister's minute read:-"I concur with the Commissioner's finding, except that I think Galbraith wrote his letter without weighing the construction that might be put upon it. I don't regard his letter as an intentional suppression of fact; but I regard him distinctly in the wrong in making any recommendation without consulting his superior officer."

Galbraith, in his letter, denied having intentionally suppressed any evidence. This concluded his examination.

Francis Kelly, an acting sergeant stationed at Ipswich, who joined the force in 1870, appeared to complain about not getting promotion. The commission went thoroughly into the case, and into the circumstances of a letter, which had been received from the man. This letter, it was thought he had been very unwise to write. It also appeared that his education was defective, and as the result of the questions, the chairman stated that it did not appeal to him that any claims had been put forward for promotion over the other men at the recommendation of the commissioners, the witness destroyed the letter he had written.

George Fay, an acting sergeant at Ipswich, said his grievance was that he had not been promoted, and that some juniors had been unduly put over his head. He had made repeated applications for transfers from Ipswich to Brisbane, on account of illness in his family. He complained that some of the applications had never reached the Commissioner The Chief Inspector had minuted his application that he did not consider it bona fide. Witness expressed the opinion that the reason he did not get removed to Brisbane was because he was not a Mason.

The members of the Commission, judging from their remarks, did not seem to consider that the witness had been badly treated.

Henry Grimshaw, an ex-detective, gave evidence of having been connected with the C. I. branch in Brisbane and Townsville, and certain of the work he had done He stated he was dismissed in the early part of this year, after an examination by the Commissioner Into a charge of taking a bribe to allow Chinamen to gamble He complained that, in the first place, the Commissioner held a private inquiry against him, it which he had present a number of Chinamen. After witness had stated matters concerning the inquiry.

The Chairman asked: What do we understand that the Commissioner suppressed letters?- Yes.

The Chairman suggested that the witness should put his case in concrete form in writing, and the Commission then adjourned till 10 o'clock on the following morning.

**19/09/1899**

The sittings of the Royal Police Commission were continued under the presidency of his Honour Judge Noel yesterday at the office of the Commissioner of Police, Treasury Buildings. All the commissioners and the secretary (Mr. J. W. Blair) were present.

Mr. Lawson, chief clerk in the Police Department, was further examined.

He said he did not know that there should be any objection to the men seeing their record sheets.

No instructions had been issued to show the records; but he believed they were shown.

Cornelius Doran, an ex-constable, now residing at Bundaberg, stated that he had joined the force in 1878. He complained of his dismissal without inquiry, and of the way in which he had been transferred at various times.

He stated that while at Townsville he had asked to see his record sheet, but the Inspector told him it could not be done. The witness was examined exhaustively concerning his transfers. The record sheet showed that the man had been reported at Brisbane, Bowen, Charters Towers, Rockhampton, Maryborough, Bundaberg, and Gympie, and Doran made explanations. In connection with the final matter, which occurred at Bundaberg, it appeared that Doran had been reported for being absent from his beat from 6.30 to 9 p.m., and for being found drunk and asleep. He pleaded guilty to the charge. He was subsequently dismissed. He did not however, see the papers: he was simply told by the sergeant. Doran contended that he had all along been persecuted by the officers in the force, and that he had only once been charged with drunkenness. He became so disgusted that he took the pledge, and had not tasted drink since. It appeared from the papers that the Inspector had reported that Doran was beyond redemption, no matter what pledges he took.

The Commissioner, with a caustic comment, ordered him to be dismissed, saying Doran had one of the worst defaulter's sheets he had ever seen.

The Chairman said it appeared that the man was dismissed as a drunkard on the one charge of drunkenness. The witness defied any one to prove that he was a drunkard. Speaking vehemently, he declared that his transfer had been insisted upon in the face of the certificates of several doctors concerning the serious condition of his wife, who had since died. He characterised the action as "cruel and unjust." He claimed that he should be reinstated. He also contended that he had once been charged by Acting Sergeant King with neglect of duty; but notwithstanding that he pleaded not guilty, a fine of £2 was inflicted without an Inquiry.

Mr. Garvín: Were you not given to habits of intemperance? -I know my character is as good as the majority of men in the Police Force.

#### THE OXLEY MURDER.

The commission then commenced the inquiry into the Oxley murder. Frederick John Hill, saddler, living at Nundah, and father of the murdered boy, was called first.

The Commissioner of Police was present.

Witness pointed out in beginning that he had every confidence in his son, and that he had impressed on every one he had dealings with that something must be wrong, as he was no ordinary lad.

The boy left for Redbank on 10th December last, and was to have returned on the 12<sup>th</sup>. He (Mr. Hill) began to get alarmed that night; but waited for a day, and then on the

morning of the 14th he went to Redbank and got certain information.

Consequently he went to Sergeant Small, at Goodna.

This was just after lunch.

He explained that the boy had not arrived at his proposed destination, and that he was alarmed, as he thought the boy was either lost in the bush or murdered, as he conceived nothing otherwise. Small tried to persuade him that there was no cause for uneasiness, and urged him to go to Brisbane.

He refused; but Small still urged him.

That evening he reported the matter to Sergeant Raynor at Nundah, and wired on the 15<sup>th</sup> to Small to organise a search party.

That morning he went to the Roma-street police station, thinking he could get assistance.

He was told that there was no officer on duty, and he was advised to go to Petrie-terrace.

When he got there they took no writing from him; they would not listen to him. There were two persons there; but he could not say whether they were officers.

They referred him to the C.I. Branch, and he went there, thinking he would get all he wanted.

He saw one of the clerks, and then Sergeant Shanahan.

He considered the manner in which the latter had treated him was "something for indignation."

He (Hill) said his son was lost, and some assistance was required. He said the boy was either lost in the bush or murdered, and he wanted telegrams sent so that the police in the locality of Goodna would get to work.

Shanahan said, "I don't know that we can do anything in the matter. The thing is a matter that will come out in the usual way in the 'Gazette.'"

He (witness) said to Shanahan, "How soon will the 'Gazette' be out?" and he replied, "In about a week."

He (Hill) then said to Shanahan that his boy might be murdered, and that assistance of this kind was not good enough for him.

He also said that he was prepared to pay the cost of any wires, and that if it was on the other side of Brisbane he would not so much need assistance, as he knew the country there very well. Shanahan turned away impatiently, and he heard him say as he passed out, "Where is Sergeant Johnson?"

He (Hill) knew Johnson, who listened to him.

He had lost about two hours, and he considered that if he had not known the city he would have got nothing at all done that day.

No statement from him was taken down, other than what he gave through the telephone.

Mr. Unmack: They treated you altogether as if you were unduly alarmed? -That was just the way they treated me. Continuing, he said several persons started that afternoon for Goodna, to look over the country, and he also called at the house where the boy was to have left the letter.

He also visited the various houses in Goodna, and it did not appear that Small had made any inquiries.

He asked Small if he had got the wire sent, and the latter answered that a search party was out. Small went on to say that he (Hill) need not be alarmed, as though he might think his boy was different from other boys he would find he was not, and that he had run away.

He (Hill) wired to the sergeant at Rosewood, where he heard a pony with a saddle on had

been found; and he did not get a reply till the next day, when he received a memo by train. He had informed them at the telegraph office that he would pay for the wire and the reply. On the 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> he was camped on the reserve, having got some information; and about twenty of them searched the reserve.

It appeared that the horse and saddle found at Rosewood were not those, which the boy had, and he then came in.

Small was sitting down at the railway station, and said, "I suppose you are satisfied now that your boy has run away."

He (Hill) said, "Small, if you say that I will smash you. I cannot stand it."

He grew very angry, and he did not know how he kept his hands off him.

After this Small worked remarkably well; it seemed to wake him up.

On the 22<sup>nd</sup> Small informed him of having traced the man Wilson through the district, and from his inquiries he judged that he must have met the boy between Oxley and Wolston. Incidentally Small also said that had it not been for some "Ipswich pets" he would have been able to stop Wilson coming down.

He said they would not give him a chance to arrest him.

He (Hill) told Small that he thought that if they looked along the road they would find the boy, as he was satisfied he had been murdered.

The commission then adjourned till next morning.

Previous to the commencement of the Inquiry the Commissioner of Police was asked if he had any objection to publicity being given to the matters, which came out whether it would interfere with any Inquiries now being made.

Mr. Parry-Okeden said no; he would rather the matters were made public.

Mr. Unmack remarked that the more publicity there was the better.

### **19/09/1899**

The Police Commissioner to-day opened an inquiry concerning the Oxley murder.

Fredrick. Hill, the father of the boy murdered, said two days after the boy failed to return home he saw the police, but was unable to impress them with the idea that his son had met with mishap.

The police all along treated him as if he was unduly alarmed, and eight or ten days were allowed to elapse before the authorities really began to move with anything like energy.

### **20/09/1899**

The Royal Commission appointed to inquire into the state of the Queensland Police Force sat again yesterday at the Treasury Buildings.

In addition to the chairman and the other commissioners, Sub Inspector White and Sergeant Shanahan-two officers concerned in the Oxley case-were present.

The examination of Mr. F. J. Hill, father of the murdered boy, was continued.

The witness handed in a statement written by Mrs. Hill, in which the latter described a visit paid to her by Sergeant Small, who told her that it was no use her troubling further, as the boy would probably "come home all right."

On 24<sup>th</sup> December he interviewed Sergeant Henderson at Oxley, and asked him whether it was possible for his boy, supposing he was murdered, to be lying on that side of the line between Oxley and the railway station, and he said "No."

He (the sergeant) said he had searched the place, and he was sure he could not be found there.

Witness also spoke to Sergeant Henderson with reference to Wilson.

He saw him again on the 28<sup>th</sup> and 30<sup>th</sup>, and he said it was useless for him to look for the boy, as he would turn up all right.

On the 31<sup>st</sup> he saw Sub Inspector White with reference to a saddle that he heard had been found at Gatton, and asked him if he could let him know anything in connection with it. He told me that he had then no report about it.

James W. Small, acting sergeant at Goodna, was next examined.

He related how Hill came to him on the 14<sup>th</sup> December. He told witness that he was in trouble about his boy.

Witness questioned Hill as to whether the boy was likely to have run away, and he said no.

Hill then told him that he had heard that there was a boy injured at the Rocklea races on Saturday, 16<sup>th</sup> December, and said he would go to Brisbane, see the police, and make inquiries at the hospital.

Mr. Dickson: Did Hill say to you "My boy is either lost in the bush or murdered, and there is no time for delay"? -No, he did not.

The Chairman: What note did you make at the time? -I took down a description of the boy on a missing friends form.

If you had had any suspicions as to the boy being murdered, would you have made a note of it on the missing friends form? -Yes.

Is there anybody at Goodna who could find this form if you wired for it? -No.

To Mr. Dickson: He did not persuade Hill to go to Brisbane and make inquiries and then come back.

To Mr. Garvín: He first heard on the 16<sup>th</sup> that a warrant was issued for Wilson.

On the 17<sup>th</sup> he wired to Mr. White stating that Wilson had been observed to go down the road, and that possibly he might have met the boy, and possibly have induced him to go with him.

The Chairman: Am I to understand that you formed that conclusion that the boy had levanted from his parents because his father seemed to think so? -Yes.

To Mr. Garvín: He got official intimation from Ipswich on 16<sup>th</sup> that there was a warrant out for Wilson, and on the 17<sup>th</sup> he wired to Brisbane that Wilson had left the Royal Hotel, Goodna, on the 10<sup>th</sup>, and had gone towards Oxley.

In addition to the telegram, he made a report the same evening to the sub-Inspector at Ipswich.

The Chairman: You had a suspicion that Wilson might have had something to do with the crime, and you expressed that suspicion at once? -I did not think that Wilson had murdered the boy, but I knew of the offences against boys with which he had been charged in Ipswich, and I knew that he was trying to get away.

Sergeant Small, continuing his evidence, said his theory was that he might find young Hill's horse useful to convey his own crippled boy till he got over the border.

He intimated to the police in Brisbane his suspicion that Wilson was in some way

connected with the disappearance of the boy Hill, but he did not think he had murdered him.

He definitely denied that Hill at any time expressed to him a suspicion that his boy had been murdered.

All information he received he wired immediately to headquarters in Brisbane.

To Mr. Sadleir: He had met Mrs. Hill very often, but he denied that she had had any such conversation with him as she averred in that written statement, which had been handed in.

To Mr. Dickson: Hill's statement that if it had not been for some of the Ipswich pets he (Small) would have arrested Wilson was not correct.

Constable John Raynor, stationed at Nundah, gave evidence as to his connection with the case.

He stated that he met Hill in Nundah on the evening of 12<sup>th</sup> December, when Hill told him that he was feeling somewhat uneasy about his boy, who had gone out to Redbank Plains on the Saturday afternoon previous, and had not then returned.

He (witness) told Hill that he should go in that morning and ascertain if the boy had arrived at his destination.

He met Hill again on the night of 14<sup>th</sup>, and learned from him that the boy was still missing. Hill said the boy had ridden away on a piebald pony.

He had a habit of galloping, and as he was not a good rider it was possible an accident might have happened.

Witness next morning telephoned to the head office in Brisbane and informed them of what Hill had told him, at the same time explaining that Hill had asked for the assistance of a couple of mounted men to join in the search for the boy.

The message was received by Senior-sergeant Anderson.

In the meantime witness made every inquiry in his own district.

Mr. Dickson: Did Hill at any time say to you that his boy was either dead or lost in the bush? -He did say something about it on the 18th, after he had heard of Wilson. He said, "I wonder if this man Wilson would take my boy away, or would it be possible for him to have killed him?" I asked him then what motive he thought Wilson might have to murder the boy.

To Mr. Garvín: He at the time made every inquiry in his district for Wilson, but could get no tidings of him.

Senior-sergeant Anderson, of the Central Station, gave evidence as to the receipt of a telephonic message from Constable Raynor to the effect that a resident of Nundah, named Hill, had sent his boy to Redbank Plains on the previous Saturday morning, and he had not returned.

A description of the boy was given at the time.

Shortly after that Hill arrived and explained that he thought his boy was lost, or had met with an accident.

Hill also said that he had reported the matter to Acting Sergeant Small, at Goodna, and to Constable Henderson, at Oxley, upon which witness told him that if that were so little more could be done.

Mr. Unmack: I want to know if, when Mr. Hill came to your office and made that statement, you made any official record of it in your books? -In that case nothing further

was done because it was thought unnecessary; but in other cases all the particulars are taken down.

Mr. Unmack: You say you did not think it was necessary in this case-have you not heard that what may appear at first very trifling cases often in the end turn out to be most serious? -Yes.

In your opinion is it a correct system that you or any other officer should be the judge of what is trifling and what is important? Would it not be a better plan to have a record of everything that was said or done? - I think it advisable to take full notes in each case.

Constable William Henderson, stationed at Oxley, stated that, in obedience to instructions received by wire from Sub-Inspector White, of Brisbane, and Acting Sergeant Small, of Goodna, he immediately proceeded to institute a search for the missing boy.

He was not clear as to dates, but he remembered seeing the boy's aunt, and ascertaining from her that the boy had left there on his pony and was supposed to have gone in the direction of Goodna.

He immediately returned, and wired to Acting Sergeant Small, and also wrote out a report. He made further Inquiries round the town that evening and could not find any one who had seen the boy.

On the following morning he met Acting Sergeant Small, and they each continued the search.

To the Chairman: He did not find the boy's body, but he was one of the search party who did.

The members of the party as far as he could remember were Chief Inspector Stuart, Acting Sergeant Small, Constable Proud, Constable Ord, Sergeant Shannon, and several civilians, among whom was Mr. Bridges, M.L.A. The boy's body was found by a son of Mr. Bridges. The body of the horse was found by a man named Hillman.

To Mr. Garvin: The horse had evidently been shot in the forehead, the bullet passing out through the first joint in the neck.

The wound could only have been made by a bullet and not by a pick, as had been suggested.

With regard to the remains of the fire, alluded to in previous evidence, the witness said that the remains found were those of cloth, and not flesh, as Hill seemed to think.

He believed that some of these remains had been sent by Small to the Government Analyst. He had, however, made a very exhaustive search all round the spot.

To Mr. Dickson: He first heard on the 17<sup>th</sup> that Wilson was wanted.

He had heard that he had passed down the road, and had in consequence made inquiries.

He had never said to Hill that Small must have been mad in saying that Wilson had passed down the road.

The Chairman: You made daily entry in your diary of what you did? -Yes.

And your diary shows that on every day during this period, except one, you were engaged in searching? --Yes.

After some questions had been asked regarding dates by Hill the commission adjourned until to-day, at 10 o'clock.

**21/09/1899**



The sittings of the Royal Police Commission were continued yesterday, under the presidency of his Honour Judge Noel, at the office of the Commissioner of Police, Treasury Buildings.

All the commissioners and the secretary (Mr. J. W. Blair) were present.

The Inquiry into the Oxley murder was continued.

Constable M. T. Lynch, clerk in the C.I. Branch, was examined.

He stated that on 15<sup>th</sup> December last, about 9.15 a.m., he received a telephone message from Mr. Halliday, at Nundah, stating that a lad named Hill was missing from Nundah. He took down the particulars on a "missing friends" form.

He sent copies to Roma-street and the Police Depot at Petrie-terrace.

Some time after 11 the father came and asked if any advice had been received.

The circumstances were explained, and Hill made some remarks to the effect that he had made a report to Roma-street and the depot; but he was not satisfied.

Witness judged that he wanted to get some one to go immediately.

He said he had come to the C.I. Branch to see if he could get something done.

Witness expressed astonishment that he could not get satisfaction, and, thinking it might have been a young constable he had seen, he advised him to go back to the depot to see Inspector White.

Witness informed Sergeant Hobday, the chief clerk, of what had taken place, and he asked Hill to wait for a while, as the Inspector had gone to the Commissioner's office.

Just then Sergeant Shanahan came in and they went into the matter.

He believed Shanahan ordered Johnson to go up to the depot to see Inspector White.

He did not know what inquiries were arranged for in the city.

Hill did not express any opinions about foul play.

Mr. Hill: Did I say that if nothing could be done I was prepared to pay? -There was something said about paying.

I said something about issuing circulars; but I said there was no need for payment.

Mr. Unmack: What impression did you form at the time about the boy? -I thought the boy was lost.

#### SHANAHAN'S EVIDENCE.

Sergeant Shanahan, of the C.I. Branch, said that about 11 o'clock on the 15th December he saw Hill at the branch.

The constable brought out the form with the particulars.

Hill desired that some men should be sent with him to search the bush.

He told Hill that the particulars would be taken down - as had been done-and a description of the boy would be sent to the various stations round about.

The Chairman: Did you say how that would be done? -I don't think so.

I also stated that the matter would be advertised in the "Gazette," and Hill then flew into a violent passion, and I could get no good out of him at the time. Witness, continuing, said he did not know much about the country, and he called Johnson, who did.

These two had a talk, and became very friendly. He (Shanahan) told Hill the usual rule of the C.I. Branch must be followed in the case.

The Chairman: Is there a fixed rule that you must always act in the same way? Yes, unless there is some alarming statement. I thought the boy had merely cleared out.

Mr. Dickson: Did you not consider it an urgent case? -Hill acted in a peculiar manner.

But did you think Hill considered it an urgent case? -Perhaps I did. I sent Johnson to the depot to make inquiries, and ran the risk of getting a snub in doing so, so as to make sure.

What did you think at the time? -I thought the boy had cleared out.

You did not think it an urgent matter? No. There was nothing about murder mentioned.

Mr. Garvín: Did your branch take any action to make inquiries in the city? -No; not when a person is lost in the bush.

Mr. Dickson: When did the next "Gazette" come out? -On the 24<sup>th</sup> December.

That would be nine days afterwards.

That would not be much use, would it? -I was simply explaining the rule to Mr. Hill.

At the time did, you know about Wilson? -There was a wire that morning from Ipswich.

Did you know before Hill came? -Possibly I did.

Continuing, witness said Wilson's case was one of the most important in hand at the time. The wire received stated that Wilson had left Ipswich by train, and the boy was said to have gone by road, so that there was no suggestion of connection between the two cases.

Mr. Garvín: Was there not a wire from Sergeant Small stating Wilson might have met the boy? -That was on the 17<sup>th</sup>.

Mr. Dickson: Did you treat Hill in an indignant manner? -Hill treated me in an indignant manner.

Everything went quietly until I mentioned the "Gazette," then he flew into a passion.

Mr. Unmack: Don't you think a man should be irritated? -I have the greatest sympathy with the man.

You are a servant of the public. Don't you think you should have treated the man with more patience? -I didn't treat him with impatience.

Witness, continuing, said he thought the boy was lost because several reports were received that the boy had been seen in various places.

He never thought there was any connection between Wilson's case and the disappearance of the boy until he heard the statement of the boy Claude Wilson after Wilson, sen, was brought back to Queensland.

He (witness) had his suspicion.

He could not say when others came to the conclusion that there was a connection between the two.

Witness explained the action taken in connection with tracing Wilson, stating that information pointed to him having gone to Southport. Inquiries were made at the railway stations and shipping companies.

The information at last was secured from the gatekeeper at the A.U.S.N. Company's; but he could not account for the information not being secured from this man before.

He sent out constables to make inquiries and report.

Mr. Garvín: How was it that a photograph of Wilson was not sent round to all the shipping companies for identification, though you had a photograph in the "Gazette" of 24<sup>th</sup> December? -The constable had a photograph; but at the time the Gatton murder was on, and we were rushed with work, so that the Wilson matter was partly banished from our minds.

The Chairman: Is it not a fact that you pooh-poohed, the Oxley matter? -No.

Are we to understand that the C.I. Branch is unable to cope with more than one matter at a time? -No; but at certain times we are rushed with work.

Witness (continuing) said Wilson had left Brisbane four days when information was received that a warrant had been issued for his arrest.

It was on the 9<sup>th</sup> January that they received definite information about Wilson leaving.

He explained the delay by the fact that they were pressed with work.

In fact, he said, at times it became merely a scramble.

The Chairman: Don't you think if they had some of the old hands at the branch they would have found out before then that Wilson had left? -We have as good men there now as ever before.

Mr. Unmack: Could you not have got some constables in plain clothes to make inquiries - We had circulars among the general police.

But your branch had the matter in hand, and they would not care to interfere.

Could you not have applied for more men? -Yes.

Why was it not done? -I cannot say why.

Can you explain why the photograph was not sent down to the wharf before 9<sup>th</sup> January? -No.

Can you say whether the photograph was sent down before that date? -I think it was. It ought to have been.

Mr. Garvin said if it had not been for the Victorian police finding out that Wilson had left by the boat he would have got away altogether.

Witness was questioned about the wire from Sergeant Small on 17<sup>th</sup> January to the effect that Wilson might have coaxed the boy away. Shanahan said he had never seen the wire, but it bore the mark usually put on by Sergeant Hobday when correspondence was received at the C.I. Branch.

The Chairman: Owing to that telegram not having come to your notice, or Inspector Urquharts' notice, was it not a mere chance that Wilson was arrested? -Yes.

Does the whole thing not centre round that telegram? -Yes.

An exhaustive report by Sergeant Shanahan in connection with the Wilson case was read.

A question with regard to the issuing of the "Police Gazette" cropped up, and it was explained that the copy did not usually come out until some days after the date on it.

Mr. Garvin: If the same efforts had been made to trace Wilson when you got that wire on the 17<sup>th</sup> December as were made on 6<sup>th</sup> January would he not have been traced at once? -He might or might not.

Not if you showed that photograph to the man at the gate? -We did not get the photograph till 28<sup>th</sup> December.

Mr. Unmack: But it is dated in the "Gazette" on the 27<sup>th</sup> December? -That may be the date it was sent from Ipswich.

Just look at that "Gazette." There is 27<sup>th</sup> December. -That may be wrong.

Mr. Unmack: Goodness gracious! Do you mean to say you publish in the "Gazette" what is not correct? If you do, then the whole thing is rotten.

#### THE TELEGRAM OF 17<sup>th</sup> DECEMBER.

Sergeant Hobday, clerk in the C.I. Branch, was called for the purpose of inspecting the telegram from Small suggesting a connection between Wilson and the missing boy. He said he had no knowledge that the contents of the telegram, which was received at the depot, was telephoned to him on the 17<sup>th</sup> December. He said the telegram ought to have been entered. It might have been received by Constables Lynch or Fowler.

Several questions concerning the practice were asked.

Mr. Unmack: Were you all acting independently? -No.

Is there no system, no order, no regulation about these things? -When any communication is received it is supposed to be submitted to the Inspectors.

When did you get the actual telegram? On the 7<sup>th</sup> January.

What did you do with it? -I handed it to Sergeant Shanahan.

Sergeant Shanahan: No; I was away that day.

Mr. Unmack: Was it the custom for the officers to initial documents when they inspect them? -Yes.

Well, I presume from that that they have not done so. I suppose you were all flurried over the Gatton murder. You could not cope with two murders on hand.

Witness was asked to go back, and next day bring the books, and be prepared to answer questions.

#### OTHER WITNESSES.

Alf. Hy. Hillier and James Jones, sawmill manager, both of Goodna, were called in connection with Hill's statement that he had assured Sergeant Small that the boy was murdered, and that Small tried to persuade him that the boy had run away.

Neither remembered hearing Hill make the one statement or Small the other.

A young fellow named Hurley, in the employ of Hill, said he remembered Hill telling Small that his boy had been murdered.

He also heard Small make some remarks about being able to arrest Wilson, but for some one in Ipswich.

He did not know that he used the words "Ipswich pets."

Hill was asking some further questions, when the Chairman stated that from the commission's point of view Small did all that was required of him, though he may have used certain expressions.

It was immaterial whether Hill told him his boy was murdered.

WM. Greaves, a dairy farmer, said he had heard Hill tell Small that the boy must be murdered.

Small was inaccurate in saying that on no occasion did Hill use the word "murder."

The commission then adjourned till 10 o'clock the next morning.

**22/09/1899**

The sittings of the Royal Police Commission were continued yesterday.

The inquiry into the Oxley murder was resumed.

Sergeant Hobday, of the C.I. Branch, was further examined with reference to the telegram sent by Sergeant Small, of Goodna, on 17th December, suggesting there might be a connection between the case of Wilson and the disappearance of the boy Hill. He said he did not receive a telephone message from Roma-street, giving the contents of the telegram, and he could not find any one else who did.

He had made a mistake in saying that when he received the actual telegram on 7<sup>th</sup> January he handed it to Sergeant Shanahan. That officer was then away with the Chief Inspector. He placed the telegram and other papers on Sergeant Clarke's table.

Mr. Garvín said there was an entry in the books that on 9<sup>th</sup> January Cassidy reported that Wilson had left by the steamer Rockton; but it appeared that the Chief Inspector, dealt with the papers on 16<sup>th</sup> January. Witness said the Chief Inspector saw the report on the evening of 9<sup>th</sup> January, as he visited the branch every evening at this time. There was nothing to show what documents were shown to him or reports made to him. In connection with the photograph of Wilson, witness said it was received on 28<sup>th</sup> December; but as the "Gazette" was delayed it was put in the issue dated 24<sup>th</sup> December. The printed matter was made up and dated 27<sup>th</sup> December, because it was compiled from the crime report, before the photograph was received.

Mr. Unmack: All I can say is, as a businessman, it is beyond my comprehension. The "Gazette" is dated 24<sup>th</sup>; you receive the photograph on the 28<sup>th</sup>: and the published matter is dated 27<sup>th</sup> I can't understand an alteration of the dates.

Duncan Fowler, a first-class constable in the C.I. Branch, said he was not on duty at the branch until 6 o'clock on the day the telephone message of the contents of the telegram was received. In cases of telephone messages he took them down and handed them to one of the sergeants. If none of the sergeants were present he did not send them out to them. He could not understand the fact of no record of the telephone message of Small's telegram being in the office. In regard to the dates in the "Gazette" dated 24<sup>th</sup> December, he explained that the "Gazette" was not published till 31<sup>st</sup> December. The photograph was received on the 28<sup>th</sup>, but all matter for that "Gazette" was made up to the end of the week, 27<sup>th</sup> January, and he consequently dated this matter 27<sup>th</sup> December. This system of altering dates led to some confusion, and it was altered in March last, Mr. Unmack said he could not understand such a system. It might lead to serious consequences in a court of law.

Senior-sergeant Masterson, of the Roma street Police Station, gave evidence of sending the contents of Small's telegram by telephone on 17<sup>th</sup> December to the C.I. Branch; but he could not remember who received it there. No record was kept to show how such telephone messages had been received.

Thos. Bridges, M.L.A., said he had heard that Hill's son had disappeared. On 6<sup>th</sup> January, Hill asked him about making a search, and witness replied that surely the police would lend a horse. He said they would not. Witness came to the chief clerk about the matter; but he said there was no need to make a fuss, as the boy was working for a farmer at Gatton. Witness then went to the Chief Inspector and asked if Hill could not get a horse; but he said no. They then went to the livery stables, got two horses, and found the body of the boy's horse. Previously Hill had informed him that Small had connected Wilson with the disappearance of the boy. What he (witness) blamed the police for was that, Small having connected the two, and it having been known that Wilson had left Ipswich, the police did

not search the district where he should have met the boy. He was certain they had not searched, because the smell would have been sufficient to guide them.

The matter had been treated lightly, which should not have been the case in the face of Small's telegram.

Mr. Sadleir said the telegram suggested that Wilson "might have enticed the boy away."

Mr. Bridges said he could not see why they should not have searched the bush. He thought he ought to mention a case in which he made some inquiries about a man in his district, who was missing. He came to Spring Hill and saw two constables there, and asked them to make inquiries at one place where he usually called, while witness went to a hotel (where the man was in the habit of calling) to make inquiries.

It was a Sunday morning, and he found that the men did not make the inquiries, as they insinuated that he (Mr. Bridges) simply wanted to go to the hotel for a drink. He instanced this as the attitude of the force towards what might have turned out a serious case.

Constable Fowler was recalled in connection with a report made by Sergeant Johnson about wrong brands of missing horses being published by him (Fowler) in the "Gazette." Johnson had contended that in consequence of this report he was afterwards reported for his action in connection with Somerset. Fowler said he took the brands given him by the owner of the horses.

He took Johnson's report to reflect upon him.

Mr. Garvín (after the report had been read) said he considered Johnson's report a proper one, and a report he was bound to make if a complaint was made to him. Constable Henderson (Oxley) said he desired to contradict Mr. Bridges where he said no search was made for the boy Hill.

A search was made, but it was principally on the opposite side to where the body was found. On the 2<sup>nd</sup> January, too, his report showed that he searched the paddock where the body was. As to smell, there were plenty of dead cattle lying about.

By Mr. Unmack: He did not hear of Small's telegram of 17<sup>th</sup> December, although he was in charge of the district in which the boy was missing. He did not hear of the presumed connection between Wilson and the disappearance of the boy until he accidentally met Small, and the latter mentioned it; but he supposed the reason was that the authorities knew that he and Small were working together.

Witness said he heard that the horse had been seen, and he was looking for a live and not a dead horse. He received no information from his superior officers attaching suspicious circumstances to the disappearance of the boy Hill.

Constable Gunn, of the C.I. Branch, stated that he was on duty at the branch on the night of 17<sup>th</sup> December, but he did not receive the telephone message of the contents of Small's telegram.

Sergeant Johnson, of the C.I. Branch, said he came into the office when Hill, on 15<sup>th</sup> December, was making a report about the loss of his boy. Hill did not suggest foul play. Witness suggested going to see some of the mounted men at the depot, and he went there with him. Witness thought the boy had been lost. It was partly at Shanahan's suggestion that he went to the depot with Hill. He believed some mounted men were sent out. Sub-Inspector **Galbraith** (Ipswich) said Wilson's case was first reported to him on the morning of 14<sup>th</sup> December by Senior sergeant Johnson. He instructed him to lay on information.

Wilson left on the 10<sup>th</sup>, but no complaint was made till the 11<sup>th</sup>. He sent a telegraphic description to Brisbane, and next day wired the name of the hotel where Wilson had previously stayed. He secured a photo of Wilson, and forwarded it to the Chief Inspector on the 23<sup>rd</sup> December, and it should have been received the same day.

The Chairman: Then the Christmas holidays intervened. Witness said he recognised no holidays in his duty.

Mr. Garvin: The C.I. Branch did not receive it till the 28<sup>th</sup>. Witness said it had appeared so. He did not receive any acknowledgment of the receipt of the photograph by the Chief Inspector, but he saw that it had reached its destination by its being published in the "Gazette." He received the first intimation of the loss of the boy Hill on 15<sup>th</sup> December, when two of the mounted men available were sent out, and the search kept up for some time. No delay occurred in the issuing of the warrant for Wilson's arrest.

Chief Inspector Stuart was called.

Mr. Garvin: Did you receive a wire from Sub-Inspector Galbraith on the 14<sup>th</sup> notifying that a warrant had been issued for the arrest of Wilson? -I believe I did-about 4.30 p.m.

What would you do? -It would be immediately acted upon, sent to the C.I. Branch and the general police.

Mr. Dickson: Sent when? --It would be after office hours, and it might not be sent out till next morning.

Mr. Garvin: Suppose it was received at 6 o'clock-would it be acted upon? -It depends upon who opened it.

Has that plan be altered? -Yes.

Mr. Dickson: But it would be opened if it was received? -It depends upon who received it.

By Mr. Garvin: He could not say what time the photograph of Wilson was received from Galbraith. It ought to have been received on the 23<sup>rd</sup> if it was posted early enough.

Mr. Unmack said they wished for an explanation of the reason there was a delay from 23<sup>rd</sup> to 28<sup>th</sup> in connection with Wilson's photograph.

The clerk produced the book, showing that the letter had been received and registered on the 24<sup>th</sup> December. It was sent to the C.I. Branch on the 28<sup>th</sup>.

Mr. Garvin: Now we want an explanation of the delay? -The holidays intervening that is the only way I can account for it.

Mr. Dickson: No business was done on the holidays? -No.

The Chairman: It was giving a good chance to the escaping criminal.

The Chief Inspector, who was examined previously while the book was being produced, said no clerks attended at the office on holidays.

Constable Tighe, stationed at Petrie-terrace, produced a report which he made on 10<sup>th</sup> January, showing that Hill had expressed himself as satisfied that the police had done their best, and that he was going to give up the search. He also stated that they did not search much on the side where the body was subsequently found, as Hill had said he had already searched that part.

Mr. Hill denied this, and said this was the part he wanted searched.

Senior-sergeant Graham deposed to receiving the telephone message stating that the body of the horse had been discovered.

Sub-Inspector White stated that on 15<sup>th</sup> December he was informed that Hill's boy was missing; and telegrams were sent out to Yeronga, Goodna, and Oxley. Subsequently, having heard that Hill was anxious to have word sent to the east, wires were sent to Beenleigh and Beaudesert. That night word was received from the officer at Oxley that the boy had passed there, and another wire was received from Small that the boy had been seen passing Redbank.

On the evening of the 17<sup>th</sup> he received the wire from Sergeant Small at Goodna suggesting a connection between Wilson and Hill's disappearance, and he handed it to Senior-sergeant Masterson at Roma-street, with instructions to telephone the contents to the C.I. Branch. The next morning he received a report that the telephone message had been despatched. He had not waited to see that it was sent. He did not cause the contents of the telegram from Small to be sent to Henderson at Oxley, because this was the centre of the search, and he considered Henderson would know from Small, as there was only five miles distance between them. The first he saw of Mr. Hill was on the 27<sup>th</sup> December, when Hill said he was not satisfied with the search, as he wanted a search made in a part of the country. He at once gave orders for men to go out. Hill expressed a fear that both boys (meaning Wilson's son also) had been murdered. Witness telephoned to the C.I. Branch on the matter again in consequence. But he thought the boy had run away.

The Chairman, before the commission adjourned till Monday morning, announced that on that day the Oxley murder inquiry would be concluded, and the C.I. Branch inspected.

On Tuesday the commission will probably visit Gatton for the purpose of inspecting the scene of the murder of the Murphy's.

The inquiry will be immediately afterwards commenced.

**26/09/1899**

The inquiry into the Oxley murder was resumed before the Police Commission yesterday morning.

Inspector P. C. Urquhart, of the C.I. Branch was examined.

He said his knowledge of the loss of the boy Hill and the tracing of Wilson was confined to the period between 15<sup>th</sup> December and 27<sup>th</sup> December, because on the morning of 28<sup>th</sup> December he left for Gatton. On the 15<sup>th</sup> December, when the report was made by Hill, sen, he (Urquhart) was absent at the office of the Commissioner, and on his return to the branch he was shown the missing friends form filled in from particulars given by Mr. Hill. He told the officer who showed him the form to send copies to the Roma-Street Station and the depot. Later, Shanahan told him Hill was unreasonably excited, and also that he had said something about a search. As it was a matter in a country locality, of a boy being lost, and there appeared to be no reason to suppose suspicious circumstances, and as the ordinary police might be expected to cope with it; the services of the branch need not be called in. "What I want to make clear," said Inspector Urquhart, "is that these cases of missing friends outside Brisbane proper are never interfered with until the assistance of my branch is called in. They are dealt with in the ordinary way." It was not usual for people with missing friends to be sent to the branch. In this case he was not aware the man had been



sent there, and the branch did not attach any more than usual importance to the matter. He considered that when he sent copies of the missing friends form to the two police stations the branch had done its duty in the case. During the day they received information through the Chief Inspector that Wilson was presumed to have left Ipswich by train, and they thought he was in Brisbane.

Within two hours they discovered that Wilson had been at the Metropolitan Hotel, and that he left in a cab.

They discovered the cabman; but the latter could not remember where he had driven him to. The branch, however, found that Wilson had been in negotiations with a view to going to Southport: and when this was confirmed Constable Head was sent there. He also made inquiries as to the border routes to New South Wales in that direction. Constable Cassidy, on the 15<sup>th</sup>, also made inquiries at the wharves. At this time there was no question of a murder at Oxley, and the matters were being inquired into as two separate matters-one with a view to the arrest of Wilson on a charge of a crime committed at Ipswich, and the other for a missing boy, which was being dealt with in the ordinary way. The matters were not conjoined until later.

Mr. Dickson: Up to the 17<sup>th</sup> was not the case of Wilson the most important you had in hand at the time? -Yes, I suppose it was.

On the 17<sup>th</sup> did you receive a telephone from Roma-street regarding a telegram they received? -No.

The Chairman: -Do you mean you didn't or your officers didn't? -I didn't, and, so far as I can learn, they didn't.

Mr. Dickson: When was the first you heard of the telegram connecting Wilson with the disappearance of the boy Hill? -The first I heard of it was last Wednesday, when it came up here, and I have never seen the telegram yet. There is no doubt I would have seen it if I had remained in Brisbane.

The Chairman: What would be the duty of the man in your office who received a telephone message of such a character? -It would be his duty to take it down in writing and place it before me.

None of your officers say they received it? -No.

How do you account for the matter? Senior-sergeant Masterson says he sent it, and he is a man of the strictest integrity and truthfulness, so I cannot understand it.

Would it not have caused more importance to be attached to the disappearance of the boy Hill? -It would cause me to make sure that the boy was not present in Brisbane with Wilson.

Would it not have caused a suspicion that the boy might be murdered? -No suspicion was in the minds of the police that the boy was murdered up to the time the body was discovered.

Witness went on to say that if Acting Sergeant's Small's telegram suggesting that the boy Hill might have been enticed away had been laid before him (Urquhart) he would, knowing the offence with which Wilson was charged, have made inquiries to see if the boy Hill had been brought by Wilson to Brisbane; and if it was found he was not here he would see if he could discover what had become of him. He had never heard officially the reason no true bill was found against Wilson; but he understood it was because it was considered there

was not sufficient evidence to place him on his trial on a charge of murdering the boy Hill. With regard to the telegram from Small, he thought that if any importance had been attached to it by the people who received it, not only would the telephone message have been sent from Roma-street to the C.I. Branch, but it would have immediately been followed up with the original message. The fact that the telegram when it reached the branch on 7<sup>th</sup> January did not bear the initials of the officer in charge he did not consider was a defect in the system of the branch; but was a lapse on the part of the officer who received the document when it arrived at the branch. As to the work done in connection with the flight of Wilson, he explained that wires were sent to the overland stations in New South Wales, and messages were forwarded to Melbourne and Adelaide by post, for a certain reason.

Senior-sergeant Johnson, late of Ipswich, but now of Roma, gave evidence concerning the laying of any information against the man Wilson when the complaints were made at Ipswich concerning him. He stated that he made inquiries concerning Wilson interfering with a certain boy; but he found there was not much in the case. But he ascertained particulars of other cases, and then, on the 11<sup>th</sup>, wired to Brisbane concerning Wilson, stating that he was supposed to have left by train, and that he would probably leave for Melbourne and Adelaide. He was supposed to have left by train on the 10<sup>th</sup> because his trunks were booked; but they did not discover till the 16<sup>th</sup> that he did not take the train, as they could not get hold of the booking clerk. They discovered that Wilson had been seen going by road past Bundamba. On the 7<sup>th</sup> January he was informed Wilson was suspected of the Oxley murder. The same day he got trace of an anonymous letter addressed to an Ipswich chemist, which was supposed to be in the handwriting of Wilson.

The letter was dated "Melbourne. 29<sup>th</sup> December," and bore the Adelaide postmark.

It contained a summons, which had been issued against Wilson, and certain remarks.

The members of the commission then went out to inspect the scene of the Oxley murder. They were accompanied by Sub-Inspector White and Mr. Hill, the father of the murdered boy. The party visited the spot where the pick mentioned in the case was found, and the places where the bodies of the pony and the boy were discovered, particular attention being directed to the character of the country. The inspection should considerably assist the members of the commission in coming to a conclusion on the evidence they have elicited on the point whether the police worked in the matter, as they should have done.

This morning the commission proceed to Gatton to visit the scene of the tragedy there.

**27/09/1899**

The members of the Police Commission, accompanied by Inspector Urquhart, visited Gatton to-day.

They were met by Sergeant Arrell, and visited the scene of the Gatton murder. In the afternoon the commission took evidence at the coffee-room at the railway station.

Mrs. Murphy, Mr. Murphy, Constable Dan Murphy, Mrs. Carroll and her son John, and others, were examined.

Mrs. Murphy complained that she had not been treated with due courtesy by the police.

She also denied that she had kept anything back at the inquiry held before Mr. Shand, although Inspector Urquhart's demeanour seemed to suggest to her that she had done so. She considered that a proper inquiry had not been made respecting the man Day, who

arrived in the Gatton district on the 16<sup>th</sup> December, and who was working for a butcher named Clarke near the scene of the murder at the time that it was committed.

Constable Dan Murphy, after detailing what action he took when he received a telegram acquainting him of the murder, said he went from Brisbane to Gatton by the 5 o'clock train on the day after the murder, and in the evening he saw Sub-Inspector Galbraith and Sergeant Arrell there. He had no complaint to make against the police, except with regard to the man Day.

He believed Day had not given a satisfactory account of himself. On being asked why he suspected Day, he said he got certain information from Clarke, the butcher, as to what sort of a man Day was, and Clarke said that Day should never have been let go. The witness was asked if he had informed the police to that effect, and he said he had told Constable Joe Murphy, who said that a hand could be laid upon Day within twenty-four hours if he were wanted. The witness also said that the boy Carroll had identified Day as the man he saw at the sliprails on the night of the murder. When asked if he brought any charge against the police, witness replied in the negative, but said he would like to know how Day had accounted for himself.

Mrs. Margaret Carroll, who was driving in to Gatton with a cart on the night of the murder, said that when they saw the man at the sliprails her son John remarked, "That is Clarke's butcher."

This was corroborated by John Carroll, who said that when he was making his statement to the police he told them that he thought the man he saw at the sliprails was Clarke's butcher. He denied having identified Burgess, as he had simply said that Burgess looked something like the man he saw at the sliprails.

Mr. A. S. Smith, a storekeeper, of Gatton, said that on the morning of the discovery of the murder Day came into his shop and bought a razor. A few hours afterwards he returned clean shaved, and paid three months' subscription to the Gatton School of Arts. A few days after the murder witness was speaking to John Carroll, and the latter said that he took the man at the slip rails to be Day, Clarke's butcher. The witness gave this information to Detectives Toomey and Head and Sergeant Arrell, and he supposed that they took action upon it.

This closed the proceedings, and the Commission returned to Brisbane by train.

## **29/09/1899**

There were no instructions what to do with messages.

If the office was closed the messages were taken to Roma-street; but even then the practice was unsatisfactory.

For instance, on one occasion a message came for the Commissioner of Police after 8 o'clock at night.

There were no "urgent wire" arrangements" with the other colonies, and it was not placed in an "urgent" envelope.

The office of the Commissioner being closed, the message was taken to Roma-street, and subsequently an officer there rang up the telegraph office to ask if the message was urgent, as he did not know whether or not to open it.

It referred to a robbery.

The telegraph officer refused to take the responsibility of saying whether or not the message was urgent.

Mr. Unmack: In other words, a police officer was asking the telegraph officer permission to open a telegram.

By Mr. Sadleir: The telegraph officer at Gatton was the station-master. The Telegraph Department found men occupying these double positions did not very often understand their telegraphic duties.

He could not send the message "urgent" unless it was paid extra; but the message could have been sent under rule 6, which allowed urgent official messages to take precedence of everything else.

Hugh Massie, 15 years old, and messenger in the Telegraph Department, deposed to handing the message to Constable Hurst on 27<sup>th</sup> December.

He entered the time in his book.

He had seen the time at the clock at the Lands Office as he passed.

The time then was 12.9, and he came direct to the Commissioner's office. He waited about for some time, he thought about fifteen minutes, as he could not see any one about.

He then went into one of the rooms, and saw Constable Hurst, to whom he delivered the message.

He made a guess at the exact time he supposed he handed over the wire.

Witness had previously visited the Roma-street Police Station to deliver the message; but was told there was some one working at the Treasury Building.

He had inspected a number of men with a view to identifying the officer who spoke to him at Roma-street, but could not do so.

An inquiry into this matter was held on 29<sup>th</sup> December, when the matter was fresh in his memory, and he was as certain of his facts then as now.

He did not know Hurst's name before: but he had delivered many telegrams to him and knew his face.

Constable Hurst asked: Did you say that when you came to the passage you could not see me? -No, I could not see you.

Did you search the offices? -I searched the hall, and then searched the offices. When I came out of one office you were talking to some gentleman, and I gave the telegram to you.

Constable Hurst gave evidence.

He stated he was a first-class constable, and acted as orderly at the Commissioner's office. About 12.15 on 27<sup>th</sup> December he was asked if the Commissioner was at his office, as a boy had two messages at Roma-street for him. Witness replied that the Commissioner was not there; but the Chief Inspector was. About five minutes afterwards the boy Foster came and delivered two telegrams, which were given to the Chief Inspector. That officer left at about 12.30. A little afterwards Senior-sergeant Masterson rang up from Roma street and asked if the Chief Inspector was there. He said no. Masterson then asked if he had heard anything about a murder at Gatton. Witness went to the Chief Inspector's office, and saw three telegrams on his table; but none of them referred to a message at Gatton. He locked up the office and left about twelve or fifteen minutes afterwards.

The Chairman: Do you think that the boy (Foster) concocted a lie in that book, looking forward to some trouble arising over it? I would rather believe you forgot.

Witness: The boys have frequently left telegrams on the table of Mr. Lawson, and he has called attention to the fact.

Do you say the boy wilfully concocted the entries? -I did not receive that wire.

By Mr. Garvin: Witness looked up the office.  
The door of the Home Secretary's Department was open.  
He had known boys to come down that way and leave telegrams.

Mr. Unmack: Here is an entry that this boy Foster delivered a message elsewhere at 12.30.  
Do you think that boy manufactured that? -Yes.

Mr. Unmack : Thank you. I will not ask you any more.

Mr. Bourne said Foster's book would show that the boy was in another place at 12.30.

Mr. Unmack read several entries showing that at various times after 12 o'clock the boy had delivered telegrams in different places, such as Petrie-terrace.

The Chairman: What earthly motive could Foster have in making twenty or thirty false entries in that book? It is absurd on the face of it. Is the fact not that the Chief Inspector had gone; you received the wire, and placed it on the table? Witness: It is not. It is my opinion that the boy marched up to the Inspector's table and placed it upon it.

The boy Massie, asked by Mr. Garvin, said he had never left messages on the Inspector's table unless the messenger was just coming to the table. He would draw attention to the wires.

The Chairman (to Hurst): Look at the book and see the entries. You are making very strong statements.

Constable Hurst: I have no motive in telling a lie.

The Chairman: It is either you or him telling a lie.

Documentary evidence is very damning sometimes, and it is against you here.

In fact a man could be deprived of his liberty on such evidence.

Ex-Constable Murphy, brother of the victims of the tragedy, gave further evidence regarding the telegram sent to him from Gatton announcing the murder of his relatives.

He said he got the wire about 12.30, and showed it to Senior-sergeant Masterson and the men on parade.

He was certain Masterson knew the contents.

He got leave for three days to go to Gatton, and attempted to catch the 1 o'clock train.

Sub-Inspector White, in answer to questions, stated that the leave was given, and for reason of the telegram Murphy had received.

Sub-Inspector Galbraith said he was in Rosewood about 3.30 on 27<sup>th</sup> December, when a police officer said, he had heard that a murder had been committed at Gatton, and said the telegraph master had informed him.

He went to the office and questioned the man.

He said he had seen wires going through to him (Galbraith) and the Commissioner; and that he judged two girls and a man had been murdered. He asked about the train, but was told

that it had just gone.

He asked for a railway bicycle, but the officer said the Liverpool Range was steep.

Witness then got a horse and rode to Gatton, about thirty miles.

He went to the police station and met Arrell, and was informed that Dr. Von Lossberg had made an examination.

He had a conversation with the doctor, who informed him that the girls had undoubtedly been ravished, as the elder girl must have resisted fiercely.

The doctor informed him that he made a post-mortem examination; but before further talk could take place the doctor stepped into the train and it moved off.

Witness thought that the post-mortem, examination included opening the bodies.

He went to the hotel and saw the bodies had been undressed and washed.

He asked for the clothes and the water in which they had been washed: but he found the latter had been thrown out.

He made arrangements to protect the place where the water had been thrown out.

He then found the bodies had not been opened, and asked Arrell about the matter.

Arrell said he had asked for a post-mortem examination.

Witness wired for officers and trackers from different places.

Looking back now, he did not think if he had to act again in the same matter he would have done differently.

The commission adjourned till the following morning.

## **29/09/1899**

The Police Commission resumed the inquiry into the action of the police in connection with the Gatton murders yesterday.

Sergeant Arrell, stationed at Gatton, stated that he joined the force in October, 1877 and had been in Gatton for about twelve months before the murders (committed on 28<sup>th</sup> December last).

He received the first intimation of the crime at about a quarter past 9 on the morning of 27<sup>th</sup> December from M'Neill.

The latter told him he had already informed some people at Gilbert's hotel.

He got ready as quickly as possible, and M'Neill and he went at once to the scene of the tragedy.

Men named Chas. Gilbert, Thomas Wilson, J.P., Duggett, and James came soon afterwards.

Witness examined the spot for signs of a struggle, but he could see none, or any traces whatever. He took no notes of the position of the bodies.

As he had to return to Gatton after remaining about twenty minutes, he asked the four persons to watch the bodies; but two of them said they could not stay.

Witness returned to the telegraph office, and at 10.55 he sent a wire to the Commissioner.

He did not know of rule 6, or he would have sent it "urgent."

He was told by the station master (who is also the telegraph master) that he could get the wire through at once and just as quickly as if it was "urgent."

He thought he would get an answer in ten or fifteen minutes; but after waiting twenty minutes he found he got no reply.

He had also wired to Sub-Inspector Galbraith, who was over his district, and received an answer from Rosewood that Galbraith would arrive in Gatton about 5 o'clock that afternoon.

Witness returned to the scene of the tragedy, and took notes of the positions of the bodies and surroundings.

This would be about half-past 12.

There were a number of people there at this time.

They had followed the tracks of the buggy through the paddock, and were walking all about.

He ordered them to go back; but though they went away a little, they crowded round again.

Witness did not know what authority he had to keep the people back.

If any person had laid a hand upon the bodies to disarrange them, he (witness) would have taken action. Mr. Wilson, who was a J.P, returned to Gatton as soon as he (Arrell) arrived at the scene.

He did not remain in the first instance to watch the bodies, and sent the J.P. in to wire, because he thought he was taking the best course.

The Chairman: Were you afraid to act except in a red-tape way? -At the time I considered it my duty to go and send the wire.

But why? Didn't you think it of the greatest importance to protect the bodies? -The men I left I thought would look after the bodies.

But they would not have the authority you would have. Is that not so? -Yes.

Speak out. Were you afraid to act in any way except in a red-tape manner? -I was not afraid in the least.

Why did you think it necessary to go in and send that wire when you could have got a justice of the peace to do it? -I did not think there was any likelihood of people going into the paddock. It never struck me then.

By Mr. Dickson: M'Neill, when he came, said, "I have come to report to you that the three Murphy's are lying dead in the paddock up there."

Witness said, "What paddock?"

He said, "I do not know what paddock or whom it belongs to; but it is about two miles on the Tent Hill road."

M'Neill said, "They were lying dead."

He did not suggest they had been murdered.

Witness thought at that time that it was an accident, and acted accordingly.

He did not form any conclusion at the time; but in thinking over the matter since he thought it quite possible that one man could commit the murders.

He found no tracks, though he made careful search.

The bodies were kept in the paddock till about 2 o'clock, when they were removed to Gilbert's hotel, and locked up until Dr. von Lossberg arrived at 4 o'clock.

By the Chairman: After removing the bodies he went to the telegraph office to see if there were any wires.

He spoke to Mr. Ballantyne and several others, and asked them if they had any idea who committed the crime.

By Mr. Dickson: He did not send another wire, because he thought some officials would come in the afternoon train.

By the Chairman: He did not go out to make any inquiries outside the town because he did not like to leave the bodies.

The Chairman: You left the bodies at a most important time; but you could not leave them later, but sat about in the hotel. Witness: I did not sit about in the hotel.

The Chairman: What did you do? - I asked several persons who they thought did it.

The Chairman: What is the good of that?

Were you afraid to be absent when your superior officer arrived? -Yes.

The Chairman: Well, -why not say so? Witness explained that he heard a suggestion that one particular man had committed the murder, and made inquiries concerning it.

Mr. Garvin: He did not make inquiries at Clark's place about the report of a revolver heard during the night.

By Mr. Sadleir: The first suggestion of Day being concerned in the murder was made to him about two months after the murder.

By Mr. Dickson: He was informed by a man named Smith that he had informed the detectives about Day having boiled a jumper with blood on it next day. He informed Inspector Urquhart, but was told that the report had been heard, but that the man had been cleared.

By the Chairman: Witness at the first glance at the bodies thought murder had been committed, and he could not account for M'Neill not forming the same conclusion as soon as he saw them.

He asked M'Neill if he had any idea who committed the murder; but he answered no. M'Neill appeared much distressed.

By Mr. Garvin: He gave witness to understand, in reply to questions, that he did not know of the girls having any sweethearts, or the Murphy's having had any quarrels. He could see no heel tracks round about the bodies, though he searched a circle of about 200 yards.

By Mr. Dickson: Efforts were made to keep the ground undisturbed, because he asked the men not to allow any one near the bodies.

By Mr. Garvin: He did not know that they had done it.

The Chairman: Were you afraid that unless you personally sent the wire you would be "hauled over the coals"? -I considered it.

Were you afraid? -No, I was not: but I considered it my duty.

Mr. Sadleir: You thought the wire would miscarry? -Yes.

The Chairman: It would be just as likely to miscarry if you sent it.

Did you try to keep people out of the paddock by putting some one at the sliprails? -I did not think people would be there.

You have a prior idea of people's morbidity.

Do you not know it is a common device for murderers to get a crowd to collect so as to stamp out traces? -I have had no experience with murders.

But do you not know from general reading? -No.



By Mr. Dickson: The first time he went to Clark's, to make inquiries about the murder was about two months afterwards. He learned that Day, who was in Clark's employ, did not associate with any one. He sometimes walked along the road, he heard.

The Chairman: This was two months afterwards. We will question other officers who made the inquiries there.

Mr. Bourne, superintendent in the Telegraph Department, stated that the telegram sent by Arrell was received in the office at Gatton at 10.55 on the morning of 27<sup>th</sup> December. It arrived in Brisbane at 11.16, and was delivered by a messenger named Massie; He had four other messages to deliver, and left the office at 11.52.

One message was delivered in the office. Owing to the circumstances a strict inquiry was made, and the boy's story was that, as the Treasury Building was generally closed on a holiday, he went first to Roma-street, and arrived there at 12.05.

He was told by a constable that he could deliver it at the Treasury Building.

He took it up to the Treasury Building, but though he got-into the office it took him some time to find any one.

Ultimately he delivered the message at 12.32.

The corroboration was an entry made in his book at the time. In his statement the boy said he delivered the message to Constable Hurst.

The police mustered sixty men at Roma-street afterwards, and asked the boy to pick out the man he gave the message to which he did.

He was back at the office that day at 12.42, and by his book was not required to visit the Treasury again that day.

Witness noticed from the evidence that two messages delivered at the Treasury Building earlier in the day by a boy named Foster were mixed up with the message delivered by Massie.

Foster delivered the messages at 10.38, and as he had over thirty messages to deliver he could not be back in town between that hour and 3 o'clock.

Witness had not the slightest doubt about the time Arrell's message was delivered at the Treasury Building.

The message sent to Constable Murphy that his brother and sisters had been murdered was despatched from Gatton at 11.50 and arrived at 12 noon.

The messenger left the office at 12.12.

The Chairman: So if Murphy says he got that message about 12.30 he would probably be right? Witness said yes.

The boy returned at 1.40. In his evidence the lad said he delivered the message to Murphy at 12.20.

Asked if he had anything further to say, Mr. Bourne said the whole course in connection with the Police Department had been unsatisfactory.

The office at the Treasury Building was frequently closed.

**29/09/1899**

The Police Commissioner has visited Gatton, and examined the Murphy family and others, regarding the triple murder there.

Mrs. Murphy denied that she had kept anything back at the enquiry.

Several of the witnesses considered that the police had not made proper enquiries regarding a certain man who was employed in the Gatton district at the time of the tragedy.

**30/09/1899**

Urquhart's Evidence.

Inspector Urquhart said he was talking to the Chief Inspector at the Commissioner's office on 27<sup>th</sup> December.

He thought it was a little after half-past 12.

Witness went to the C.I. Branch in George-street, and when he arrived one of the clerks said there was a rumour of a murder at Gatton.

He asked if it was an official report, but he said, "No; it is a rumour at Roma-street."

Witness then rang up Roma-street, and asked about the matter. Masterson said Murphy had received a telegram.

Witness said, "Is it true?" Masterson said he did not know, but it was not believed, owing to the character of the man who sent it.

He said further it was believed to be a hoax, witness then went home, and came in about 3 o'clock, but found nothing had come.

About quarter-past 4 he arrived at his own house, when Constable James Murphy (who was no relation to the deceased) rode up and asked for leave for the other two Murphy's.

Witness asked, "Why? Has the rumour about the murders been confirmed"? He said yes.

Though it was not his place to do it, witness gave the leave, and asked if the Commissioner had been informed.

He said he believed he had.

Witness found afterwards that the reason Murphy concluded the Commissioner had been informed was that the other two Murphy's had started to go to the Commissioner's house. Witness then went to the Chief Inspector and informed him of what had taken place, and was instructed to go into town and make inquiries.

He went to the C. I. Branch and inquired at the other places, but found there was no news. After doing his work about 9 o'clock he rang the Commissioner up on the telephone, and asked him if he had received any news of a murder at Gatton.

He said he had not heard of it.

Witness informed him of what he knew, and it was concluded that he should go to Gatton next day.

He did not know at the time that there was a train later at night.

Mr. Dickson: Why did you not inform him before? -Because of a system in the force which if you understood you would not ask that question.

What is that system? -Each officer is responsible for his own district. I am assigned to the Brisbane sub-district, and have no authority or standing outside unless I am sent out. I cannot interfere.

Mr. Unmack; Are you in charge of C.I. Branch, which has authority over the whole colony? -I did not understand that.

Mr. Dickson: Why did you ring up when you did? -I thought it was time something was done.

But why? -The explanation is this: As I said each officer is responsible for his own district. In the natural course of things that murder would have been reported urgently to Sub-

Inspector Galbraith at Ipswich; to the C.I. Branch independently by the same man who reported it to Galbraith; and to the Commissioner of Police or the Chief Inspector, who is the man in charge of the "A" District. Well, when none of these people had had wires sent to him, and so far as I could discover nobody else, I thought it was time for me to interfere. But before that if I interfered it would be an assumption of duty, which would lay me open to a chance of getting a snub.

Mr. Dickson: You considered Galbraith did not use the wires sufficiently.

Why did you not use the wires? -I did what was expected of me in reporting the matter to my superior officer immediately.

Did you not come to the conclusion that it was a double murder and suicide or a crime by a drunkard or madman? -I did to a certain extent.

These are words from your own report? -That is the conclusion that came to my mind as a probable solution of no news of the crime being sent.

Mr. Garvin: Don't you think a system that prevented you from taking some definite action in a serious case like this was a wrong one? -Yes. I may say this: I suppose if I had taken action, as it has turned out, I would have got credit and approval; but if I had taken action, and there had been no occasion for it.

Mr. Garvin: Then you would also have got credit for it.

Witness: There was no official report; there was a discredited telegram; and there was a confirmation I never saw. It would be an assumption of discredit of the action of every officer in the district.

Supposing you had gone to the telegraph office at the railway station and got confirmation from the other end you could not have got blame for that? - I could not get blame for that; but it was not my place to do it.

Sergeant Arrell, asked at this point, said he did not know that there was a copy of the general orders in the office.

Inspector Urquhart, questioned by Mr. Sadleir, said he did not assume that he held special abilities for his position. He had not asked for it. He had been appointed without solicitation. He did not boast that he was an expert. He had no experience of this particular work previously. He had had more experience now than when he took over the branch.

Mr. Garvin: Don't you think there is too much red-tape business? -Yes, it is what I have complained of.

Mr. Garvin: If such a case had happened in New South Wales such a thing would not have occurred.

Inspector Urquhart said it was what he had referred to the first day he gave evidence before the commission, and which had given some umbrage, because it was misunderstood. He did not think any person who had been present with those who were first on the scene after the discovery of the murder had a grain of common sense, or they would not have allowed the tracks to be so obliterated.

Witness, continuing, said he took Toomey with him to Gatton in the morning mail train, and he was doubtful about the murder until he arrived at the town.

He saw Galbraith, and was told what he had done.

He was not told to take charge he had simply been told that he was to go up and see what was the matter.

He was not put in full charge until 7<sup>th</sup> January. He found the bodies were in the coffin, and he could not see them; but inspected the clothing, and noted one very important particular. Witness tendered a copy of his report of 31<sup>st</sup> March showing his subsequent efforts.

Questioned in connection with the man Day, Inspector Urquhart said the boy Carroll had said the man at the sliprails was like the man at Clark's. Inquiry was made concerning him, but it was not considered there was any suspicion attaching to him.

He said he came from New South Wales; but no inquiries concerning him were made because they were not thought necessary.

After a time Day came to witness and said he had had a disagreement with Clark, and wished to go away, and asked if there was any objection.

Subsequently Day enlisted in the Permanent Force, but absconded, and a warrant was now out for him on that charge.

Senior-sergeant Johnson, of Roma, who was present to give evidence, was asked several questions regarding the Jubilee Fund.

He said the majority of men in his district were against the fund because they did not see what benefit would accrue to men in outlying places.

The commission adjourned till Monday morning.

### **30/09/1899**

The police commission continued its inquiry to-day in connection with the Gatton tragedy.

Inspector **Galbraith** detailed the course of action pursued until the arrival of Inspector Urquhart, to whom practically he handed over the control of the whole affair.

The evidence of Sub-Inspector White went to show that the telegram from Gatton was not delivered, as alleged, by a telegraph messenger.

The private wire received by Murphy from the constable stating that his two sisters and brother had been murdered was generally regarded at the police station as a hoax.

Inspector Urquhart proceeded to show that redtapeism was really the cause of the delay, and that no earlier action was taken by the officials at headquarters.

### **30/09/1899**

The Police Commission resumed the inquiry yesterday into the action of the police in connection with the Gatton murders.

The examination of Sub-Inspector **Galbraith** was continued. He stated that he questioned a man on the night of the discovery who was suspected by some persons of having had a hand in the murders.

Two trackers arrived early on the morning of 28<sup>th</sup> December, and he set these to work about 6 o'clock.

He made an examination in various parts of the paddock, including the sliprails, but he found signs of hundreds of persons having passed over the spot.

One thing that struck him particularly, however, was that the actual scene of the murder was not disturbed. He returned to Gatton and met young Murphy, and put some questions to him. He also sent Constable Colville out to Tent Hill to make inquiries at the hotel as to

the persons who had followed deceased. He sent away a long wire to the Chief Inspector, and at the time Inspector Urquhart arrived. At once he informed the Inspector of what he had done and seen. He felt relieved to a certain extent of actual responsibility, though Urquhart did not altogether take over the whole charge. They worked together, sent men out to get statements, &c.

By Mr Garvin: The man who was questioned by him on the night of the discovery had never, to witness's mind, properly accounted for his movements on the night of the murders. Witness had not very strong suspicion of him at the time; but later he felt somewhat convinced that he had committed the murders. Still, he now thought he did not have a hand in the murders. He did not think any one who knew this man would take him for another certain man once suspected.

By Mr. Dickson: The trackers who were sent up were not able to do much tracking. They were not police trackers. Senior-sergeant Johnson obtained the first he could get, and sent them on.

Chief Inspector Called Mr. Stuart, was called, and said he got the telegram sent by Sergeant Arrell (on the morning of 27<sup>th</sup> December) when he came to his office at 9 o'clock in morning of 28<sup>th</sup> December. It was on his office-blotting pad.

The Chairman: Will you tell us the grounds on which you came to the conclusion that the boy Massie lied? -I did not say he lied.

You said you did not believe him when you gave evidence before? -People may make a mistake, and not be lying.

Then you don't mean he lied? -No.

You see by the books the telegrams by Foster were delivered before 11 o'clock, while Massie said he delivered a wire at 12.32. Do you say you still believe the boy is inaccurate? -I say he may have made a mistake.

Why should you say so on this evidence? -It is the first time I heard this evidence.

The Chairman: There were about thirty telegrams to be delivered by Foster, and he must have made thirty false entries, according to your contention.

By the Chairman: If Constable Hurst got a telephonic message at 12.15 he ought to have told witness about it, and he would have waited for the actual telegram.

The Chairman: You still trust the testimony of a man like Hurst rather than believe the corroborated evidence of the boy Massie? -It is the first time I have heard it.

Well, which do you believe? -I would not like to say. A mistake has occurred somewhere.

Mr. Unmack: Have you read the evidence of Mr. Bourne, of the telegraph office? Yes.

You see where an officer at Roma-street once had to telephone to the telegraph office asking for advice as to whether a telegram left there was urgent, so as to know whether to open it? -There were previously no definite instructions about opening the Commissioner's telegrams.

The Chairman: Are there now? -Yes, there are written instructions.

What are they? -All telegrams that come to Roma-street are to be opened by the officer in charge, and immediately sent to the Commissioner.

The Chairman: A very great improvement on the other system.

Mr. Garvin: Can you tell me whether you ever before came in and got telegrams delivered like that one? -Yes.

The Chairman: That cannot happen now? -No. Witness said that when Inspector Urquhart came to him on the afternoon of 27<sup>th</sup> December and said he had heard a rumour of a murder at Gatton he did not send the officer away to Gatton at once, because he did not think there was any truth in the matter, otherwise he would have received an urgent wire. It did not strike him that he ought to come into the office and see if there was a telegram there. He ought, he thought, to have got an urgent wire from Senior-sergeant Johnson at Ipswich.

Mr. Unmack: But you had a wire in the office? -Not an urgent wire. But what did it matter, as no one was here to open it.

Johnson's Work. Senior-sergeant Johnson, late of Ipswich, but now of Roma, stated he received the wire addressed to Sub-Inspector **Galbraith**.

The latter had gone on towards Rosewood, and he at once sent on a man to catch him up, and if he could not do so to return.

He instructed the Government medical official, tried to get trackers, and wired Sub Inspector **Galbraith** at Rosewood, concluding by stating he had-not wired to the Commissioner.

He did not so wire, because he thought the sergeant at Gatton would have sent a telegram, and that the sub-Inspector would at once wire from Rosewood.

Witness said he would like to quote a telegram he sent on 7<sup>th</sup> January concerning a man named Allen.

A resident of Ipswich named Betts reported to him that he had seen the man with cuts on his face and acting excitedly on 1<sup>st</sup> January.

He wired to Brisbane asking that inquiries be made to trace the man, but the papers (which he read) showed that no efforts were made until April, when Inspector Urquhart called for the papers.

At this stage Mr. Sadleir wished to put some questions to the witness concerning a private complaint; but the chairman objected.

Mr. Sadleir said he would like to discuss the question privately, and the room was cleared.

On resuming, the Chairman said there had been a misunderstanding concerning the questions Mr. Sadleir wished to put, and he arranged to have them asked later.

First News of the Murder.

Sub-Inspector White stated that about a quarter to 1 on 27<sup>th</sup> December Senior-sergeant Masterson telephoned from Roma street to the effect that Constable Murphy had received a telegram announcing that his sisters and brother had been murdered at Gatton, and that he had gone to get the matter confirmed.

News then came that the fact had been confirmed.

Witness then telephoned to the Commissioner's office, asking if there had been any news. It was about 1 o'clock.

Constable Hurst at the Commissioner's office said through the telephone that there was no telegram or news at that office.

Masterson had also stated that he had asked the CI. Branch.

Witness held himself in readiness for emergency; but did nothing further.

He gave Murphy the necessary leave.

Senior-sergeant Masterson, stationed at Roma-street, stated that about half-past 12 Constable Hoolahan handed him a telegram received by Murphy.

He at once telephoned it to White.

He asked the orderly (Hurst) at the Commissioner's office if there was any information there, as he said if there was any truth in it there must be some information at the Commissioner's office.

This was immediately after the telegram was placed in his hand.

He telephoned to the C.I. Branch and informed Inspector Urquhart of the contents of Murphy's telegram.

He believed that officer said there was no information at that branch. Murphy afterwards got his wire confirmed.

Another constable named Joe Murphy asked permission to accompany Dan Murphy (who was brother of deceased), and witness tried to ask permission from Sub-Inspector White. But the officer was not at the depot.

He kept Joe Murphy waiting until close on train time, hoping to communicate with one of the sub-Inspectors.

As he failed to do so he gave the permission on his own responsibility.

In communicating with the depot during the afternoon he stated to Sergeant Anderson there that Murphy's wire had been confirmed.

The messenger who came with two telegrams in the morning arrived much before the telegram for Murphy. He did not remember another messenger coming with a wire, and being sent on to the office of the Commissioner of Police about half-past 12.

By Inspector Urquhart: He did not remember Inspector Urquhart asking him if the contents of Murphy's telegram were believed at the police station at Roma street.

He might have said to Urquhart that it was believed to be a hoax; it was generally treated so at the station.

Murphy himself did not seem to treat it very seriously.

Witness suggested it might be a hoax to get him home for the holidays; he said the man who sent it was a "harem scarem" fellow.

**3/10/1899**

The investigations by the Police Commission into the action of the police in connection with the Gatton murder were continued yesterday.

Dan Murphy, brother, and Wm. M'Neill, brother-in-law, of the deceased, were present.

**URQUHART FURTHER EXAMINED.**

Inspector Urquhart, who continued his evidence, said he would like to explain why he did not attach much importance to the statement by the boy Carroll concerning the man Day. Carroll did not identify Day as the man he saw at the sliprails on the night of the murder, but he said the clothes he wore might be like those worn by the man he saw.

Witness questioned the boy very closely, and took statements from him, and this was the real amount of what he said.

At Toowoomba Carroll identified Burgess as the man he saw, and later he said he did not identify him, but said the man was like him.

Day and Burgess were not at all alike.

Another thing was that Florence Lowe, who was spoken to by a man near the sliprails, said the man wore a coat, rather long, and which came down in front.

The Chairman: It would be quite possible that the parties saw two different men.

Mr. Dickson: Did you know at the inquiry that Carroll said to his mother as he passed the man, "That is the man at Clark's"? Yes, I believe I did.

Mr. Garvin. Would that not be an important point? -Yes, and I pressed it upon him; but he would not say positively.

Have you heard that Carroll said to M'Neill on the ground near the bodies that it was the man at Clark's? -No, I never heard of that before. M'Neill never told it to any one.

The Chairman: Would you be surprised to know Day gave a false birthplace? -I am aware of the circumstances; but I am not sure it is false.

You don't believe this office record? -What office record?

That there is no trace of a man named Day.

He either gave a false name or a false birthplace? -He gave the same name as he was under at Gatton.

Then he lied about his reference? -No; he named Clark as a man who could be referred to if necessary; but he did not say he could give a reference from him.

Is it not a matter of some importance that a man should be going about giving false names? -No, I don't know that it is.

If you found a man was lying about his name or birthplace, it would be worth thrashing it out? -It was not known till long since.

You didn't make any inquiries? -Yes, we made inquiries about him, and he said he came from New South Wales.

You did not make any inquiries in New South Wales? -No.

Is it not a peculiar thing that you did not make inquiries? -I was satisfied from the inquiries made at Gatton that he was not concerned in the murder.

Well, will you tell us why you suspected Burgess and tried to fit things on to him? I didn't try to fit things on to him. I deny that emphatically.

Well, why did you suspect him? -Because he was identified apparently beyond all doubt.

I want to know why the man Day was so quickly excluded from suspicion? -His place was searched without his knowledge; and then with his knowledge. He was brought up in the presence of his employer, and questioned by Toomey; all his clothes were overhauled.

We will have all that from Toomey.

Looking back now, you think you acted with wisdom in letting that man go? -Yes. I have arrested a man for murder since with far more against him than Day, and the row about him is something frightful.

You don't know anything about Day's antecedents whatever? -Yes, I do.

What do you know? -We questioned him. Witness, continuing, said that all kinds of inquiries were made in Gatton concerning Day, and all the officers were satisfied he had



nothing to do with the murder. Besides, Burgess was identified as being in Gatton on the night of the murder. At no time, however, were the inquiries of the police confined wholly to Burgess. In fact, there was not a person in Gatton who did not think as he (witness) did at the time.

He gave up the pursuit of Day because there was not a suspicious circumstance against him.

There was blood on his sleeve; but he was a butcher, and had been carrying beef. Mr. Clark confirmed this.

He did not have the coat examined; the analyst would have simply pronounced it mammalian blood.

The Chairman: I understand they can go further than that now? -Not here.

Yes, I understand they can do it here not to say for certain, but they will say "probably" it is.

Did it not strike you to take that coat and have it analysed? -No.

His employer says he boiled that coat. Did he tell you that? -No.

Mr. Garvin: The man was washing his clothes. Did that not strike you as peculiar? -All butchers wash their clothes.

But he was a suspect? -It was not mentioned till long afterwards.

Well, that is an explanation; but certainly if the police heard of it at the time it was their duty to get that coat and have it examined? -After it was washed?

Yes; even then.

The Chairman: -Did Sergeant Arrell say that M'Neill announced the matter to him in these terms: "The three Murphy's are lying dead in a paddock" :-I cannot remember if he did.

Did it strike you as a peculiar way to speak of the matter? -Yes, it did strike me at the time. I believe he stated previously at Gilbert's hotel that it was a murder.

Was that not peculiar? -Perhaps it was.

Sergeant Arrell said he had no doubt that it was a murder as soon as he saw the bodies? - M'Neill did not go right up to the bodies. He might have known at the time.

Was there a well near the Murphy's? -I don't know.

That gives me an opportunity of saying that I have had no reason to suspect the Murphy's of complicity in the matter.

I don't suggest it? -I searched in different places.

How was it you held to the theory that Murphy and his sisters went voluntarily into that paddock? - I have never held that.

What train of thought did that put you on? -It did not put me on any train; but I concluded they were compelled to go in by being stuck up by an armed man.

Mr. Dickson: Can you say whether that cartridge was fired from a revolver or a rifle? -It could be fired from a revolver or a sporting rifle. I think it was fired from a sporting rifle, because if it was fired from a revolver it would not be so likely to drop out.

Mr. Garvin: Do you think that if a smart officer was on the ground he would have been able to do something? -At the first glance it might appear so; but I don't know what you mean by a smart officer.

A man well up in his duty? -To my mind the whole thing lay in the tracks.

If I had seen them as early as he saw them? Without any interruption from the tracks of others I could have gathered some indication that would have told me something, at all events.

I would have known how many were concerned in it, and in what direction they left the scene.

Then in saying that I am speaking as a man who was accustomed to tracks for many years, and could read tracks like a book. I don't think Arrell had that experience. Admitting he did not have experience as a tracker, but using all the precautions that a sergeant should have used, could he not have kept the people back for 100 yards at any rate? -I am very loath to blame Sergeant Arrell in the matter.

Many things could have been done. The ground might have been roped off.

The Chairman: The object we have in asking this question is to see whether men are promoted to the important position of sergeant with the charge of a station just haphazard or after due consideration? -I say this, that Sergeant Arrell, in my opinion I have stated it before-acted as he thought was best according to his lights.

Mr. Dickson: You said the crime bewildered him? -Yes. It was beyond him, and it might be beyond another man. I would not like to say how I would act if I had to face it and alone.

The Chairman: If a man blundered as a competent man should not have blundered-? -I would be loath to blame him.

He did his best. He tried to get a wire through to Brisbane.

That comes back to the old question of red-tapism? -Yes.

**3/10/1899**

The Police Commission continued the investigations yesterday into the action of the police in connection with the Gatton tragedy, when Inspector Urquhart, Detective Toomey, William M'Neill, and Chief Inspector Stuart were examined.

Urquhart expressed the opinion that the man Day was not concerned in the murder, and he also said he thought Sergeant Arrell had done his best according to his lights.

M'Neill complained of the worry he had been put to by the police without a reason being given him.

Chief Inspector Stuart questioned the efficiency of the Government medical officer who made the post mortem examination.

**3/10/1899**

Mr. Unmack: You recollect we pressed you as to why you did not communicate with the Commissioner about the rumour, and you said you could not speak to him owing to other officers being over you? -Yes.

I am going to bring you back to your previous evidence, in which you stated that in cases of emergency you would take action immediately, and risk approval.

Why did you not act in this way? -Because my superior officers were available, and I immediately reported it to the Chief Inspector.

You did not report it to the Chief Inspector. You did not report it to him till late in the afternoon, and you had the information, about it at 1 o'clock? -But I did not have it then.

But you had a telegram from Murphy? Which I considered a hoax.

Did you think any person would have been so inhuman as to send a telegram of that kind? -Yes.

Do you think it is possible? -Yes, I have seen worse things done than that.

Mr. Unmack: Then you did not take action because you did not believe it? -Yes.

How was I to suppose the whole police system had broken down, and that officers who were supposed to act were doing nothing? You were in charge of the C.I. Branch?-You come back to the old question. I am in charge of the C.I. Branch in Brisbane.

In reference to your branch you were asked what was the strength of your force.

You say twenty-one all told, sixteen in Brisbane, and five outside? -With whom I have nothing to do.

Then you are misleading us with this evidence.

Why did you not tell us your charge was only in Brisbane? -That is the anomalous position. These men are theoretically under me, and I have nothing to do with them.

I will give you fair play. (After reading.)

You did say that? -I have endeavoured to explain to the commission the position I am in with regard to these men.

Don't you think you have too many ideas about people going about with bogies or hoaxes? -No.

You didn't believe the Hill matter? -You are going outside the mark. I never did anything of the kind.

You pooh-poohed Hill's statement. -I never pooh-poohed his statement.

Didn't you give evidence here that you told him to go home? -No, not at all.

Do you know what the action of the branch was when they received the first report? -Yes, you told him to clear out.-I say we did not.

You told him to go home, that the boy had run away, and would come back? -No. We didn't. We took statements, sent copies to the other offices, and sent the sergeant to inquire at the depot what was being done. We didn't pooh-pooh the man and send him home. I don't know how you could have got the idea into your head.

At all events you thought this was a hoax? -I asked what was the opinion at Roma street, and of the recipient of the telegram, and they said it was a hoax.

Could the recipient possibly imagine it was a hoax? -He knew the character of the man who sent the telegram, and he said he was a "harem-scarem" fellow. I have met the man since, and he was quite right.

Well, when you had such a serious thing before you as a treble murder you inquired what the recipient thought of it. Why did you not send for young Murphy? -I didn't think it was necessary. It was not my business.

But you are in charge of the C.I. Branch? -As officer in charge of the C.I. Branch it is not my duty to interfere with matters where other officers are concerned.

Mr. Garvin: Could not the whole thing be discovered by sending to the railway station to inquire into the truth of the matter, the other, office being closed? -Yes, I suppose it could.

It could be discovered in five minutes. If such a thing occurred again would you take that course? -The same thing could not happen again without news arriving.

Mr. Unmack: Ah, that is admitting that the other system was faulty? -No, not altogether.

The Chairman: Do you know Mr. Meston? -Yes.

Do you know he has stated that with his trackers he tracked footsteps, away from the general ruck, leading to the scene of the murder, and also footsteps going away from the murdered bodies? -I have not heard that footsteps, if he did.

When was he there? -A week afterwards.

Had he some trackers? -There were some boys from Deebing Creek. He may call them trackers. There was only one boy fit to be called a tracker on the scene at all.

Did Meston offer you evidence? -No, except that he announced at the railway platform that he could solve the mystery in twenty-four hours.

Mr. Sadleir: Was he taken seriously? -(Laughing.)-These are the facts. I didn't take them seriously.

The Chairman: He is a man used to bushwork? -He is undoubtedly.

He has done a great deal of bushwork? -He says so.

Do you doubt it? -Well, I have not been with him, so I cannot say.

Mr. Dickson: He has had a great deal of experience of exploration work and bush life? -He may have.

Do you believe it? -Well. I cannot say that I do.

Mr. Garvin: You have had a good many years' experience with black trackers? -Yes.

Well, do you think a week afterwards, when there had been hundreds of people there; it would be possible to pick up fresh tracks? -The contention is ludicrous.

The Chairman: We are asking the question because of the discredit upon the force- I heard Meston say. "It is not often I have to confess myself beaten, but for once I am now." About ten minutes afterwards he made the statement on the station that he could solve it in twenty-four hours-if he is correctly reported. M'Neill is a good tracker, and there were also other men who could track. The black trackers sent up were inferior men.

Mr. Garvin: Don't you think it would be a good thing to have good trackers kept in Brisbane? -Yes; but there is a difficulty about keeping them near the city. You need not keep them near the city.

This concluded the examination of Inspector Urquhart. The officer intimated that he would like to offer some evidence in reply to certain evidence already given; but he was told this would come later.

#### TOOMEY'S EVIDENCE.

Acting Sergeant Michael Toomey, of the C.I. Branch, deposed to going to Gatton with Inspector Urquhart. Several men's names were mentioned as being suspected, and he was engaged in locating them on the night of the murder. Witness on the 31<sup>st</sup> December found out about Day. He made inquiries at Clark's, and learned that Day had come there about a fortnight before.

He questioned the man, who said he did not go out that night after tea; but read in bed for a time. He did not hear anything.

He told him he came from Brisbane, and got hard up, and Clark gave him work. Witness went through Day's clothes, and found a jumper with small bloodstains on one of the sleeves. Questioned, he said he got wet one day, and, as he only had two, he had to wear the new one. Clark confirmed the statement, and said that Day was wearing the jumper in the killing-yard, and afterwards took meat into Gatton. Witness did not take charge of the jumper, because he did not think there was any need, and he did not now. He questioned Clark very closely about Day, about firearms. &c, and Clark said the man was a quiet man. Day was calm and collected.

Witness made no inquiries into his antecedents. Witness had gone to Clark's place in consequence of inquiries he made of young Carroll.

When the latter was closely questioned he said he had told his mother he thought the man was "Clark's man." The boy had said the man was wearing a dark shirt, or something like that. Day also wore a hat like that described by the boy.

Witness did not hear that Carroll said on the ground that the man he saw was "Clark's man." The lad was one who would tell a yarn with any other boy. He would tell a person a thing in the street, but when the police questioned him he would not say anything positively. Witness did not think Day had anything to do with the murder. On, one occasion several of them watched his hut for four or five days, and then-about 2 o'clock in the morning-went up to him and said they wanted him to come into the police station. He was quite willing, and was not flurried or excited. They took him in, stripped him, and examined him, but could find no marks upon him. When witness had the previous time examined his hut he looked at his arms, but found only one small scratch. The boy Carroll knew Day pretty well. He would never say positively it was Day he saw. He (witness) would only have been too glad if he had said he was sure. He asked why the lad thought it was Day, and Carroll said it struck him at the time. Carroll would not say it was M'Neill. Witness put the question to him point blank, and the lad said no. There was a revolver at Clark's, and witness asked him to count his cartridges. None were missing. They were 3.40 cartridges. Another man who was suspected at an early stage he did not think had anything to do with the murder. He asked Carroll if the man was like the one he saw; but he said no. In fact, he had never placed any reliance upon the boy's story.

And he did not hold with the suspicion that was said to be placed upon Day. There had been certain evidence given by Mrs. Murphy before the commission, and he considered some explanation should be given. Witness had pretty well all the dealings with Day under his superior officer, and he thought the witnesses should give some evidence why they

suspected Day. He referred to the police also, because she said "some of the police thought it was Day."

Mr. Garvin: Do you know if Day was known to the Murphy's? - I could never ascertain that he was.

You made inquiries? -Yes, Witness (continuing) said he did not search M'Neill.

The Chairman: Why? -Well, I was in the confidence of a member of the Murphy family, and he said that as soon as he heard of the murder he suspected M'Neill, and he examined his clothing, and all that belonged to him. And he said there was no blood or anything else. Witness (continuing,) said he questioned M'Neill; but heard nothing to arouse his suspicion. He searched round the Murphy's house. They inquired whether M'Neill had any firearms, but he had none, except a rifle, which was burnt when his house at Westbrook was destroyed by fire.

**3/10/1899**

**M'NEILL'S EVIDENCE.**

William M'Neill, who described himself as a butcher, was called next.

The Chairman: Have you heard Sergeant Arrell's evidence? He says you came to him and said, "The three Murphy's are lying dead in a paddock," and that you never suggested murder to him? -He asked me did I think it was an accident, and suggested the horse had run away. I said I didn't think the horse ran away; he was quiet.

Did you say, "The three Murphy's are lying dead"? -Yes.

Why did you say so? -I suppose at the time I was that excited I did not know what I was saying.

You went close up to the bodies? -Yes, within two yards of Norah.

And could you have any doubt as to the cause of death? -I had no doubt whether they were murdered.

Why?-The way they were lying about, and Norah's head.

What did you think? -I thought it was a murder.

You did? -Yes.

Why did you say they "were lying dead"? -As far as that goes they were dead.

Well, that is true? -Yes.

You did not say they were murdered although they were? -Yes.

Mr. Dickson: Did you examine them? - No.

Did you recognise them? -No; I thought it was Helen I saw.

You thought that when you went into Gatton? -Yes.

After going into Gatton you went out and brought Mrs. Murphy in? -Yes.

That was the first time you knew it was Norah you saw, and not Helen? -Yes.

And when you came in first you went to a hotel? -Yes.

What hotel? -Gilbert's.

What did you say there? -I said as I said to the sergeant. I asked where was the sergeant, and that the three Murphy's were lying dead in the paddock.

Did you say anything about a horse? -Yes, I think I said the horse was dead, too.

When you saw them first didn't you come to any conclusion as to how they were killed? -I thought they were murdered when I saw them.

Murdered? How? -I didn't wait to look.

The Chairman: Look for any tracks? -No. I thought it was a murder, and the sooner I left the better.

Mr- Garvin: When you saw where the sulky turned off into the paddock did you see the tracks? -Yes.

Did you follow the tracks on horseback or on foot? -I didn't follow the tracks. I went into the paddock, and followed the direction the trap went.

How did you know the trap went in that direction? -I went in the direction the trap started from the sliprails.

Were you on foot? -Yes.

Did you see any tracks on the ground? -No.

Did you look? -No.

Why? -Because I was simply following to see where the tracks went to.

When you saw the bodies, and that they were dead, did you look for tracks? -No.

Why? -The trouble of meeting the people at home was troubling me at the time.

Would it not be more satisfactory to you to try to find out who committed these terrible murders than wondering about the trouble for them at home? -There was not time to consider. It was only a little time till I got into town.

Did you come away on foot or horseback? -I galloped.

Did you have to take the rails down? - I threw them down.

And you galloped in? -Yes.

Mr. Dickson: Did you say to Arrell you thought they were murdered? -No.

Though you went out with him? -Yes.

How did you ride? -At a smart canter.

Mr. Garvin: How did you come to point out to Arrell your tracks though you did not take notice of any other tracks? -Arrell asked me how I knew it was my trap, and I said, "There are the tracks."

Mr. Sadleir: When you got up to the bodies, did you look for any tracks on the ground? - No.

Mr. Dickson: How close to the bodies did you go? -About two yards.

From there you could see over to the other bodies-that would be about 30ft? -Yes.

And the horse could be about the same distance? -Yes.

You could see the horse lying down? -Yes. Did you notice anything about the shaft? -Not then.

Did you see any marks of blood on the bodies? -When I came up the second time I did.

The first time? -No. I saw ants crawling over the first body.

You saw that Norah had had her head knocked in? -It seemed to be buried into the ground, but her face was covered with ants.

How long did you stay? -I didn't stay after I saw what was the matter.

How long did you stay with the sergeant? -Two or three minutes.

Did you dismount? -Yes.

Did you see any tracks? -No.

Did you look carefully? -No.

Mr. Garvin: Did the sergeant say anything to you about tracks? -No, I cannot say that he did.

Did you say nothing to him about them? -No.

Did you look then to see if there were any tracks? -No.

Why did you not look round for tracks? -My first experience it was.

It was easy tracking ground? -Yes.

Did it not occur to you to look? -No.

When you went to inform the Murphy's did you ride along the fence, to see if any one had come out? - No.

Although you are an old bushman? -Yes.

Mr Dickson: Why did you not go up to the bodies and examine them? -Supposing the murderer was behind the trees?

You thought the murderer was behind the trees? -I thought he might have been.

Mr. Garvin: How long did you think the bodies had been dead? -I thought they were murdered in the morning, coming from the ball.

When did you see them? -About 9 o'clock.

What time would they be coming home? -About 5 or 6 o'clock.

And yet you thought the man was lying behind the trees at the time you looked?

Mr. Sadleir: How could he tell? -He is not a policeman.

Mr. Garvin: But he says the man might be behind the trees.

The Chairman: Was Michael a coward? - I don't think so.

Did you think he went in there voluntarily? -I thought he was coaxed in.

Now, have you anything you would like to say? - I should like to know why I should be put to this expense, as I have been over this tragedy.

By the police? -Yes. You will have to look to them for that.



You complain or them? -Yes.

Mr. Sadleir: When? Now? -No, at the time of the murder. I have been put to expense and trouble. I did not get my trap till the 20<sup>th</sup> of last month, and they would not allow me anything. My lad left because he could not stand them talking about the place.

Who? Your son? -No, my brother.

The police were looking and staying about the place. You expect the police to make inquiries in every possible direction"? -Yes, but I would like to know the reason. I asked them, and they could give me none.

The Chairman: Every citizen is to be subject to suspicion if a crime is committed.

Mr. Garvin: The police have to make inquiries if a crime is committed? -But they gave me no reason.

Have you ever thought much over these murders, M'Neill? -Yes.

Ever come to any conclusion? -No, I cannot say I have. It has disturbed me. And this man Day has been greatly in question lately. I was in company with Toomey when he took Carroll's statement. He said he thought it was the man at Clark's he saw at the rails.

Do you know if Day was a friend of the Murphy's? -No, he was a stranger.

Mr. Dickson: Did the Murphy's get their meat from Clark's? -Yes.

Who used to take the meat out? -Clark used to take it out, I think.

Did Day ever take it out? -I don't know, but I don't think so.

Mr. Garvin: Have you ever thought of a motive? -No, unless it was meant for Mrs. Carroll. For Mrs. Carroll? -Well, she was coming from the races, where she had a fruit stall, and she had some money.

#### GOVERNMENT MEDICAL OFFICERS.

Chief Inspector Stuart was called.

The Chairman: You want to say something about Government medical officers? -Yes.

From the inquiries I made when I went up to Gatton I thought the examination of the bodies that is, the post-mortem was not what I call a post-mortem at all, but merely a superficial examination of the bodies. After inquiry there for about two days, and gaining all the information I could, get, I came to the conclusion that Michael Murphy, at least, had been shot.

The Chairman: And Sergeant Arrell did not find that out? He was there supervising the post-mortem? -Yes, he was present.

Well, then, from the information I gained, I thought it was my duty to have the bodies exhumed, and have a proper post-mortem.

That was done. Galbraith said Michael Murphy showed signs of having had his head examined, and the skull cap taken off? -Of course, I know nothing of that. I was not present.

Well, then, the bodies were exhumed, and a fresh post-mortem made? -Yes, and from inquiries of people who had seen the bodies, I satisfied myself that there must be a bullet wound, which was found to be the case.

What recommendations have you to make that more efficient Government medical officers should be appointed? -I think that is a matter that speaks for itself.

Do you complain generally of the inefficiency of the Government medical officers? -No, that is the only case I have known of inefficiency on the part of a Government medical officer. There is no doubt a grave mistake was made at the first examination. It was not thorough.

Was there anything overlooked at the first post-mortem? - I consider the bodies should have been opened and thoroughly examined.

What good would opening do? -It would show if death occurred, say from a knife being put through the ribs, and other things.

Is that gentleman still a Government medical officer? -Yes, Dr. Von Lossberg.

The commission then adjourned till 10 o'clock the following day.

#### **4/10/1899**

The Police Commission resumed its sittings to-day, when Inspector Urquhart was examined as to the reasons why he suspected Burgess, and why he did not suspect a certain butcher's assistant. He said he was satisfied that the latter had nothing to do with the murders as there were no suspicious circumstances against him, except that he had a blood stain on his sleeve. It never struck him that he should get the stain examined by an analyst. He had no reason to suspect that any of the members of the Murphy family were concerned in the murders.

Detective Toomey stated, in confidence, that the members of the Murphy family as soon as they heard of the murders suspected M'Neill, but they got no evidence to justify their suspicion.

#### **4/10/1899**

The Investigations of the Police Commission into the action of the police in connection with the Gatton tragedy were continued yesterday.

Robert Geo. Christie, a constable stationed at Gatton, deposed that he had been employed in Gatton in making inquiries into the Gatton tragedy. The bent of his evidence was that on 24<sup>th</sup> April he drew out a report concerning a man mentioned in connection with the tragedy, but before he submitted it he heard Inspector Urquhart ridiculing any connection between this man and the murder, and threatening Sergeant Arrell that he would throw him out of the force. Urquhart came up to witness in the street afterwards and swore at him, and threatened him also if he talked about the man. The report also suggested that the man mentioned would be likely to be the one who passed Wilson at Oxley on 10<sup>th</sup> December. Witness consequently did not submit the report. His idea was that the detectives had made a blunder, and tried to cover it up, and consequently endeavoured to prevent any inquiries being made. He thought that the man when he passed Oxley was handed the revolver by Wilson. The object of the man's murder at Gatton he thought would be lust. He allowed the girl Lowe to go without molestation because there were two men who had just passed, and he would be discovered.

The man probably decoyed the Murphy's into the paddock with a yarn about a man being injured while opossum-shooting. Witness did not go to the Commissioner with the information, because he thought that Urquhart would recommend his dismissal, and the

request would be complied with.

The position of the Commissioner and Urquhart was talked about by members of the force by Sergeant Arrell, Constable Colville, and others. Witness and some of the others thought it was not safe to go to the Commissioner under the circumstances. He showed the report to Sergeant Arrell.

He did not ask the latter to send the report to the Commissioner, because he knew that officer was more frightened than himself.

Arrell said once, "I have a good mind to throw my uniform over the fence, owing to the way he (meaning Urquhart) has treated me."

Arthur George Clarke, a butcher at Gatton, gave evidence.

Constable Hurst, orderly at the Commissioner's office, was called with regard to the receipt of telegrams on the day of the discovery of the murder.

The Chairman said his recollection of the evidence of this officer was that at about 12.15 Senior-sergeant Masterson telephoned from Roma-street that there was a messenger there with two wires, and about five minutes afterwards a messenger produced two wires at the office, which were handed to the Chief Inspector. This was all the communication from Roma-street, except an inquiry later about the Gatton murder.

Constable Hurst: That is correct.

The Chairman: Do you corroborate that, Senior-sergeant Masterson?

Senior-sergeant Masterson: I am not prepared to be accurate about the time, but substantially the report is correct as far as the announcement of a telegram or two telegrams is concerned.

The Chairman: And only one boy came to the Roma-street station that day.

Senior-sergeant Masterson: That is as far as I can find out.

The Chairman: Were you there all the morning? Senior-sergeant Masterson: I was there till after 1 o'clock.

Questioned as to the time, Masterson said he thought the time was before 12; it might be 11 o'clock.

The telegraph messenger (Massie) was called, and reiterated his statement that he went to the Roma-street Police Station, and was directed to the Commissioner's office, where he delivered the message to Hurst.

The Chairman (to Constable Hurst): Again I press you, Hurst, to try-. At any rate-I don't know what the other commissioners think-my mind is against you against the accuracy of your statement. I don't say you are wilfully incorrect.

Constable Hurst: I said before I might not be altogether correct. I am going by the time Inspector Urquhart left.

The Chairman: You are not corroborated about those two telegrams by senior sergeant Masterson?

Mr. Garvin; Did you get a third wire at all? Constable Hurst: No.

Mr. Bourne (of the telegraph office) said the boy got back at 12.42. and he did not appear to have been out again that day.

Mr. Bourne was questioned by the Commissioner of Police as to whether he (Mr. Bourne)

did not say there was some confusion about the delivery of the telegrams.

Mr. Bourne said there was no confusion, and he did not remember making any such statement.

The Chairman (after the discussion): At any rate the fact remains that Constable Hurst admits he was on duty at the time this boy must have been there. (To Hurst): You say you looked on the Chief Inspector's table to see if there were any wires-at what time? Constable Hurst: A quarter to 1.

The Chairman: Well, the wire must have been there.

Constable Hurst: No, sir.

The Chairman: Yes, it must have been there, as the boy went off duty at that time.

Is it possible the Chief Inspector put that wire in his pocket and took it away with him?

Constable Hurst: I don't think so.

The Chairman: Well, it is between you and the Chief Inspector.

The Chairman (after further questions): At 12.42 Constable-Hurst was here. At 12.42 that boy was discharged from duty. So that he delivered that wire, if he delivered it at all, whilst Hurst was here. So the only other conclusion is that the boy neglected his duty and sneaked in at a late hour in the afternoon, or came in the next morning.

The boy, when examined, said that as soon as he got off duty he went to his home at Woolloongabba, and he was not on till 1 o'clock the next day.

Mr. Bourne (examined) said the system of delivering telegrams without getting receipts had been abolished in the city, and mistakes did not occur once in 5000 times.

The boy Massie had a good record all round, and witness had great confidence in him.

To the Commissioner of Police: He knew wires in his (Mr. Parry-Okeden's) writing were received in the telegraph office as early as 9.30 in the morning.

Wm. Fred. S. Keys, correspondence clerk in the Police Department, was asked if he had heard a conversation between Arrell and Urquhart, in which the latter had told Arrell to drop all matters and references in connection with Day. But he could not remember any conversation of the kind. He pointed out that he had been at Gatton since the commencement, and he could not be expected to remember any particular conversation.

Sergeant Arrell was called in connection with the same matter. He said what Christie had stated about Urquhart telling him not to do anything further about Day was, as far as he (witness) could recollect, correct.

Witness would not say it was his impression, as Christie had stated, that whatever Urquhart said the Commissioner would be ruled by. He advised Christie not to send in the report. As Christie had said, witness had a strong feeling that one particular man mentioned had a hand in the murders. He could not point to any defect in the action of the police in connection with this man except that he might have been detained.

Mr. Dickson: Is it not a fact that you were as frightened of Mr. Urquhart as Christie? -Well, I am not frightened of Mr. Urquhart now.

Did you say "I have a good mind to throw my uniform over the fence"? -I was angry; and I believed I used the words.

Did you say you would not say any more about this man? -I made up my mind not to say any more about him.

Inspector Urquhart: You were serving under my orders at Gatton for about seven months? - Yes.

Had you anything to complain of about my treatment of yourself and the other men? No, except that once.

Inspector Urquhart said he had never sworn at a man in the force in his life, as Christie alleged he had done to him. And he had always treated that officer most liberally.

Senior-sergeant Johnson (of Roma, but late of Ipswich) was called in connection with the charges against him over his action prior to the arrest of the man Somerset.

He was examined by Mr. Sadleir at some length in connection with the matter.

The commission then adjourned till Thursday morning.

**4/10/1899**

The Police Commission resumed its sittings today, when Inspector Urquhart was examined as to the reasons why he suspected Burgess, and why he did not suspect a certain butcher's assistant.

He said he was satisfied that the latter had nothing to do with the murders as there were no suspicious circumstances against him, except that he had a blood stain on his sleeve.

It never struck him that he should get the stain examined by an analyst.

He had no reason to suspect that any of the members of the Murphy family were concerned in the murders.

Detective Toomey stated, in confidence, that the members of the Murphy family as soon as they heard of the murders suspected M'Neill, but they got no evidence to justify their suspicion.

**4/10/1899**

Brisbane, October 2.

The Commission of Enquiry into the working of the Police Department has the Gatton tragedy under review — the case in which Michael, Murphy and his two sisters were brutally murdered and maltreated, last Christmas.

Wm. McNeill, brother-in-law of the deceased, upon whom suspicion at one time fell, expressed a belief that Michael Murphy was coaxed, not forced, into the paddock where the murders were perpetrated.

McNeill also said he had his own suspicion as to who committed the murders, but he gave no particular reason for his suspicion.

He complained about the police worrying him over the affair.

**4/10/1899**

The Police Commission to-day continued its inquiry concerning the Gatton murders.

Robert J. Christie, a constable stationed at Gatton, stated that he drew out a report with reference to a certain man in connection with the tragedy, but before submitting it he heard Inspector Urquhart ridiculing any connection between the man in question and the tragedy.

Witness alleged that Urquhart came to him in the street and swore at him.

Witness in consequence did not submit his report.

His idea was that the detectives made a blunder, and tried to cover it up by preventing any inquiries to be made in that direction.

He did not go to the Commissioner of Police with his report, as he was afraid that Urquhart would recommend his dismissal and that that recommendation would be acted upon.

Inspector Urquhart denied having sworn at Christie or any other man in the force.

**6/10/1899**

**OTHER WITNESSES.**

Thos. Wilson, J.P., stated he had known the Murphy family for about fifteen years.

He never knew of any of them having sweethearts. He went out with the first batch of persons to the scene of the murder. Witness walked from the sliprails. M'Neill, who was a little in front when they were about four or five yards off, said the first body was that of Norah. Witness recognised it as her body. There was no sign of a struggle round any of the bodies. Their first idea was to keep the place clear, and not disturb the ground. Witness and a man named Devitt were left to protect the scene. Two persons arrived first, and then M'Neill and the mother came. He told the people to keep back; but he had a difficulty about it. Witness came to the conclusion that they received the injuries on the head where they were lying, because of the position of the heads. There was not the crowd on the ground that had been represented. When he left at 1 o'clock there were not more than twenty persons on the ground.

Mr. Devitt, bookmaker, of Gatton, gave corroborative evidence.

Charles Gilbert, publican, of Gatton, said that M'Neill, on the morning of the discovery, came into the hotel and asked where the police station was. It was shown him.

He said, "The three Murphy's are lying dead in a paddock." Witness said, "What paddock?"

He said, "About a mile and a-half or two miles out on the left-hand side." As M'Neill was getting on his horse witness understood him to say that it must have been an accident, as the horse was dead also. When witness went near the bodies he had no doubt a murder had been committed, and he also easily recognised the body of Norah. It was not true that when the doctor arrived there was a crowd of people in the room where the bodies were lying. The room had been locked, and the key given to Arrell. The scene of the murder was covered with leaves, and was not easy tracking ground.

Robert King, butcher, in the employ of Mr. Clarke, at Gatton, stated that on 15<sup>th</sup> December a man named Day was engaged by Clarke, and on the next day he commenced to work.

Witness told Clarke he did not like the man, and Clarke said he would only keep him till he got another. Witness did not like the look of him at all. Day was present about 9 o'clock when Wilson informed witness of the murder.

Day did not say anything.

On the morning after the murder Day wore dark pants, a singlet, and white handkerchief.

Day possessed a blue jumper and a big slouch hat. There were blood-stains on the sleeve and breast of one of these jumpers. The police came out and took Day in, and the next day (30<sup>th</sup> December) witness asked him what the police said about the stains.

He made some reply, which witness did not hear, and that he would wash the thing.

Witness advised him not to do so; but he persisted.

Day was a very strong man.

His was the first man's name who entered his head after the murder, especially when the boy Carroll and another mentioned him. The stains on the jumper were fairly fresh; but he did not examine them so closely as to allow him to say positively.

Mr. Garvin: Did these stains look like splashes? -Splashes or spots.

When did you speak to him? -On the 30<sup>th</sup>, the day he came back from the courthouse.

What did he say? -That was the time, he made some reply, which I did not catch, and he said he would wash the- thing out.

You are quite certain you are not mistaken about the splashes? -Yes.

How many were there? -About fifty or sixty.

Did you see Toomey examine the coat? No. Another thing he (Day) said when he came back was that he could hear them (meaning the police) walking, about his room before they took him.

The Chairman: Did you give this information to the police? -Yes.

How long afterwards? A short time.

Who to? -Toomey.

Did you tell him about the blood? -Yes.

He told me to shut up. He said, "Poor- Day is innocent."

He told you to "shut up"? -Yes, practically.

Acting Sergeant Toomey: With your permission, Mr. Chairman, I would like to ask this witness some questions when you are finished.

The Chairman: Very well. (To witness): When was it you were speaking to Toomey? - When Day went away.

Acting Sergeant Toomey (to witness): Are you a good judge of character? -Yes, fairly.

Don't you think, looking at Day, that he was a quiet and inoffensive man? -Yes; but he was a bad looking man.

Where was he bad-looking? -About the eyes.

Do you remember I came to you at the shop at Gatton, and do you remember I asked you if Day had worn a new blue jumper? -Yes; I told you he wore it once.

On which evening did you say? -One evening you and another man came.

Was that the first time I interviewed you? Yes.

Do you know what Day was doing when he was wearing this blue jumper? -He was doing nothing. He came into my shop and took out some bones.

Did he bring meat into your shop that day? -He brought some in the evening.

On the day he had the jumper on, do you mean? Yes? -No. There was no killing done that day.

Do you remember telling me you were not sure-you did not know what time he wore the jumper? Now, tell the truth as a man. No, I don't remember telling you that.

Do you think it would ever escape your memory if you had said that? -No. I think I would have remembered.

What were Day's duties? -He did different kinds of work. He used to get the wood and so on.

Did he ever have any experience in killing? -No.

And do you mean to say a man handling meat, as this man used to would not get bloodstains on him? -He never handled meat.

Did he never handle the meat? -No. If Mr. Clarke said he did he would not be telling the truth? -I know who takes the meat out.

Do you remember I told you what kind of bloodstains were on the jumper? -No.

Did I refer to any bloodstains on the jumper? -No; I don't think you did.

What did I ask you? -You asked me about the jumper.

What did I say? -You asked me if I had ever seen him wearing a blue jumper, and I said yes.

Did I never refer to blood being on the jumper? -No.

Are you quite sure? -(No answer.)

Do you ever remember me asking you about bloodstains? -No.

What would be my object in going to you if it was not to ask you this? -You only asked when he wore the jumper.

You are one of the men in and around Gatton blowing this thing up about Day? Yes.

You have been very successful in doing so? -Yes.

Did you ever suspect any other man but Day? -No.

Did you never suspect any other man? No.

Where was the jumper hanging when you examined it? -On the wall.

There was no attempt to hide it? -No.

How many stains were on it?

Mr. Garvin: About forty he said.

Acting Sergeant Toomey (to witness) you must have seen double.

Mr. Garvin: You suspected this man from the first? -Yes.

What motive would he have in committing the murders? -That is a question I cannot answer.

Mr. Dickson: You heard he had been seen on the road? -Yes.

When did you hear that? -Some time afterwards.

How long? -He worked for us a fortnight.

Who told you? -Carroll.



## DAY'S HABITS.

Wm. Burnett, a general dealer, said he knew Day.

The Chairman: Did you ever give the police any information about Day? -Yes, I told several of them.

To whom? -To Toomey.

When? -Soon after the murder.

What did you tell him? -I told him I met him one night- between Clarke's and the sliprails.

What was he doing? -Walking down towards the sliprails.

Was he smoking? -No.

What sort of a man was he? -A. man between 12st. and 14st.

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

Before the murder? -Yes.

## REQUEST FROM THE MURPHY FAMILY.

Acting Sergeant Toomey, of the C.I. Branch, was called.

The Chairman: You gave evidence before that you were in the confidence of one of the Murphy's, who expressed to you a belief in the guilt of M'Neill. The Murphy family have communicated with us, and desire you to give the name. -The man was working at the College, and I think his name was Pat. Sergeant Arrell was with me, and we met him on the street at the time. Inspector Urquhart: One of the Murphy's searched M'Neill's clothing. Acting Sergeant Toomey: Arrell and I were present on the street, and this man came in from the College. I had a conversation with him. I told Arrell about being in his confidence. I told Sergeant Arrell about him telling me of searching M'Neill's clothing. Arrell may not have heard him; but Arrell knew about it.

Mr. Sadleir: How long did this suspicion of the Murphy's last? -He told me he was quite convinced after speaking to the family at home that M'Neill had nothing to do with the murder.

Mr. Garvin: What reason did he give? He gave none, except that one M'Neill and his mother had a difference.

The Chairman: About the sister-his wife? -Yes.

You did not think it necessary to go any further in the matter? -No. I asked him if any of the clothing was missing, and he said no.

Mr Garvin: You said you asked him why he suspected M'Neill, and he said he had a row with the mother? -He said he had a difference with the mother.

Did you ask him why, if that was so, he should murder the sisters and brother? Yes. He could give me no explanation as to why.

Acting Sergeant Toomey then said: There is a matter I believe that was referred to here on the day before yesterday, when Constable Christie gave evidence that has reflected upon my ability in regard to certain inquiries I made.

Mr. Sadleir: I don't think you need trouble.

Acting Sergeant Toomey; the matter has gone forth in the Press, and I think a man of my standing should say something to make the people at least think something.

Mr. Dickson: Well, I should like to hear it.

Acting Sergeant Toomey: Well, any one who comes in contact with Christie must form the opinion that he is an eccentric, excited man, and he suspected almost every man in Gatton of this murder.

Constable Christie: That is not right.

The Chairman: We cannot have any dispute here.

Acting Sergeant Toomey: He suspected one man one day and another the next.

Constable Christie: I did not. I will bring a man to prove differently.

The Chairman: We cannot have any discussion here.

The commission then adjourned till next day.

### **7/10/1899**

Robert King, employed by Mr. Clark, a butcher, of Gatton, in whose employment there was a man who had been previously mentioned in connection with the murders, said that after the murders were committed, he saw numerous stains of blood on the man's jumper.

The police took the man away to question him, and when the man returned, witness asked him what the police had said about the blood stains.

He made some indistinct reply, and said he would wash his clothing.

When witness heard of the tragedy, the man in question was the first person he thought of having done the deed, and he gave all this information to the police.

They practically told him to "shut up."

There was no killing done at Clark's, which could account for the stains on the man's clothes, and the man never handled meat.

Dr. Von Lossberg, the Government Medical Officer of Ipswich, who made the first post-mortem, stated that the police ordered the burial of the bodies against his wishes, as he had not concluded his examination.

He had also advised that the bodies be exhumed. At the second examination he complained that at the first inquiry the police constantly directed him to merely answer questions, and not to give explanations.

### **7/10/1899**

The investigations of the Police Commission into the action of the police in connection with the Gatton tragedy were continued yesterday.

Inspector Urquhart: I would ask you to allow me to refute a statement made yesterday by Dr. Von Lossberg. The statement has gone out to the public, and it is right my refutation should go with it as soon as possible. It is with reference to my not allowing Dr. Von Lossberg to speak at the inquiry.

The Chairman: We understood you to deny that yesterday.

Inspector Urquhart: I only interjected once. I would like to make a proper denial. I understand the commission have a wire from the magistrate who conducted the inquiry.

The Chairman: The wire runs, "I was greatly struck with the patience and courteous behaviour of Inspector Urquhart at the Gatton inquiry towards all witnesses, including Dr. Von Lossberg. On several occasions I passed questions to him to ask the witness, which altered the statement of witness to a great extent. The Inspector gave no reason to any witness to complain about his manner of conducting inquiry. A. S. W. Shand."

Inspector Urquhart: I would further state that there are many statements made in Dr. Von Lossberg's evidence yesterday devoid of truth and absolutely opposed to the truth, and if the commission consider it is desirable in any way evidence of that fact could be produced.

Mr. Unmack: That is a very unusual course. Urquhart was here all the time.

Inspector Urquhart: I beg your pardon, only part of the time.

Mr. Unmack: He was here at all events most of the time. That was the time for him to oppose it. If we are to go on day after day, and one witness is allowed to deny what another says, what will be the result? Inspector Urquhart: I presume you want the truth?

Mr. Unmack: But you were here.

Inspector Urquhart: The sitting closed before I could answer it. I have taken the earliest opportunity.

Mr. Unmack: I am just as anxious as any one for fair play; but this is irregular.

The Chairman: I want to give fair play all round.

Inspector Urquhart: Mr. Unmack said the other day he would give me fair play.

Mr. Unmack: So I will. Inspector Urquhart: As long as you will permit me to bring refutation I will bring it.

The Chairman: Write a report.

Mr. Unmack: Then Dr. Von Lossberg should be here to refute. You don't know where you are going to stop the thing.

The Chairman; Oh, yes, I do. I have conducted inquiries before.

Inspector Urquhart: The other matter does not concern me so much as it concerns the department.

The Chairman: You can give us a report, and we will send it to Dr. Von Lossberg; but we do not consider it necessary to call you again.

**TOOMEY'S EVIDENCE CONTRADICTED.**

Patrick Murphy, labourer, living at Gatton, and a brother of the deceased, was called.

The Chairman: Were you present when the evidence was given by Toomey yesterday? -No. You know he stated that you, shortly after the murder, expressed the opinion of the guilt of M'Neill, and informed him you had searched his clothing, and that you had found nothing. Do you wish to contradict that evidence? -Yes.

What did you say? -I didn't say I suspected M'Neill. I didn't tell Toomey I suspected M'Neill.

Did you at any time say you suspected him? -No.

You never mentioned M'Neill at all to Toomey? -We were talking about M'Neill.

Well, what do you wish us to believe? That I did not suspect him at all.

Did you examine his clothing? -No.

Did Toomey ask you about the clothing? He asked me if I saw blood on the clothes.

Toomey says the reason he did not ask you if there was blood on his clothes was because you said there was none at first, and allayed his fears? -He asked me if there was blood on his clothes, and I said no.

Mr. Dickson: Well, when you were at home you were discussing the murder? Yes.

Did you form any opinion? -No.

Had you any idea? -No.

Did you tell Toomey you had an idea? No, not then.

When did you? -About two months afterwards.

Do you object to tell who? -The man Day.

The Chairman: Do you know whether any examination was ever made by the detective police, or any police, of M'Neill's clothing? -No, not that I know of.

Or his room? -No.

Were you about your father and mother's premises for any time? -Yes, for about a fortnight after the murder.

And during that time so far as you know no examination was made? -No.

Well, you say you never examined his clothing? -No.

When you were talking to Toomey who was there? -Sergeant Quitter.

Acting Sergeant Toomey: I should like to ask some questions.

Do you remember when I first spoke to you? -Yes.

How long after the murders? -About three weeks.

Did I not see you at your own house? -Oh, yes. You saw me a few days afterwards.

Did I not speak to you a day afterwards in Gatton? -I don't remember.

Did I not arrange several private interviews with you in passing through Gatton? -Yes.

What were they about? -One about a man named \_\_\_\_\_; another about the Ryan's, and another about M'Neill.

Mr. Dickson: When was this? -About a month afterwards.

Acting Sergeant Toomey: Tell us what occurred about M'Neill? -You asked me if I suspected M'Neill, and I said no. Others told me they suspected him. I then made inquiries about M'Neill to see if there were any grounds of suspecting him, and found none. Yes? - You also asked me if I saw any blood on his clothes, and I said no.

Do you remember I asked you if any of his clothes were missing? -Yes.

What did you say? -I didn't think so.

Who was present when this conversation took place? -Sergeant Quilter.

Did you never have any conversation about M'Neill when Arrell was present? -No. I may be making a mistake as to the sergeant. It may have been Quilter.

Do you remember me meeting you one night when you were going home from the college and giving you certain information, and asking you to make inquiries at home? -Yes.

Did I not ask you to make inquiries whether M'Neill was at home that night? Yes.

What was the result? -The reply was that he was at home.

Did you not tell me you enquired from M'Neill's wife? -I believe I did.

She was sleeping in the same room as M'Neill? -Yes.

Assuming you told me that you had examined M'Neill's clothing, and did suspect him, have you ever heard of me having said that to any one before I gave evidence here? -No.

Had you any reason to think I did say so? No.

Of course you deny that you did examine M'Neill's clothing on the morning of the discovery of the murder? -I do.

And of course it is only reasonable that you should.

Mr. Sadleir: What clothing had M'Neill? -He had an extra pair of trousers besides the clothing he had on.

Is that all? -That is all I knew he had.

Where were the trousers? -Hanging in a room.

Mr. Dickson: Whom did you ask about M'Neill? - His wife, my father, and brothers.

You didn't suspect him at the time you made these inquiries? -No.

Mr. Garvin: Who did you suspect? -A man named Day.

When did you first suspect him? -About two months afterwards.

What brought you to suspect him? -Some statements I heard made.

What were they? -The boy Carroll said he was the man on the road when he passed.

Is that all? -That was all.

Do you suspect any one now? -Only him.

And only for the same reasons given us here already? -That is all.

Acting Sergeant Toomey: There is another question I should like. He stated I had three interviews with him. (To witness): How many times did I interview you at the college? -Once.

How many times did I see you in Gatton? Three times.

That would be four times then? -Yes.

**INQUIRY WORK BY THE POLICE.**

The Commissioner of Police (Mr. Parry-Okeden) was called in connection with a letter received from a resident of New South Wales, and, was asked what action was taken with a view to following the matter up. The Commissioner pointed out that he had forwarded the

papers on to Gatton to have inquiries made into the truth of the matter. Inspector Urquhart could explain the action taken.

No names were mentioned in connection with the matter; but it had reference to a statement that had been made about Michael Murphy having served with the police in the West during the shearers' strike. It appeared that in the only case in which a conviction was secured—the Ayrshire Downs woolshed burning—Michael Murphy did not give evidence. Inspector Urquhart pointed out that the police had made inquiries in connection with the case.

Inspector Urquhart mentioned another case. In which Mr. Herbert, solicitor of Toowoomba, received a letter from a Victorian lady stating that before God she could prove a certain man in Gatton was the murderer. The letter was sent to the Chief Inspector, who had the papers sent on to the police in Melbourne. There was a report from the Criminal Investigation Branch, Melbourne, in which it was shown the woman was waited upon. She stated that, after reading in the Melbourne papers of the murder, she prayed to God to reveal to her the name of the murderer, and about 3 o'clock one morning she woke up and heard her name being called.

The Chairman: Never mind going on with that.

Inspector Urquhart: There were a number of letters like that, and I simply wish to show that I did not neglect any trivial things in the investigation.

**DAY'S JUMPER.**

Continuing, Inspector Urquhart said: I should like to mention one thing with reference to Day's jumper. When Day was brought in he was wearing that jumper.

Mr. Garvin: When was that? -I would have to look at my diary. The jumper he was wearing had a smear of blood on the sleeve. I looked it carefully all over, and that was the only mark of blood I saw.

The Chairman: He had two jumpers? This was one that looked quite fresh and new. There was blood on the sleeve. It was smeared. It was thin at the edge and thick in the centre.

Mr. Garvin: You heard the evidence of King? -Yes.

If that jumper had been taken possession of it would have prevented this difficulty? Neither Clarke nor King mentioned these matters to us.

King says there were sixty spots on the jumper. -Clarke says twelve.

The Chairman: Why do you think they are telling lies? -I don't say they are telling lies. They have simply talked themselves into a delusion. I don't say they tell lies. They simply talk themselves into it. There is no reason either for us to be telling lies. I may say, in regard to some of the evidence about Toomey that Toomey worked so hard he knocked himself up.

I never saw a man work harder.

**14/10/1899**

It was decided not to take any evidence before the Police Commission yesterday. Instead the members discussed the correspondence, and arranged about other witnesses, and to-day the commission will go farther into the questions arising out of the post-mortems on the

bodies of the victims in the Gatton tragedy, about which there has been some contradiction.  
The

Commissioner of Police- (Mr. Parry-Okeden) will probably be examined last.

**16/10/1899**

The proceedings of the Royal Police Commission were continued on Saturday.

Among those present were Drs. Wray, Von Lossberg, and Orr.

Dr. Wray, Government Medical Officer at Brisbane, was called.

He said he thought that in the Police Department there should be two distinct forces mounted and foot.

There should be different measurement standards.

The present arbitrary rules prevented the joining of many good men otherwise suitable. He would leave the foot forces as at present; but with the mounted forces he would fix the height at 5ft. 9in., the weight not over 11st; chest measurement, minimum, 35in.; ages, between 21 and 25 years.

Mr. Garvin said that in New South Wales the mounted men's height was as low as 5ft. 7in., and men were never, sent back to the foot force, if they got heavy, horses to suit them were purchased.

Dr. Wray also agreed with the drill instructor that the recruits should be sent to him in batches, and that the recruits should not have less than three months' instruction.

He also agreed that the medical examination should be held before the educational test, he had never asked to have it otherwise.

Arrangements should be made so that men in the other colonies could ascertain the requirements in the Queensland force, so that they would not come on a fruitless errand.

The educational standard should also be higher.

The men, too, should have medicines supplied as well as medical attendance (as at present).

The Chairman: We now wish to ask you some Questions as to the second post mortem on the Gatton victim, and we specially draw your attention to what was said by Dr. Von Lossberg - that you disputed the fact of a bullet wound being in the head, and that it was not until he insisted 'that you consented to look for a bullet at all. I was called upon to make this exhumation and post-mortem of bodies and one of the reasons for having another post mortem was to set this matter beyond dispute as to whether the man was shot or not.

I had no dispute with Dr. Von Lossberg: in any way. I simply went to discover whether there was a bullet there or not.

Who gave you instructions ?-I could not say if it was the Commissioner or Mr. Stuart.

Were you informed that a bullet was suspected to be in the brain ?-Yes.

And were you told by whom the bullet was suspected to be in the brain? -No.

Did you express any doubt when you saw the head of Michael Murphy? -Put that question again.

Did you go to make this post-mortem, doubting .the presence of a bullet, or did you feel there was a bullet? -I had no idea one way or the other.

You went to search? -Yes.

And you never disputed the allegation of Dr. Von Lossberg?-No.

He alleges you did? -That was when I was going to open the head on the right side, where the wound was. I said where is that bullet?

Did you say, "Oh, that is no bullet wound"? -I may have said so. There was no bullet wound to be seen at the time I asked the question.

Dr. Von. Lossberg is in this position: He has alleged that he conveyed to Sub-Inspector **Galbraith** the fact that it was an incomplete examination, and that he suspected death to be caused by a bullet wound it was a matter to be settled-"If there was any suspicion of a bullet, find the bullet."

He says he desisted from making the post-mortem owing to blood poisoning; he says he pricked his finger and numbness took place?-I don't know anything about that.

It would be a very easy matter to find the bullet in the first instance. I could put my hand in.

Am I to understand you doubt that Dr. Von Lossberg made a search for the bullet?

Well, he may have made a search, but he did not find the bullet. In the first instance it would not be any trouble at all.

Well, is it improbable, in your mind, or is it unlikely that Dr. Von Lossberg desisted because he was blood-poisoned?-I don't know why.

Mr. Sadleir: Had there been complete post-mortem of Michael Murphy's head?-No.

Had the scalp been removed?-No.

Turned over?-No. I know what you mean.

Was there no saw mark?-No.

The Chairman: Then Sub-Inspector **Galbraith** is wrong when he says there were post-mortem signs-that there was stitching? -No; there were stitches. I asked Dr. Von Lossberg why he sewed it up, and he said it was because of appearances.

Mr. Gairvin: You said that if a careful examination had been made the bullet would be found?-Yes.

Mr. Sadleir: Should a professional man have made that examination in the first instance?-Yes. If anything prevented him he should have called in assistance.

It was an important point?-That is why I said if Dr. Von Lossberg was incapacitated he should have asked for assistance.

And I suppose he should have taken special pains to point out where the post-mortem was defective? -I would not have made the post-mortem in the first instance without assistance.

There was none within reach?-I never had any difficulty.

He had a chemist with him?-That would be no use if the matter went into the Supreme Court.

The Chairman: What is the practice if a post-mortem is complete. Does the medical man making the examination give a certificate as to its completeness, and a certificate of death? -He gives a certificate of the cause of death, so as to enable the magistrate to give a burial certificate.

Do you know whether Dr. Von Lossberg gave a certificate in this case? -I do not.



Would a certificate be an intimation to the police officers that it was a complete examination? -Yes.

Mr. Unmack: Then the onus if he did not give a certificate would rest with the magistrate? -Yes.

Mr. Garvin: Is it not an unusual thing for a magistrate to give an order for burial in a case where a medical man has made an examination? -I never heard of it.

The Chairman : In your experience, does the police officer in charge of each case ask you for a certificate? -He does not ask for it: I give it to him in an envelope addressed to the magistrate.

Do you give it to the police officer? -I give it to the officer present at the examination. In the course of further examination, Dr. Wray said he concluded that the wound on Michael Murphy's head could only be inflicted by a left-handed man.

Dr. Von Lossberg (examining Dr. Wray): When the body of Michael Murphy was lying on the table, was not your first question, "Where is the bullet wound you reported to the police"? -No. I may have asked you "Where is that bullet wound?"

When I showed the place where I said the bullet wound was, did you not say, "That is no bullet wound - that wound is in connection with the fracture?"

You did not show me the place where the bullet wound was at all. You could not do it.

Did not I tell you that there was no exit of the bullet, and that we would find the bullet in the head? -No.

Did you look for the exit of the bullet? No; I looked for the bullet.

When you looked for the bullet, how did you do it? -I removed the brains into a dish.

How did you get the brains into the dish? - I just stirred it.

Did you get it through the bullet wound? -No.

How did you do it? -When I removed the brain the skull was in about eight pieces.

You found the brain protruding? -Part of it.

Did you see any sutures? -Yes.

Where did you find the sutures? -On the wound in Michael Murphy's head.

Then you did not use a saw or anything? -It did not require it.

Of course I had the bones out on the table, that was the reason.

Suppose you were pushed on, not knowing what was required of you, and you were disabled by blood-poisoning, would you still go on and risk your life? -No one pushes me on to a post-mortem. If I cannot do a post-mortem I do not try it.

After you have done a post-mortem do you give a certificate of death? -No I give a certificate of the cause of death.

That form you give to the magistrate you give that in the official book? -I give it to the police officer who is present at the post-mortem, and I direct it to the police magistrate, or justice of the peace, who granted the order for the post-mortem.

When you get the official form don't you get it from the police magistrate?-The police magistrate or a justice of the peace gives you a printed form commanding you to make the post-mortem. The policeman in charge of the body gives you that order.

I make the post-mortem, and after it is finished I write the certificate out. I know the form you speak of. It is too clumsy to carry about, and I write out the certificate of the cause of death.

The Chairman (to Dr. Von Lossberg): Did you fill up any such form at the police magistrate's office? -Yes, on the 27<sup>th</sup>.

Were the bodies buried before you gave the certificate? -No.

Did you say in your certificate that you thought Michael Murphy was killed by a bullet? -Certainly I did. If Michael Murphy was buried with a bullet in his head it was certainly not my fault.

The Chairman to Sub-Inspector **Galbraith**: You heard what Dr. Von. Lossberg says - that he filled in this form on the 27<sup>th</sup>.

How did you come to get the order for burial, and from whom? -I got no order for burial, so far as I can remember. I was not present at the post mortem, and when I saw the doctor at the railway station he informed me he had completed the post-mortem.

Who gave the order for burial?-Mr. Wiggins, J.P.

Who got the order? -Sergeant Arrell, I expect.

Sergeant Arrell: I did not get it. The undertaker did.

The Chairman (to Mr. Wiggins): How did you come to give the order for burial? Well, the bodies had been there twenty-four hours, when I gave the order for burial. I was under the impression the post-mortem was finished. Dr. Von Lossberg did not lead us to believe any other way; neither did he take any steps to make us believe any other way.

Mr. Unmack: When did you give the order?-About 2 o'clock on the 28<sup>th</sup>.

The Chairman : Without any certificate?-I did not know what the practice was. I understood the post-mortem was completed.

Who gave you that Impression? -Dr. Von Lossberg.

Did you not know as a justice of the peace you had no right to give an order for burial without a certificate?-I did not know what was to be done. The bodies had been out in the sun for about twelve hours, and it was then forty hours.

You took upon yourself a responsibility that is now reacting. The doctor says he did not give the certificate?-I expected he would do that at Ipswich. I don't think the doctor knew what he came for. I don't think he had any certificates with him. He certainly took no steps to complete the examination.

Sub-Inspector **Galbraith** (to Dr. Wray): How long would it take you to perform a post-mortem on the three bodies?-About an hour and a-half.

Do you hold it to be your duty to examine the clothes when holding a post-mortem? No. It is unusual unless my attention is called to them.

The bones that you said dropped out – they were not bones cut by a saw? -No; they were simply from the fracture.

When you hold a post-mortem what do you do with the bodies? -Sew the bodies up.

That is the act of completion? -Yes.

Murphy's head was sewn up? -Yes.

Dr. Von Lossberg (to Dr. Wray): Did you make a complete post-mortem?

Did you examine the contents of the stomach? -No

And do you think a post-mortem complete if you do not examine the contents of the stomachs? -Yes, it may be; it depends upon what the case is.

Mr. Garvin: In this case you were satisfied it was a case of death from violence, and there was no necessity for that examination? -No. At the time I made it, it would be simply a farce to have opened the stomach.

If I had made the post-mortem at first it is quite possible I would have sent the contents of the stomach to Brisbane. That is to settle the question of poisoning.

Dr. Von Lossberg: Did you think it was necessary? -I did not think there was any necessity for me to open the stomach.

There were signs of a bullet? -Well, you should have settled that at first. If you could not have done it you should have got assistance.

Sub-Inspector **Galbraith** (to Dr. Von Loss-berg): You stated in your previous evidence that I was present at the post-mortem, did you? -I did not.

You stated also to the commission that you told me at the railway station that there was a bullet wound, and not to have the bodies buried? -I did not. I said I met **Galbraith** at the railway station. He asked me, "Did you find the bullet?" I said, "No, I found a bullet wound, but I could not find the bullet, and there was no exit." I advised you to take charge of the bodies at the hotel, and I had given instructions that they were not to be touched until a higher police officer had seen them. I did not say you should get another doctor; I left that to the police.

Mr. Unmack (to **Galbraith**): Do you say Dr. Von Lossberg never said anything about a bullet being in the head after the examination? -I say he said there was a wound; but before he gave up he satisfied himself there was no bullet there.

The Chairman (to Dr. Von Lossberg): There is an allegation that after you gave the certificate to the police on 27th December you added the word "bullet"? -There is no truth in it. Witness went on to say he never saw the certificate again until it was produced before the commission, and he swore that it was written with the one pen and at the one time.

Dr. Orr gave evidence.

Mr. George Baines, a clerk, of Ipswich, said on the day of the discovery of the murders he rode from Rosewood to Gatton with Sub-Inspector **Galbraith**, and was present at the conversation between that gentleman and Dr. Von Lossberg in reference to the post-mortem. He denied that anything was said by the doctor about a bullet being in Michael Murphy's head, or about his having to leave the examination incomplete owing to a finger. It could not be mentioned to **Galbraith** without witness hearing it.

Dr. Von Lossberg said he had no recollection of Baines, and, further, that what passed was said in a whisper.

Baines said this was totally untrue. Dr. Von Lossberg did not speak in a loud voice.

But **Galbraith** introduced him (Baines) as having ridden over with him, and this brought him into the conversation.

Dr. Von Lossberg said he could almost take his oath he never saw or heard of the man (Baines) in his life.

Sub-Inspector **Galbraith** said it was not a fact that Dr. Von Lossberg had at any time told him he could not complete the post-mortem. If he had told him so he (**Galbraith**) would never have allowed the bodies to be buried. It was the first time he had met the doctor. He knew he was a Government medical officer, and, therefore, when he said he had completed the post-mortem, he (**Galbraith**) was perfectly satisfied.

**Galbraith** was examined by Detective Toomey as to Patrick Murphy's denial of a statement that he had told Toomey he (Murphy) had suspected M'Neill of the murder, and searched his clothes. **Galbraith** said he was told by Toomey at the time that Murphy had given this information.

He had seen that Toomey and Murphy became very "chummy," and he did not interfere.

**Galbraith** was also questioned concerning the report about himself which was picked up in a torn condition at the C.I. branch and handed to him.

He said his wife had since destroyed it.

He noticed that Constable Head said it was written by him; but the paper he got was in Shanahan's writing.

It might possibly have been a copy.

The commission adjourned till Monday morning.

**18/10/1899**

The proceedings of the commission inquiring into the working of the Police Department were continued yesterday.

Mr. Unmack: There is one little matter I wish to bring before you, Mr. Chairman-a little matter that affects this commission and the department.

When we started this inquiry we gave an implied protection to witnesses in any evidence given.

I merely mention to you what I have heard in justice to the department and ourselves.

It is rumoured that Constable Christie, who has given very valuable and good evidence, I consider, has been transferred to an inferior position from Gatton, and reduced from a mounted constable to a foot constable.

It is further rumoured that Constable Christie has asked for information and for the reasons of his transfer, and he has got none.

And it is further stated that Christie has since tendered his resignation, and he has been asked to take leave for seven days in order to reconsider his decision.

What I want you to find out, Mr. Chairman, is the correctness or otherwise of this statement.

We have a right to protect a witness who comes before the commission.

The Chairman: We can ask Mr. Parry-Okeden when he comes before us.

Alfred Robinson, a reporter on the "Queensland Times," Ipswich, called by the commission, stated he was the first Press representative on the scene of the Gatton tragedy.

He produced notes taken by Mr. James, chemist, who was present; but there was no statement in them concerning the probable presence of a bullet in the head of Michael Murphy.

Witness came from Gatton in the train with Dr. Von Lossberg, who stated he found a wound, which he thought, was a bullet wound; but on examining it he came to the conclusion that it was caused by a knock from a stick.

Mr. C. G. Wiggins, a justice of the peace living at Gatton, said he gave the order for the post-mortem on the bodies and the order for burial.

He was present at the post-mortem, when Sergeant Arrell pointed out a wound in the head, of Michael Murphy. Dr. Von Lossberg said it might be a bullet wound; but he could find no exit, and he then said he thought it was caused by a blow from a stick.

Dr. Von Lossberg said he had pricked his finger with a bone; he washed his hands, and then asked Mr. James to probe.

The doctor remained in town until the mail train left in the evening, but said nothing.

Witness received no certificate from him.

He understood it would be put in at Ipswich.

When the bodies had remained at the hotel for nearly forty hours, and never having been informed by Dr. Von Lossberg that the inquiry was not completed, he gave the order for burial.

Sergeant Walter King, stationed at Laidley, deposed to going to Gatton and making inquiries.

He did suspect some persons as a result; but he did not care to give names.

He reported the matter to both Sub-Inspector Galbraith and Inspector Urquhart, but he never gave any information about the man Day.

The Chairman said he understood the witness had expressed a wish to make a statement before the commission.

Sergeant King said he had never desired to come to give evidence.

Archibald Meston, protector of aborigines in Southern Queensland, said he had had forty years' experience of aboriginals.

The Chairman: We understand that shortly after the Gatton tragedy you were on the scene? -On the Wednesday he (witness) was at Fraser's Island, and received a telegram from Chief Inspector Stuart asking for three trackers. He started the men at midnight, an hour after he received the wire, and the boys reached Gatton late the next night.

On Friday he (Meston) arrived at Gatton, and went to the scene of the tragedy.

And did you put these boys on to try to trace the tracks? -No. I had nothing to do with the trackers other than sending them to the Commissioner. I took one of the boys out.

Did this boy point anything out to you? -Yes, the boys all had a decided theory of their own about who committed the murder and how it was done.

Did they find any tracks? -Yes.

All three? -Yes.

What did they tell you, and did you convey that information to the police? -Well, I understood the information given to me by trackers would be given to the officers. I didn't interfere with them. I took the boy out for my own satisfaction, as I had a decided opinion.

What we want to know is if the police refused to do anything after anything material had been put before them.

Did you see any track? -Yes, one track was quite distinct, because it was outside the trampled circle.

But there were horses in the paddock? No, this was different; it was back on the ridge. It went from the scene of the murder round the ridge to the rails.

Did you tell any one? - I told Inspector Urquhart on the Saturday who I thought committed the murder, and how it was done; and I also called attention to significant facts.

You never put anything in writing? - I did on my return to Brisbane, I wrote a report, and showed it to the Home Secretary and the Commissioner. Outside of that I have nothing to do with any statements. I was credited with many statements I did not make.

Urquhart says that when leaving you expressed yourself as completely baffled-? That is utterly untrue. I never had a shadow of a doubt up to the present time.

Mr. Urquhart makes more statements that are utterly untrue.

He says I was there a week afterwards.

It was four days.

I did not say on the railway platform that I could solve the mystery in twenty-four hours.

He says it was impossible to trace tracks after a week.

One of the finest bits of tracking in Queensland was after three weeks.

He says the trackers sent up were men of inferior type.

The three I sent up were the best boys on Fraser's Island out of fifty.

One of them was the best boy after the Kelly gang in Victoria.

The other two were also good.

I pointed out to Mr. Inspector Urquhart that he was starting in a wrong direction, and it is very unfair that the police should be blamed for his blunders.

The blunders from beginning to end exhibited stupidity that amounts to infatuation.

He did not do one wise thing from start to finish.

Mr. Meston said he regarded the Queensland police as a body in physique and intelligence equal to any others in the world.

That is a pretty general condemnation. -When I went there I asked him about different persons; but he replied regarding each that he had proved an alibi.

He had accepted their statements without making any inquiries.

He even did not know a blood stain when he saw it.

Mr. Meston was questioned at some length concerning the tracks, and he mentioned another track.

He declined to indicate publicly what his theory was, and whom he suspected; but he

offered to place his report before the Commission.

His theory was held by some of the men in the force.

The Chairman said the Commission did not care for anything unless it was something that the police did not act upon.

Mr. Meston said it was for the trackers to give the information to the police.

Subsequently Mr. Meston came back, and said the track that went round the ridge to the bodies was the same track that came from the bodies in a triangular way to the sliprails

**20/10/1899**

The Royal Police Commission took further evidence yesterday.

Crawford said he desired also to make a statement in connection with the arrest of Wilson, and the charge against him of murdering the boy Hill at Oxley. He (witness) believed an attempt was made to secure evidence against Wilson that should not have been secured.

In April a man named John Jones, alias Lamb, was arrested by a constable in uniform on a charge of using obscene language, and for having property in his possession for which he could not properly account. He was accompanied to the watchhouse by Constable Gunn, of the C.I. Branch, and on the following day was remanded to the Brisbane Gaol for seven days. Gunn, when he heard of the remand, said he wanted the man sent over to the gaol. He also gave instructions that Jones was to be given anything he required. When he heard that Wilson had made a statement to Jones witness came to the conclusion that it must be false.

The Chairman: Why? -From his action.

What I understand is that you accuse Gunn of attempting to induce Jones to make a false statement against Wilson? -Yes.

If Jones made the statement that Wilson had told him he murdered the boy at Oxley it was a false statement. I thought if it was false it would not go before the court without I interfered.

Why did you come to that conclusion? The constable accompanied Jones to the watch house, and afterwards Gunn asked what had happened to Jones. When told he had been remanded to the gaol, he said, "That is what we require." He told me to let him have everything he wanted. Wilson was about a month in the watch house, and I thought him a very unlikely person to make a confession. There was another prisoner named Wakefield who made a statement that Wilson confessed to him, but it was not shown to be true. There were these facts, and the evidence given at the South Brisbane Police Court by the boy and Sergeant Dwyer. This was in reference to the boy being told he could have a pony and cart to ride about with. At that time if Inspector Urquhart had been in Brisbane I believe I would have informed him.

Mr. Sadleir: Were there not other officers to tell? - I know the officers. I know what Shanahan is capable of. I knew if I was to make a report what would be the result. I am going to put the matter very strongly to you. I don't think you are protected by the promise of the commission in coming here to volunteer a statement like this.

The Chairman: I don't see any difference between this case and any other.

Mr. Unmack: I must object to the statement made by Mr. Sadleir. This is practically an intimidation.

Mr. Sadleir: Wait a moment. Mr. Unmack: I will not. We have informed the police and the public.

Mr. Sadleir: I speak on a point of order, and ask that I be allowed to make a statement. I will not be directed by Mr. Unmack.

Mr. Unmack: There is a direct attempt to intimidate a witness.

Mr. Sadleir: I simply wish to show he is not protected by the promise made by the commission. Witness: I do not want the protection.

Mr. Unmack: Just keep quiet till we have finished. A promise has been made to the force and the public that they will be protected-that in any evidence they give they should suffer no consequences, and I don't see how one man should be protected any more than another.

Mr. Sadleir: Remember I only speak for myself.

Mr. Unmack: You expressed the opinion of the commission. I appeal to the chairman.

The Chairman:- I agree with Mr. Unmack. Any witness is protected in the matter of evidence.

Mr. Garvin: I understand a notice to that effect was published in the "Gazette."

The Chairman: He takes the responsibility, of course. Witness: I thought that man Wilson might be hanged, and I volunteered to give evidence.

The Chairman: You came to this conclusion you did from the facts you knew? I did.

Mr. Dickson: You said you knew what Shanahan was capable of? -I knew this man for years. I did not think my position was safe if I made a report. I knew if they were capable of doing that they were capable of doing anything else.

Mr. Garvín: Why did you not report it to the Commissioner; it was a serious matter? -I knew as a fact that they would procure other evidence to counteract it. I know I would go to the Supreme Court if the case came on there.

Mr. Garvín: I do not understand how you came to your conclusion.

The Chairman: You are vague. All you convey to my mind is that because Gunn expressed satisfaction that there had been a remand, and asked you to give the prisoner food, and because two other persons gave false testimony, therefore you came to the conclusion that any statement Jones made was falsely procured.

Witness: Because Jones was employed and paid by the detectives for giving information, and when a man of that kind went over and got a confession I thought that evidence should not be allowed to affect a man on a charge of murder.

Mr. Unmack: Have you proof that Jones was in the pay of the Detective Department? -I thought so at the time. I can prove it. You say that the information that I have is a serious matter. I often reflect upon it. I knew that if I happened to die and the evidence had been given against him (Wilson) it would have been a serious matter. I think any evidence given by prisoners at the gaol, where they might be told they would be liberated before their time, ought not to be held as reliable.

Mr. Sadleir: Who makes you the judge of the value of evidence? -I am supposed as a constable to carry out my duty to the best of my skill and knowledge, if it is true this attempt was made, it is a guilty action.



Mr. Sadleir: What reasons have you? Witness again recited his reasons.

You say that in reference to Gunn and Shanahan? -I have no direct information against Shanahan. Gunn told me Wilson made a statement to Jones.

You took that statement down? -Yes.

Mr. Garvín: Why did you not report this statement to your officer? -I knew if I made the report what the result would be. I knew if they were capable of getting that evidence they were capable of getting other.

Had you no confidence in any of the officers? It shows I had not confidence enough. Had I had confidence enough I would have done so.

It is a very serious matter. Do you not consider you have neglected your duty in withholding that particular report? The thing in my mind was that I would not see a man convicted on false evidence.

Witness, in answer to further questions, said Jones was discharged on the charge of drunkenness; he was fined £2 for obscene language; and the third charge, in connection with property for which he could not account, was not preferred against him.

Mr. Garvín: Don't you think you were doing an injustice to the force in not coming to the Commissioner? -I knew what would be the result.

What would be the result? -There would be a charge against me, and I would soon be out of that.

Who would make it? -Some one would soon make it.

Do you insinuate that the Commissioner and all his officers are corrupt? -No; but some of his men are.

If you had the same experience again what would you do? -I would do just as I have done, unless what has now been said to me by the commissioners altered my action.

The commission adjourned till Monday.

**21/10/1899**

When giving evidence before the Police Commission to-day, Acting-Sergeant Crawford said that he desired to make a statement in connection with the arrest of a certain man, against whom a charge was made of murdering the boy Hill, at Oxley.

He believed that an attempt had been made to secure evidence against that man, which should not have been secured.

In April the man was arrested on certain charges.

When taken to the watch house, he was accompanied there by a constable connected with the criminal investigation branch, who, on the man being remanded, gave instructions that the accused was to be given anything he required.

When witness heard that the man was charged with the murder of Hill, and had made a statement, he came to the conclusion that it must be false.

He did not think that his position would be safe had he made a report.

Mr. Garvin, one of the members of the commission, asked Crawford why he did not report the matter to the Commissioner of Police, as it was a serious matter.

Crawford replied that he knew if he had done so, other evidence would have been brought to counteract it.

He intended going to the Supreme Court if the case went there, but he thought that if he communicated with the Commissioner, a charge would have been made against him, and he would soon have been out of the force.

**24/10/1899**

At the Police Commission inquiry to-day a general denial was given to the statements by acting Sergeant Crawford last week as to a certain man apparently having been employed by the criminal investigation branch in connection with the confession alleged to have been made by a man who was accused of the murder of the boy Hill at Oxley.

Matthew McDermott, the registrar at Ipswich, stated that Dr. Von Lossberg wrote on the certificate of the cause of death of Michael Murphy, which did not contain the word bullet. He also said that the butt of the second certificate of the death of Murphy appeared in the book, but it had been taken out.

He could not say when or by whom.

Inspector Urquhart expressed himself as strongly in favour of granting the franchise to the police.

**6/11/1899**

The Royal Police Commission took further evidence on Saturday morning.

The Commissioner of Police (Mr. W. E. Parry-Okeden) continued his evidence.

He explained that the first official intimation he received of the Gatton murders was on the Wednesday morning next after the Monday on which the murder was committed.

When he arrived at the office a little after 9 o'clock the telegram sent by Sergeant Arrell was put before him by the Chief Inspector.

Witness also produced a prepared copy of evidence, &c, which he stated showed that the telegraph messenger (Massie), who had the telegram to deliver, was in the police office for fifteen minutes at least while the Chief Inspector, Inspector Urquhart, and Constable Hurst were present.

The question of the exact time the telegram was delivered formed the subject of much discussion, Mr. Bourne (of the Telegraph Department) and the messenger (Massie) being present. - What was considered was whether the lad could some time later have got into the police office by means of the steps from the Home Secretary's Department and placed the telegram on the Chief Inspector's table.

Mr. Bourne contended that the books showed that Massie was not on duty after 12.42 p.m. until 5.30 p.m.; but the Commissioner pointed out that he had a report from an officer of the department that the boy was delivering telegrams during the whole of the day.

Pressed by Mr. Unmack for an opinion, the Commissioner said he had never been able to come to a conclusion when the telegram did come. But it seemed to him that there was quite as much corroboration of Hurst's statement as Massie's statement. He explained that when he took over the office he found the practice was on holidays to leave the telegrams at the Roma-street Police Station, where the police telephone exchange was. He saw no reason to alter that practice. He was frequently rung up at his house at all hours both from the police station and the telegraph office to be Informed of the contents of important telegrams.

The system of opening telegrams had since been altered. As the evidence of the Chief Inspector came into review, the Commissioner was asked by the Chairman: May we assume that Mr. Stuart has an exceedingly defective memory? -His memory is defective, judging from his evidence and certain facts.

Has he outlived his usefulness as a police officer? -I would not go so far as that. I must leave you to judge.

Mr. Unmack: There were several cases yesterday where he did not remember.

Mr. Dickson: Yes; Rody Byrne's case was a glaring one. Witness: What Mr. Stuart says is not correct; there was no such regulation as that he mentioned. Continuing, he said he thought Sub-Inspector Galbraith should have wired him earlier of what action he took first in connection with the Gatton tragedy, because he had to wire all round next morning to find what his officers had done. Still, he knew Galbraith had done well, and so had Sergeant Johnson, then at Ipswich. He also commented on the explanation given by Inspector Urquhart as to the rumours of the murder he had heard, and the rules of the service he referred to as a reason why he did not take action. He thought that when the confirmation of Murphy's telegram came it could not be considered a hoax.

The Commissioner gave explanations concerning complaints made by several members of the force.

The commission then adjourned till Monday at 10 o'clock.

### **7/11/1899**

Before the Police Commission yesterday Mr. Parry Okeden, the Commissioner of Police, was further examined in respect to the Gatton murders, and especially in reference to the telegram announcing the murders, which went astray.

A member of the commission remarked, that Chief Inspector Stuart appeared to be suffering from a defective memory.

The Commissioner gave evidence regarding the complaints made by the various members of the force.

### **1/12/1899**

The Police Commission has forwarded its report to the Premier. The contents have not been made public, but it is understood that the commission recommends reform in more than one direction.

Messrs. Sadlier, of Victoria, and Gavin, of New South Wales, members of the commission, leave for the south to-morrow.

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