

**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**

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.

### **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.

**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**

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.

**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.

## **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**

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.

**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

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