

The Enigmatic Itinerant Thomas Day

Was about 22 years of age at the time of the murders, he said he was born in Cunnamulla, but this was never substantiated, arrived in the Gatton district on the Wednesday the 14th December 1898 saying he came up from NSW via Brisbane. Mr Clarke employed Thomas Day on Thursday the 15th. He commenced work for Arthur George Clarke a Gatton butcher on the Friday the 16th December 1898.

It was said he was a strong man who was fond of reading.

His hut was about 300 yards from the fateful sliprails of Moran's paddock.

Saying he wasn't fond of the food he was given he gave Clarke a weeks notice on the 4th of January on was due to finish on Tuesday the 11th.

He asked to be let go earlier than the 11th and Clarke refused.

He abused Clarke in front of his children and was paid up and finished on the 10th.

He went to the police to see if he was required to stay for any reason and being told no he left Gatton by train on the 10th of January 1899 with the police paying his fare as they wanted him to look in on Burgess and report to them if he had seen him before.

He went from Gatton to Toowoomba and returned about 1 week later. He visited the police in Gatton and informed them he had never seen Burgess and stated he was heading for Brisbane.

Sometime between the 17th of January and the 13th May, 1899 he joined the military.

He deserted from "A" Battery, *Queensland Permanent Artillery, at Lytton Fort, on the 13th instant, Thomas Day, gunner. Description :-22 ½ years of age, 5 feet 8 ½ inches high, medium build, fresh complexion, dark-brown hair, hazel eyes; a labourer, and native of Cunnamulla, Queensland. Said to be known to Mr. Clark, Tent Hill.*

William Burnett said dark complexion.

After his desertion from the military he is never heard from or about since that day.

He simply vanished.

His involvement or non-involvement in the murders at Gatton and indeed even Oxley became a bone of contention at the Police Commission held in late 1899.

URQUHART FURTHER EXAMINED.

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 Urquhart 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.

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.

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.

Mrs Carroll states that she saw a man, when near the rails, run after the Murphies' and peer into their cart, but that hearing her trap coming he turned off into the bush.

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.

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