

The Commissioners made a most incisive examination of Chief Inspector Urquhart regarding Thomas Day as the following extract from the records will show:

Q. (*By the Chairman*) Did you make any arrests?

A. No.

Q. Did you cross-examine any people as to their doings and their whereabouts?

A. Yes.

Q. That is all in your report?

A. Yes.

Q. (*By Mr Dickson*) Did you find out anything about Day?

A. Yes, I found out all there was to find out.

Q. Did you find out what he had been doing?

A. So far as we could get an account of what he was doing on that particular night, it rests on his own account of himself. He made a statement under examination.

Q. Did you find out whether Carroll had seen a man like Day?

A. I heard of it in the course of the first few days, and I got young Carroll down to the office and examined him, and he said, as regards Day, that he could not recognise the man he saw at the sliprails. I closely questioned him about that. I said, "Did you know the man you saw?" He said, "No, I did not." I said, "Did you think he was like anybody?" He said, "Yes, I thought he was like Clarke's man." I said, "Why did you think so?" He said, "He seemed about the same height, and I thought his clothes were the same." I said, "Can you say it was Clarke's man?" He said, "No, I cannot. " Very well, that was at the beginning of the matter.

Q. About when would that be?

A. I can get the exact time. But later on-contemporaneously with this examination of Day and Carroll-I had instructed Acting Sergeant Toomey in the matter, and he had made, unknown to Day, a thorough search of Day's place of abode-the hut he occupied at Clarke's.

Q. When?

A. I cannot give the exact date without looking it up; it was early in the business. He made a thorough search, and Galbraith and several men were told off to watch Day in his hut. That was done by order of the Chief Inspector.

They watched him, and paid surprise visits and found him lying in his bunk reading *Rienzi*. Then I made further inquiries. I wanted to know if Day had ever been known to have any firearm or access to any firearm. We could not discover that he ever had any firearm in his possession, or had ever been seen with one, or spoken about one; and we have discovered that the only firearm he



could have had access to was an old revolver that hung on Clarke's verandah, and which had not been fired, apparently, for about half a century when we looked at it.

Q. Did you find out whether Clarke kept a rifle about for shooting bullocks?

A. They had a rifle-a gun, I think-for killing. I am not sure about that. He had not access to that.

Q. How used Clarke to kill his bullocks?

A. I think he shot them. I am not sure.

Q. That was all inquired into?

A. Yes.

Q. Day gave evidence or made a statement?

A. He made a statement.

Q. Did Clarke corroborate his statement?

A. Yes, to an extent.

Q. Was Clarke called?

A. No, but a statement was taken from him by Toomey, who inquired into the matter.

Q. Was that ever put into writing?

A. It is in the form of a report from Toomey.

Q. (*By the Chairman*) Were any inquiries made as to Day's history?

A. Only from himself. Of course, we could not get confirmation.

Q. Could you not have traced him?

A. He came there as a stranger.

Q. But he came along a road, I suppose?

A. He came in the train, he said.

Q. A good many efforts were made to trace Burgess; why not Day?

A. There was no suspicion against Day.

Q. Why not?

A. That seems to have been the habit all through.

Q. (*By Mr Garvin*) Was he not subsequently found?

A. Day never was lost.

Q. (*By the Chairman*) They knew nothing about him. Where did he come from?

A. His statement was that he came from New South Wales.

Q. Did you ask him to give you particulars?

A. Yes.

Q. Did you make inquiries?

A. No, because there was no reason to doubt the man. There was no suspicion against him. There never has been until lately.

Q. (*By Mr Dickson*) Where is the statement of Clarke about it?-I could not see it.

A. It is in the report of Acting Sergeant Toomey, who interviewed Clarke on the subject.

Q. Did you find out if he had any associates?

A. He had no associates. There is the man Cox.

Q. Yes, there was Cox.

A. He was not an associate.

Q. He was on friendly terms?

A. He was in the same employ, also worked for Clarke.

Q. Did they find about his habits-walking down past the slip rails occasionally?

A. He admitted he occasionally walked along the road smoking before he went to bed. You have seen the position of the place where he lived, and it was a perfectly natural thing for him to do.

Q. Did they find out that he bought a razor and got shaved?

A. Yes.

Q. On the day of the murder?

A. Yes.

Q. You reported he bought it before the murder?

A. I did not report it. I know what I said. I said, "If my memory served me right, it was before the murder."

Q. (*By the Chairman*) The man who sold it says it was after the murder.

A. So I see. It was not of the slightest consequence, because when I saw him two or three days after he was not shaved.

Q. (*By Mr Dickson*) You say, "He bought a razor and paid a quarter's subscription to the School of Arts; but this was before the murder, if my memory is correct"?

A. Yes, but it is not correct.

Q. Your memory is not correct?

A. I wrote it in the office, away from the papers altogether, only the other day. That is why I put this in.

Q. (*By the Chairman*) You made no inquiries to verify his statements about himself?

A. I told you what I did about it.

Q. You did nothing?

A. I did.

Q. You asked him if he was the murderer?-He is not likely to say, "I am the murderer".

A. I put Acting Sergeant Toomey on to find out all he could get and report. He searched his hut, searched his clothes, had conversations with him, and made every possible inquiry. He reported there was not the slightest hope of connecting him with the murder in any way-nothing to point to the fact that he could be in any way concerned in the matter. I had several conversations with Day, and he made a statement to me. They all tended the same way. The man is a young man, and could not possibly have been a hardened criminal or anything of the kind. His behaviour all through was most satisfactory. He came down to me before he left Gatton and said, "I have had a disagreement with Clarke, and I am leaving Gatton. Have you any objection?" I said, "No. Where are you going?" He said, "I am going to Toowoomba." At that time Burgess was in custody in Toowoomba, and I said, "If you are going through Toowoomba, go to the police station and have a look at this man they have got, and let me know if you have ever seen him. Inform the police if you have ever seen him about Gatton." He went to Toowoomba, and called at the police station and told them he had never seen him before. I do not know where exactly he went to from Toowoomba. He was absent for a little time. Then he passed down through Gatton again, which was duly reported to me. He came to Brisbane, and went to the battery and joined the Permanent Artillery in his own name.

Q. Then he deserted?-Is there not a warrant out for him now?

A. There is a warrant for him for desertion from the Permanent Force. We have not been able to find him. There is another man who deserted at the same time who cannot be found. There are three men who deserted from the same force. There are warrants out for them. They cannot be found.

Q. (*By the Chairman*) What do you wish to say?

A. I stated on Friday that the boy Carroll said that he did not recognise the man as Day, but he thought the clothes of the man resembled those worn by Day. I afterwards got a statement from Carroll, and questioned him closely. Afterwards various tests for identification were carried out under the superintendence of Mr White in the courthouse at Gatton, because he had similar tests to carry out in Toowoomba, and it was considered better that one officer should carry out the whole of the tests. It was reported to me by Mr White that Carroll had picked out Burgess as the man he saw at the sliprails.

Q. Was Day amongst the men when Carroll was brought in to make the identification?

A. No.

Q. (*By Mr Garvin*) Had the boy seen Day in the presence of the police?

A. I don't know.

Q. (*By the Chairman*) What was the note that Mr White made with regard to this identification?

A. Mr White has his own notes.

Q. (*By the Chairman to Sub-Inspector White*) What was the note you made?

A. (*Sub-Inspector White*) John Carroll identified Burgess.

Q. You noted that as a fact?

A. (*Sub-Inspector White*) Yes.

Q. You did not note down what Carroll said?

A. (*Sub-Inspector White*) No.

Q. Day was not there?

A. (*Sub-Inspector White*) No.

Q. (*Mr Garvin to Witness-Sub-Inspector Urquhart*) What was the date of this?

A. 24 January.

Q. (*By the Chairman*) Was there any resemblance between Day and Burgess?

A. Not the slightest. The next step was that Carroll gave evidence at the Magisterial Inquiry on oath, where he stated he could not recognise the man.

Q. (*By Mr Sadleir*) He said he could not identify anybody?

A. Yes. He said he could not identify the man at the sliprails as anybody.

Q. (*By the Chairman to Sub-Inspector White*) Carroll still stuck to Burgess as being the man at the courthouse?

A. (*Sub-Inspector White*) Yes.

Q. (*By Mr Garvin*) That was on 24 January?

A. (*Sub-Inspector White*) Yes.

Q. (*By Mr Garvin to Witness-Sub-Inspector Urquhart*) When was it that the police first showed Day to Carroll after the murder?

A. I don't know; he may have seen him in the presence of Acting Sergeant Toomey. I would like to read the report from the *Courier* of 11 March of the evidence given by the boy Carroll on 10 March. It states there that- John Carroll, son of the last witness, aged thirteen years and nine months, corroborated his mother's evidence. He also said he noticed Michael with a whip, and that the man they passed had a grey slouch hat on; also that he wore a blue coat or shirt. He said he had recognised a man at the courthouse on 24 January as like the person he saw near the sliprails, but he could not swear positively he was the same.

Q. (*By the Chairman*) The boy said, "As like the person"?

A. Yes. When the tests took place Carroll picked out Burgess as the man.

Q. Sub-Inspector White did not take down Carroll's words?

A. No. Mrs Carroll also picked him out, and said he looked like the man.

Q. It seems to me that the word "like" makes all the difference?

A. Yes.

Q. But you say the word "like" absolutely excluded Day, because he was absolutely unlike Burgess?

A. I do not go as far as that.

Q. How far do you go?-The boy thought it was Clarke's man, because of the clothing; he could not see his face sufficiently.

A. Yes. There is another point to be brought into that. The man at the slip rails was seen by another witness-a girl named Florence Lowe, who passed close to him on horseback. The man stepped forward and spoke to her. She, in describing that man, said he wore a dark coat rather long in front-came round in front. Of course we made inquiries with reference to Day being possessed of such a garment-of ever having been seen with such a garment -and he had not. He never had.

Q. There is nothing to preclude two different men being at the sliprails at different times?

A. Oh, no.

Q. Both may be right-the boy and the girl Lowe.

A. Yes, of course. It is within the bounds of possibility they saw two different men.

Q. If there were two or more men engaged in this business, it might have been one was on the lookout at one time and another on the lookout at another time?

A. Yes.

Q. There is nothing to preclude that?

A. There is nothing to preclude that.

Q. (*By Mr Dickson*) Did you know, at the time of the examination, that the boy Carroll said to his mother, as they passed the sliprails, "That is Clarke's man"?

A. I think I did hear it. I do not know that it was officially before me.

Q. When the boy made his statement he did not say so.

Q. You knew he had said so?

A. Yes.

Q. (*By Mr Garvin*) Did you know that when you took his statement?

A. I knew he had said so.

Q. Was that not a matter that you should have pressed him on, that he said to his mother, "That is Clarke's man"?

A. Yes.

Q. That would be very important?

A. I pressed him very particularly on that point.

Q. That he was sure it was Clarke's man?

A. Yes, but he was not.

Q. (*By the Chairman*) Did you press him in such a way as to frighten him?

A. No.

Q. (*By Mr Garvin*) Did you ever hear that the boy said, on the ground, after viewing the dead bodies, to McNeil that the man whom he saw at the slip rails when they passed on the night of the 26<sup>th</sup> was Clarke's man?

A. That he said to McNeil on the ground?

Q. Yes, on the ground?

A. No. I have never heard that before. I do not think McNeil has ever informed anybody. It has never come to my ears.

Q. He informed McNeil?

A. It never came to my ears until this moment.

Q. (*By the Chairman*) You told us on Friday that you were so satisfied yourself that you never made any inquiries into Day's history. Would you be surprised to hear that when joining the Permanent Artillery he gave a false birthplace?

A. I am aware of that. I am not sure it is false.

Q. You are not?

A. No. I know he said his birthplace was Cunnamulla.

Q. You did not, I believe, trace his previous record?

A. What previous record?

Q. That there is no trace there of a man called Thomas Day? He either gave a false name or a false birthplace.

A. He gave the same name as at Gatton.

Q. And tells a lie about the reference?

A. No.

Q. That he had a reference from Clarke?

A. No. He named Clarke as a person whom the Permanent Artillery authorities might refer to if they so desired. He did not say he had any reference. I did not understand it so.

Q. Do you not think it is of great moment a man travelling under a wrong name or lying about his birthplace?

A. I do not know that it is. Hundreds of men do it.

Q. Supposing a man is a possible murderer, and you find out he was lying either about his name or birthplace, do you not think it of importance to, at any rate, thrash it out to the end?

A. But it was not found out until quite recently.

Q. You made no inquiries. If you made inquiries, you could have found out.

A. As soon as-

Q. Did you ask him where he came from?

A. Yes.

Q. What did he say?

A. New South Wales.

Q. Did you make inquiries?

A. I do not think we made inquiries in New South Wales.

Q. You accepted whatever he said?

A. We accepted it because there did not appear reasons for testing his statement any further.

Q. If you suspect a man, I think every statement he makes requires confirmation or verification.

A. As a matter of fact, after the inquiries at Gatton, I did not suspect him, and I do not suspect him now.

Q. Tell us why you suspected Burgess, and tried to make the facts fit him?

A. I did not. I absolutely deny that I did anything of the sort.

Q. Why did you suspect Burgess?

A. Because he was identified beyond doubt as the man at the sliprails.

Q. In your opinion beyond doubt?

A. At that time.

Q. Is that the only ground on which you suspected him?

A. That was the principle ground. There is his known character, and the fact of his having been found by the police—not found but seen—in the near neighbourhood of Gatton on the 27<sup>th</sup> of December.

Q. Near neighbourhood. Where?

A. Helidon.

Q. How far from Gatton is that?

A. Twenty-seven miles [*forty-three kilometres*].

Q. That is on the 27<sup>th</sup> of December?

A. Yes.

Q. (*By Mr Dickson*) By whom was he identified beyond doubt?

A. What was then apparently beyond doubt by Hallas' children as having been at Gatton at six o'clock, and various people said he was at the sliprails.

Q. Who said he was at the sliprails—I have only Mrs Carroll?

A. Remember the evidence given at the inquiry was taken long after the identification had been made.

Q. You say she identified him positively, and others identified him positively?



A. Here is her identification form. It is the same as was used for those who were going to identify Burgess or anybody else. *[Witness here read form, which he said was signed "Mr Carroll".]* There is a note by Sub-Inspector White. *[Witness read note.]*

Q. *(By the Chairman)* But you had let Day go long before this?

A. Yes. This had nothing to do with Day.

Q. You had eliminated him?

A. Yes, before this formal identification, we had knowledge that they would not identify him as the man at the sliprails.

Q. *(By Mr Sadleir)* Who else at the sliprails identified him?

A. Wait a bit. I wish to point out that the woman pointed out Burgess without the slightest hesitation. Then there is the identification of the boy John Carroll. *[Witness read the identification form of the boy John Carroll.]*

Q. *(By Mr Dickson)* When was that statement taken?

A. On the same occasion-24 January, at the Gatton Court House.

Q. It differs from his evidence. He says, "Amongst those men I picked out one, and I said, "He is like the one I saw. I would not say whether he was or not."

A. Actually he definitely picked him out.

Q. Are there any others?

A. There is Florrie Lowe. *[Identification statement of Miss Lowe read.]*

Q. In her evidence did she depart from that?

A. I must look it up and see. *[Miss Lowe's evidence read.]*

Q. *(By the Chairman)* When you asked young Carroll about the matter did you at the same time ask Miss Lowe?

A. No.

Q. Why not?

A. They were not together.

Q. Why could you not bring them together?

A. We could have done so, but I did not think it necessary. They did not say they were together when they saw the man.

Q. Do you not think it is advisable in a case like that to compare testimony?

A. Yes. I had the testimony before me in writing to compare it, and I did compare it very carefully.

Q. *(By Mr Dickson)* She simply says he was like the man?

A. She picked him out as the man, and in her evidence she says he was like the man.

Q. *(By Mr Garvin)* Was Miss Lowe shown Day?

A. I think she knew him. She was working at Clarke's herself. I cannot say for a fact if she was working there at the same time.

Q. (*By the Chairman*) Is there anything to show that she did know him?

A. I should have to look up the evidence and see.

Q. (*By Mr Sadleir*) Was she working at the same time and place?

A. I am not sure about the same time, but she was working at Clarke's and knew Day.

Q. (*By the Chairman*) That would influence you in eliminating Day -the fact that Miss Lowe knew him and did not recognise him?

A. Yes, and the other girl knew him, Louisa Theuerkauf [*sic*].

Q. We want to know why you should exclude Day so quickly as being a possible participator in the offence?

A. Yes, but you do not know what steps were taken.

Q. Well, we want to know. That is what we are here for.

A. Remember that I did not conduct these things personally.

Q. Half-a-dozen men were conducting it, is that it?

A. No, nothing of the kind. I had the supervision of the case, but I had nothing to do with the actual work of searching. I sat in the office and received reports.

Q. And can you not remember the salient features of the case?

A. Of course I can, but you ask me for details.

Q. No, I do not. I want to know why a possible murderer was so quickly eliminated from the list of suspects and allowed to go away? .

A. Well, there was no ground for detaining him-absolutely none.

Q. His place was searched first without his knowledge and then in his presence. He was brought into the presence of Clarke, his employer, and questioned most closely by Sergeant Toomey, and all his clothes were overhauled.

Q. You acted on Toomey's reports?

A. Yes, which were conveyed to me verbally every day, and in writing to a great extent, but we had not time, of course, to write everything down, although we kept a pretty good record. I saw the man myself, to try and discover whether there was any reasonable ground for detaining him, and I could find none.

Q. And looking back on all the circumstances do you still think you acted with wisdom in letting him go?

A. I do, because I had absolutely no reason for detaining him. I have arrested a man since for murder, who had far more against him than Day ever had, and the row about it has been something frightful.

Q. (*By Mr Dickson*) After hearing Mrs Carroll's evidence and young Carroll's evidence the other day, if you had had that before you at the time, would you have detained Day?

A. I did not have it before me.

Q. But if you had?

A. Possibly I might, but I do not know that I should, with the knowledge I have of the way in which public opinion in Gatton is formed. I do not think I should attach so much importance to that evidence as a stranger might, but I was a stranger to Gatton at that time.

Q. As a matter of fact, you put Day down on your list as one of the suspects?

A. No; only in this way: At one time, when the story was fresh, and if the girl had recognised him, he might have been fairly regarded as a suspect.

Q. But he was regarded as a suspect?

A. No; the word "suspect" is used more as a name-as a matter of nomenclature. There were people put down as suspects against whom there was no suspicion, but simply because they were mentioned as persons whose movements should be inquired into. The word is used much in the same way as the term "astrologer's pill". That is simply a list of quack letters.

Q. If you put a man on that list is it not an indication that you required him to clear himself of all suspicion?

A. Well, I think the time at which a suspect on that list would be cleared would be when there was nothing further against him, and there was nothing to justify me in regarding Day as a suspect.

Q. (*By the Chairman*) At any rate, you know now nothing about Day's history?

A. I know as much as it was thought necessary to know.

Q. And that is nothing?

A. I do not know why you should jump to that conclusion. What we knew about him will be found in the papers.

Q. (*By Mr Dickson*) He gave evidence, and his evidence was very meagre?

A. Where did he give evidence?

Q. I read it somewhere.

A. He did not give evidence at the inquiry. He made a statement to me. I had him under examination for two or three hours.

Q. (*By Mr Sadleir*) Is that statement written in full?

A. It is here with the papers.

Q. Can you put your hand on Day's statement?

A. Yes; here it is. [*Witness hands in document.*]

Q. How was this statement taken-in shorthand?

A. No; it was taken in longhand. I may say that the statement taken from him and the information collected about the place were not all recorded at that time, because we had no clerks there; but every officer in Gatton was satisfied about the matter at the time. The Chief Inspector, Mr Galbraith, and myself were there, and we could not see anything against the man.

Q. Didn't the fact that these three people-Mrs Carroll, her son, and Florence Lowe-identified Burgess greatly hamper your work?

A. Yes, taken in conjunction with the identification by the Hallas children, boy and girl.

Q. What were their ages?

A. The girl was seventeen and the boy about fifteen, if I remember rightly. Beatrice Hallas, the girl, stated that she attended at the Toowoomba Police Barracks on the 23<sup>rd</sup> of January and identified Burgess from among seven other men as the man she had seen at her father's house at Gatton.

Q. (*By Mr Garvin*) On what date was that statement made?

A. On the 24<sup>th</sup> of January. Frank Hallas made a similar statement.

Q. (*By Mr Sadleir*) Both those statements were taken down on the 24<sup>th</sup> of January?

A. Yes.

Q. But were the facts not substantially known to you all along?

A. Of course they were; this is the formal ratification of things we had previously got.

Q. And had been acting upon?

A. No.

Q. (*By Mr Dickson*) That evidence only goes to show that Burgess was in Gatton; there is any amount of evidence to show that Day was in Gatton also?

Of course; but Day was not on the same footing as Burgess.

Q. We do not know anything about Day previous to that; he said he came from Wagga?

A. Yes.

Q. And you do not appear to have wanted to know anything about Day's previous career?

A. I have not suggested anything of that kind.

Q. (*By the Chairman*) Neither did you want to know anything about Burgess, apparently?

A. That is an unreasonable conclusion.

Q. (*By Mr Sadleir*) Didn't the fact that these statements were known to you turn you from any further pursuit of Day?

A. For the time it turned me on the pursuit of Burgess completely.

Q. And away from Day?

A. And away from Day, or anybody else, but not altogether. I issued instructions to the officers not to disregard any other clue on account of the scent on Burgess being hot.

Q. Did Burgess on his arrest at once relieve himself of suspicion?

A. No, he did not; he absolutely declined to do so.

Q. How long did that last?

A. Down to the time of the Magisterial Inquiry. When he was put in the box he would not account for himself.

Q. What date was that?

A. The inquiry was held on the 24<sup>th</sup> of January.

Q. You sent out police to make inquiries and endeavour to trace Burgess in his wanderings before that?

A. Yes.

Q. Had their inquiries been concluded at that time showing that he could not possibly have been at Gatton on the night of the murder?

A. No.

Q. So that you still had reason to believe that Burgess was probably the murderer?

A. Yes, that is so.

Q. And all your inquiries in regard to any other person-Day or anyone else-were conducted with that feeling in your mind?

A. At that time, yes; but at no time were the inquiries of the police confined solely to Burgess. And, as a matter of fact, there was not a soul in Gatton at that particular time who did not think as I did.

Q. (*By Mr Garvin*) But you only came to that conclusion with regard to Burgess about the 20<sup>th</sup> of January?

A. Well, no; I had suspicion of Burgess before that. My conviction-well, I cannot call it a conviction-but my suspicion was strengthened very much; and at one time, I admit freely, I thought Burgess was the man. What, I suppose, you may call the zenith of my suspicion was after these identifications.

Q. But the identifications did not take place till about the 24<sup>th</sup> of January?

A. No.

Q. That would be about twenty-five days after the murder?

A. That is the formal identification.

Q. I understood that in reply to Mr Sadleir you said that on the 24<sup>th</sup> of January you only looked for Burgess?

A. No, no.

Q. That you discharged Day?

A. Oh, no. I think I can make that clear to you. What you apparently wish me to say is that but for Burgess I would have pursued Day, but I tell you that I would not have pursued him.

Q. Then I want you to tell us why you gave up following Day between the date the bodies were discovered and the 24<sup>th</sup> January?

A. Because there was nothing to follow; there had been no suspicious circumstances against Day.

Q. (*By the Chairman*) Had he not blood on his arm?

A. Yes; he was a butcher, and had been carrying meat on his arm. Mr Clarke told us that.

Q. What sort of a stain was it?

A. It was a smudge on the sleeve.

Q. (*By Mr Garvin*) Do you know whether the persons who identified Burgess had seen Day-whether they were shown Day?

A. I do not know; I do not think they were.

Q. (*By the Chairman*) Did anybody suggest to you that you should have the blood on Day's sleeve analysed?

A. No.

Q. And you did not think of it yourself?

A. No, I did not; and I do not think it would have been of any use if we had had it analysed.

Q. Why?

A. It would simply have been pronounced to have been mammalian blood.

Q. But analytical chemists can go further than that?

A. They can't here.

Q. I am told that there are several chemists here competent to do so?

A. They won't swear absolutely.

Q. But they will say probably?

A. But it can be done absolutely in some places.

Q. Did it not strike you as a reasonable inquiry to take possession of the man's coat and have it analysed?

A. No.

Q. His employer says now that he boiled his coat-I do not know whether he told you that at the time?

A. He did not. I have the statement here taken by Acting Sergeant Toomey, who interviewed Clarke. He was also supposed to have killed a sheep and burnt it on the

top of his clothes, and several other little things. I might have arrested every butcher in the country and called him to account for blood on his clothes as reasonably as Day.

Q. The arrest of a butcher at Normanton would not have been a reasonable arrest?

A. I mean about Gatton.

Q. (*By Mr Garvin*) But there was a reason given why this man's clothes should have been microscopically examined.

A. What reason?

Q. The mere fact that he was seen washing his clothes after he was spoken of as a suspect.

A. All these men wash their clothes occasionally.

Q. That is all very well, but in this case it was a reason why his clothes should have been taken possession of.

A. I do not think the washing of the clothes was mentioned till long, long afterwards.

Q. Of course it would be a different thing if you did not hear that till long afterwards?

A. It was never mentioned till it was mentioned by Sergeant Arrell about two months afterwards. That was the first I heard of it.

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