

GOVERNMENT MEDICAL OFFICERS.

Chief Inspector Stuart was called.

The Chairman: You want to say something about Government medical officers? -Yes. From the inquiries I made when I went up to Gatton I thought the examination of the



bodies that is, the post-mortem was not what I call a post-mortem at all, but merely a superficial examination of the bodies. After inquiry there for about two days, and gaining all the information I could, get, I came to the conclusion that Michael Murphy, at least, had been shot.

The Chairman: And Sergeant Arrell did not find that out? He was there supervising the post-mortem? -Yes, he was present.

Well, then, from the information I gained, I thought it was my duty to have the bodies exhumed, and have a proper post-mortem.

That was done. Galbraith said Michael Murphy showed signs of having had his head examined, and the skull cap taken off? -Of course, I know nothing of that. I was not present.

Well, then, the bodies were exhumed, and a fresh post-mortem made? -Yes, and from inquiries of people who had seen the bodies, I satisfied myself that there must be a bullet wound, which was found to be the case.

What recommendations have you to make that more efficient Government medical officers should be appointed? -I think that is a matter that speaks for itself.

Do you complain generally of the inefficiency of the Government medical officers? -No, that is the only case I have known of inefficiency on the part of a Government medical officer. There is no doubt a grave mistake was made at the first examination. It was not thorough.

Was there anything overlooked at the first post-mortem? - I consider the bodies should have been opened and thoroughly examined.

What good would opening do? -It would show if death occurred, say from a knife being put through the ribs, and other things.

Is that gentleman still a Government medical officer? -Yes, Dr. Von Lossberg.

The commission then adjourned till 10 o'clock the following day.

CONTRADICTORY EVIDENCE.

The proceedings of the Royal Police Commission were continued on Saturday.

Among those present were Drs. Wray, Von Lossberg, and Orr.

Dr. Wray, Government Medical Officer at Brisbane, was called.

The Chairman: We now wish to ask you some questions as to the second post mortem on the Gatton victim, and we specially draw your attention to what was said by Dr. Von Lossberg - that you disputed the fact of a bullet wound being in the head, and that it was not until he insisted that you consented to look for a bullet at all. I was called upon to make this exhumation and post-mortem of bodies and one of the reasons for having another post mortem was to set this matter beyond dispute as to whether the man was shot or not.

I had no dispute with Dr. Von Lossberg: in any way. I simply went to discover

whether there was a bullet there or not.

Who gave you instructions?-I could not say if it was the Commissioner or Mr. Stuart.

Were you informed that a bullet was suspected to be in the brain?-Yes.

And were you told by whom the bullet was suspected to be in the brain? -No.

Did you express any doubt when you saw the head of Michael Murphy? -Put that question again.

Did you go to make this post-mortem, doubting the presence of a bullet, or did you feel there was a bullet? -I had no idea one way or the other.

You went to search? -Yes.

And you never disputed the allegation of Dr. Von Lossberg?-No.

He alleges you did? -That was when I was going to open the head on the right side, where the wound was. I said where is that bullet?

Did you say, "Oh, that is no bullet wound"? -I may have said so. There was no bullet wound to be seen at the time I asked the question.

Dr. Von. Lossberg is in this position: He has alleged that he conveyed to Sub-Inspector Galbraith the fact that it was an incomplete examination, and that he suspected death to be caused by a bullet wound it was a matter to be settled-"If there was any suspicion of a bullet, find the bullet."

He says he desisted from making the post-mortem owing to blood poisoning; he says he pricked his finger and numbness took place?-I don't know anything about that.

It would be a very easy matter to find the bullet in the first instance. I could put my hand in.

Am I to understand you doubt that Dr. Von Lossberg made a search for the bullet?

Well, he may have made a search, but he did not find the bullet. In the first instance it would not be any trouble at all.

Well, is it improbable, in your mind, or is it unlikely that Dr. Von Lossberg desisted because he was blood-poisoned?-I don't know why.

Mr. Sadleir: Had there been complete post-mortem of Michael Murphy's head?-No.

Had the scalp been removed?-No.

Turned over?-No. I know what you mean.

Was there no saw mark?-No.

The Chairman: Then Sub-Inspector Galbraith is wrong when he says there were post-mortem signs, that there was stitching? -No; there were stitches. I asked Dr. Von Lossberg why he sewed it up, and he said it was because of appearances.

Mr. Gairvin: You said that if a careful examination had been made the bullet would be found?-Yes.

Mr. Sadleir: Should a professional man have made that examination in the first instance?-Yes. If anything prevented him he should have called in assistance.

It was an important point?-That is why I said if Dr. Von Lossberg was incapacitated he should have asked for assistance.

And I suppose he should have taken special pains to point out where the post-mortem was defective? -I would not have made the post-mortem in the first instance without assistance.

There was none within reach?-I never had any difficulty.

He had a chemist with him?-That would be no use if the matter went into the Supreme Court.

The Chairman: What is the practice if a post-mortem is complete. Does the medical

man making the examination give a certificate as to its completeness, and a certificate of death? -He gives a certificate of the cause of death, so as to enable the magistrate to give a burial certificate.

Do you know whether Dr. Von Lossberg gave a certificate in this case? -I do not. Would a certificate be an intimation to the police officers that it was a complete examination? -Yes.

Mr. Unmack: Then the onus if he did not give a certificate would rest with the magistrate? -Yes.

Mr. Garvin: Is it not an unusual thing for a magistrate to give an order for burial in a case where a medical man has made an examination? -I never heard of it.

The Chairman: In your experience, does the police officer in charge of each case ask you for a certificate? -He does not ask for it: I give it to him in an envelope addressed to the magistrate.

Do you give it to the police officer? -I give it to the officer present at the examination. In the course of further examination, Dr. Wray said he concluded that the wound on Michael Murphy's head could only be inflicted by a left-handed man.

Dr. Von Lossberg (examining Dr. Wray): When the body of Michael Murphy was lying on the table, was not your first question, "Where is the bullet wound you reported to the police"? -No. I may have asked you "Where is that bullet wound?"

When I showed the place where I said the bullet wound was, did you not say, "That is no bullet wound - that wound is in connection with the fracture?" -You did not show me the place where the bullet wound was at all. You could not do it.

Did not I tell you that there was no exit of the bullet, and that we would find the bullet in the head? -No.

Did you look for the exit of the bullet? No; I looked for the bullet.

When you looked for the bullet, how did you do it? -I removed the brains into a dish.

How did you get the brains into the dish? - I just stirred it.

Did you get it through the bullet wound? -No.

How did you do it? -When I removed the brain the skull was in about eight pieces.

You found the brain protruding? -Part of it.

Did you see any sutures? -Yes.

Where did you find the sutures? -On the wound in Michael Murphy's head.

Then you did not use a saw or anything? -It did not require it.

Of course I had the bones out on the table, that was the reason.

Suppose you were pushed on, not knowing what was required of you, and you were disabled by blood-poisoning, would you still go on and risk your life? -No one pushes me on to a post-mortem. If I cannot do a post-mortem I do not try it.

After you have done a post-mortem do you give a certificate of death? -No I give a certificate of the cause of death.

That form you give to the magistrate you give that in the official book? -I give it to the police officer who is present at the post-mortem, and I direct it to the police magistrate, or justice of the peace, who granted the order for the post-mortem.

When you get the official form don't you get it from the police magistrate? -The police magistrate or a justice of the peace gives you a printed form commanding you to make the post-mortem. The policeman in charge of the body gives you that order.

I make the post-mortem, and after it is finished I write the certificate out. I know the form you speak of. It is too clumsy to carry about, and I write out the certificate of the

cause of death.

The Chairman (to Dr. Von Lossberg): Did you fill up any such form at the police magistrate's office? -Yes, on the 27th.

Were the bodies buried before you gave the certificate? -No.

Did you say in your certificate that you thought Michael Murphy was killed by a bullet? -Certainly I did. If Michael Murphy was buried with a bullet in his head it was certainly not my fault.

The Chairman to Sub-Inspector Galbraith: You heard what Dr. Von. Lossberg says - that he filled in this form on the 27th.

How did you come to get the order for burial, and from whom? -I got no order for burial, so far as I can remember. I was not present at the post mortem, and when I saw the doctor at the railway station he informed me he had completed the post-mortem.

Who gave the order for burial?-Mr. Wiggins, J.P.

Who got the order? -Sergeant Arrell, I expect.

Sergeant Arrell: I did not get it. The undertaker did.

The Chairman (to Mr. Wiggins): How did you come to give the order for burial?

Well, the bodies had been there twenty-four hours, when I gave the order for burial. I was under the impression the post-mortem was finished. Dr. Von Lossberg did not lead us to believe any other way; neither did he take any steps to make us believe any other way.

Mr. Unmack: When did you give the order?-About 2 o'clock on the 28th.

The Chairman: Without any certificate?-I did not know what the practice was. I understood the post-mortem was completed.

Who gave you that impression? -Dr. Von Lossberg.

Did you not know as a justice of the peace you had no right to give an order for burial without a certificate?-I did not know what was to be done. The bodies had been out in the sun for about twelve hours, and it was then forty hours.

You took upon yourself a responsibility that is now reacting. The doctor says he did not give the certificate?-I expected he would do that at Ipswich. I don't think the doctor knew what he came for. I don't think he had any certificates with him. He certainly took no steps to complete the examination.

Sub-Inspector Galbraith (to Dr. Wray): How long would it take you to perform a post-mortem on the three bodies?-About an hour and a-half.

Do you hold it to be your duty to examine the clothes when holding a post-mortem?

No. It is unusual unless my attention is called to them.

The bones that you said dropped out – they were not bones cut by a saw? -No; they were simply from the fracture.

When you hold a post-mortem what do you do with the bodies?-Sew the bodies up.

That is the act of completion?-Yes.

Murphy's head was sewn up?-Yes.

Dr. Von Lossberg (to Dr. Wray): Did you make a complete post-mortem? Did you examine the contents of the stomach?-No.

And do you think a post-mortem complete if you do not examine the contents of the stomachs? -Yes, it may be; it depends upon what the case is.

Mr. Garvin: In this case you were satisfied it was a case of death from violence, and there was no necessity for that examination?-No. At the time I made it, it would be simply a farce to have opened the stomach.

If I had made the post-mortem at first it is quite possible I would have sent the contents of the stomach to Brisbane. That is to settle the question of poisoning.
Dr. Von Lossberg: Did you think it was necessary?-I did not think there was any necessity for me to open the stomach.

There were signs of a bullet?-Well, you should have settled that at first. If you could not have done it you should have got assistance.

Sub-Inspector Galbraith (to Dr. Von Lossberg): You stated in your previous evidence that I was present at the post-mortem, did you?-I did not.

You stated also to the commission that you told me at the railway station that there was a bullet wound, and not to have the bodies buried?-I did not. I said I met Galbraith at the railway station. He asked me, "Did you find the bullet?" I said, "No, I found a bullet wound, but I could not find the bullet, and there was no exit." I advised you to take charge of the bodies at the hotel, and I had given instructions that they were not to be touched until a higher police officer had seen them. I did not say you should get another doctor; I left that to the police.

Mr. Unmack (to Galbraith): Do you say Dr. Von Lossberg never said anything about a bullet being in the head after the examination?-I say he said there was a wound; but before he gave up he satisfied himself there was no bullet there.

The Chairman (to Dr. Von Lossberg): There is an allegation that after you gave the certificate to the police on 27th December you added the word "bullet"? -There is no truth in it. Witness went on to say he never saw the certificate again until it was produced before the commission, and he swore that it was written with the one pen and at the one time.

Dr. Orr gave evidence.

Mr. George Baines, a clerk, of Ipswich, said on the day of the discovery of the murders he rode from Rosewood to Gatton with Sub-Inspector Galbraith, and was present at the conversation between that gentleman and Dr. Von Lossberg in reference to the post-mortem. He denied that anything was said by the doctor about a bullet being in Michael Murphy's head, or about his having to leave the examination incomplete owing to a finger.

It could not be mentioned to Galbraith without witness hearing it.

Dr. Von Lossberg said he had no recollection of Baines, and, further, that what passed was said in a whisper.

Baines said this was totally untrue. Dr. Von Lossberg did not speak in a loud voice. But Galbraith introduced him (Baines) as having ridden over with him, and this brought him into the conversation.

Dr. Von Lossberg said he could almost take his oath he never saw or heard of the man (Baines) in his life.

Sub-Inspector Galbraith said it was not a fact that Dr. Von Lossberg had at any time told him he could not complete the post-mortem. If he had told him so he (Galbraith) would never have allowed the bodies to be buried. It was the first time he had met the doctor. He knew he was a Government medical officer, and, therefore, when he said he had completed the post-mortem, he (Galbraith) was perfectly satisfied.