

MURDER AT THE INDIGO.

INDIGO POLICE COURT.

WEDNESDAY, FEBRUARY 23.

(ABRIDGED FROM THE OVEN AND MURRAY ADVERTISER.)

Thomas Ryan, on demand, charged with the wilful murder of Joseph Hartwig, was again brought up.

Charles Bell, sworn, and examined by Mr. Bookley.—Remember the night of the murder. Was in bed, at the top of the lead. It was about 9 o'clock at night. Soon after I was in bed heard a cry twice. At the same moment heard the report of a gun. I got out of bed the next moment. I saw Hugh Watt, John Roberts, Owen James, and David Robinson coming towards my tent. We went to the road to see if we could find anyone. We saw a bullock dray with four bullocks. They were facing for the road. They were about ten yards off the road on the right hand side. They were entangled round a tree. I saw a man lying dead in the dray. His head was hanging over the tail of the dray. His feet were towards the tail of the dray. Believe the man was quite dead. Saw blood underneath the throat on the left side. Recollect the Monday after the murder. There was some straw on the dray. From the time I heard the report till I reached the dray, it might be ten minutes.

To the prisoner: I did not see you there.

Charles Thornton, manager for Mr. Viviers, Weeragay, examined: Recollect attending an inquest on Monday the 10th of January. Saw the body. It was that of Joseph Hartwig. He went by the name of German Joe. He was in the employ of Dr. Gemmill. He was in the habit of carrying vegetables to the diggings. To the best of my belief he left for the Indigo diggings on Friday, the 8th. He used to bring home the value of his load. It ran from £13 to £16.

To the Prisoner.—I was not on the Indigo road on the night of the murder.

To the Bench.—£16 was about the average. It might have amounted to much more.

Dr. Stitt examined.—Am a legally qualified medical practitioner. Recollect the 10th of January. Attended an inquest on that day, and made a *post mortem* examination of the body of Joseph Hartwig. I found that he had died from the effects of a gunshot wound. Witness explained the nature of the wound.

John Roberts was sworn and examined.—Am a miner, and live on the Indigo. On the 10th of January last resided at the upper end of the lead, on the right hand side of the road. On that evening, about 9 o'clock, I was in Hugh Watt's tent. I heard a person cry, "Oh, don't." Immediately heard a shot, and a person moaning. I got my mates and went over to the place. We took a light with us. It was about five minutes after we heard the shot. Found a dray and four bullocks. The bullocks were entangled round a tree off the road, about 12 yards on the right hand side. It was about a 150 yards from my tent. There was the body of a man on the dray. His feet were towards the bullocks. His head was hanging over the end of the dray. Did not examine the body. Recollect Monday the 10th. Attended an inquest on that day. The inquest was on the same body that we found on the dray.

To prisoner.—I did not see you on that day week that I can recollect of on the Indigo, or on the road.

Joseph Walker, examined.—Am a miner. On the 8th of January I lived in a refreshment tent in the Main-street. Do not know

On the 8th of January I lived in a refreshment tent in the Main-street. Do not know the name of the person who kept it. Was at the Full and Plenty restaurant on that day. I saw a German selling vegetables opposite that house. The Full and Plenty is about one and a-half mile down the lead. He had a common bullock-dray. There were four bullocks in it when I saw it. Saw him come and ask a party for a drink. The man was a little taller and stouter than I am. Heard him speak; he spoke like a foreigner. Heard John Wright call him "Joe," and ask if he was going to shout. Saw a man beside the dray. Cannot swear that the prisoner is the man. He had a Californian hat on. The hat now worn by the prisoner is one of the same kind. The man I have described said to Joe, "Come on, and don't shout." He was a taller man than Joe. Did not see any person buy anything from the dray. The bullocks were facing up the lead. Do not know the prisoner. Do not recollect seeing him before. His hat is the same as that on the man I saw with the German.

To the prisoner.—Do not recollect ever seeing you before in my life.

James Marshall and Henry Standfield were examined, and corroborated the evidence of the last witness.

Mr. Sub-Inspector Weldon, sworn and examined.—Recollect the murder that took place at Indigo on the 8th of January last. First saw the prisoner on the afternoon of Monday, the 10th of the same month. The prisoner came up to the Camp. He said, "Are there not two men apprehended for the murder?"

To the prisoner Ryan.—I sent out a constable to say I wanted you. I gave you your dinner, and some brandy. This was after you laid the information. I think you had two nobblers of brandy. You swore to the information before Mr. Gaunt. You were not drinking on that day.

P. Le P. Bookley examined.—Am the Superintendent of Police, stationed at Beechworth. To the best of my belief, on Tuesday, the 11th of January, I saw Ryan in Beechworth. He gave me the description of two men, whom he named Wilson and Cooney. Ryan stated that they were the men who committed the murder at the Indigo on the 8th of that month. I made no promise nor held out any threat to him before he gave me this information. Sent him with Detective Alexander to find out the men described. On Sunday, the 16th, they returned with two men in custody, giving their names as Williams and Louison. The two men were brought up at the Indigo, and were discharged. On Ryan's return, on the 16th January, sent for him to this office. When he came into the door, I said, "Well, Ryan, so you have got them?" He said, "There is no use in my burying it any longer—I was in the whole of it." I then told him to make a full statement, and I should write it down. He did so. The statement was made quite voluntary. The statement produced is the same. It says:—"James Wilson, alias Joseph Williams, and Job Cooney, alias Michael Mooney, were living at the other end of the Indigo previous to the murder. I saw them on Friday. Met them below M'Cormack's. They said that the man selling vegetables had plenty of money, and was to meet them at the Post Office or at the Auction Mart on the following day, Saturday. They said on Friday he had plenty of money, and if I came in on the Saturday we could decide on what was to be done. I saw them about a fortnight before Friday. They said he would be in all day with vegetables on the Saturday. I had a nobbler with them at

he would be in all day with vegetables on the Saturday. I had a nobbler with them at the Star, a large stringy bark place. I bade them good evening, and said I should be in on Saturday early. When I came in on Saturday I was an hour at the Auction Mart before they came. They came about 1 o'clock. We went down the lead. I had no coat on me. We stopped at one of the bowling-rooms. There was no bed in it. There were a few men playing in it. I can point it out. It was fully one mile and a half below the Star. We could see him (the bullock-driver), from this door, dealing with a woman for vegetables. Wilson followed, and looked after him during the day. He told me and Cooney to stay behind. Wilson followed him all day. He watched him till dusk. We did not come out till the dray and bullock-driver, with Wilson watching, came past, on his (the driver's) way home. Then Cooney and I followed. This was between 8 and 9 o'clock. We three were together. Wilson went up to speak to him. Says Wilson, 'I will go up and speak to him first.' That was about 200 yards from where the murder was committed. Wilson said we were to keep back; and he talked to him about a quarter of an hour. The bullocks were stopped. The bullock-driver then commenced to drive the bullocks. Wilson then pointed his finger, beckoning to me and Cooney; and I went up. When we had gone about 500 yards, we stopped the bullocks. Wilson asked him for the money, and Cooney and I told him to give it up, and he said he would not. Says he, 'I will not give up my money to either of you, I will lose my life first.' Says Wilson 'That you will do, unless you give the money up.' He said he would lose his life first. Cooney and I were coming up just then. Cooney was next to him. The deceased struck me with the whip-handle. Wilson drew the revolver, and it missed three times, put at the butt of his ear, but the fourth went off, and shot him, and he dropped on the road. Wilson, me, and Cooney turned his pockets inside out. The money was all put into Wilson's hat. The pocket I was at was not cut out, it was only turned inside out. We then chucked him up on the bullock dray. He was quite dead. Cooney drove on the bullocks to put them against the tree. I was on ahead. When some distance down past the mill they pulled me up, and passed me, and

said they would stop at the Black Dog. When I got to my wife I chucked the four loaves of bread into her, and went into Dillon's. Wilson was inside, and Cooney was outside the railings. We stopped at Dillon's about 20 minutes, and then left. We counted the money at the bridge. There was £18 12s. 6d. and sevenpence in coppers. I got £4 from them. They said that they would stop on the left-hand side of the creek, and told me where I should meet them in the morning, and I should get my regulars. I got up before sunrise and crossed the bridge, and followed the creek on the other side as far as Garlick's fence, and came over the creek on the other side, and I could see nothing of them. I never saw them again till they were taken. They said I was to follow them to the Goulburn. They broke the pistols before they got to Dillon's, and put the pieces into a handkerchief, and said they would chuck them into a waterhole. It was about three quarters of a mile from the spot where the man had been murdered; and there the pistols were broken, and we had a smoke; a little book bound

murdered; and there the pistols were broken, and we had a smoke; a little book bound with leather was torn up and put in with a revolver, and some of it we lit our pipes with. When I first came up with the bullock-driver, and when he refused to give up the money, I asked Wilson not to shoot him, but to get him out further, to put him down, and take the money in that way. I sung out different times not to shoot. Wilson said he would show us how he would put him out of the way of swearing against us. I saw the revolver, and had it in my hand about 5 o'clock on Saturday, it was then loaded, but not cocked. It was a six-barrelled revolver. I saw the pistol about the same time. I did not take any particular notice of it, but remarked that it was rusty about the cock. Wilson had the revolver a few months, he told me so. Wilson certainly got away from two constables at the Nine Mile. He had cord trousers and a monkey-jacket, having broad ribbons. Cooney had a black billycock hat, light fustian trousers, worn at bottoms, and a blue shirt on. The dogs commenced barking when the shot was fired. I saw a woman come to the tent-door with a light, and go back. No one came out while we were there. That was his statement. At the time he made it he was in custody on charge of robbing Dillon's store. He was not charged with the murder. It was made perfectly free and voluntarily. I held out no promise or threat to him. He referred to the two men in custody as Wilson and Cooney. He said he was present when they were arrested. On the first occasion when he was charged at the court with the murder, I cautioned him. I said that anything he might say between this and the time he was brought before the Bench might be given in evidence against him. He stated that he did not care about any caution. He further stated that Wilson and Cooney had at one time raised him, and he (Ryan) had a down upon them, and that was his reason why he had gone against them, and was sorry he could not do more to them. On the 4th of this month, at the lock-up at Beechworth, Ryan told me that the two men who committed the murder was one by the name of Job and another called Sullivan. He saw them at it when he was passing on the night of the murder. Sullivan and Job went across the creek towards Beechworth, and crossed close by the 'brewery,' and passed by the slaughter yard, not far from Garlick's, on the right hand on the way back. He said there was a little fellow with them who was a blacksmith, and that he (Ryan) had picked up with them at Wangaratta, and that the two men he had named had come from Pleasant Creek.

Ryan to Mr. Bookey.—You have made a first-rate thing of it. He asked Bookey if he could prove that he was the man who murdered the man. He could go to Beechworth and care for nobody. He accused Mr. Bookey of giving him drink. Ryan was about censuring the authorities for keeping him so long in custody without being able to bring a specific charge against him when the Bench told him to reserve his defence for the present. The prisoner Ryan said "You cannot judge that I committed the murder; and I do not care one ha'p'worth about it."

Constable Owens deposed that Ryan had stated to him, that he (Ryan) took part in the murder.

J. F. Alexander, examined: Am a detective stationed at Beechworth. I recollect seeing Ryan on the day the inquest was held on the body of Joseph Hartwig. It was the 10th day of January last. Ryan said I can tell something about the murder. I then took him to

of January last. Ryan said I can tell something about the murder. I then took him to Mr. Weldon's room. There was a statement made there in my presence. He stated that he was near the bullock dray. That he heard the shot fired, that he heard a man cry out, "Oh don't, oh don't."

He afterwards made a statement in the lock up in my presence, that the two men whom I searched on the morning of the 5th were the parties who did the deed.

Mr. Bookey said that this closed the case against the prisoner.

Mr. Gaunt to the prisoner.—Do you wish to call any witnesses?

THE PRISONER SAID HE HAD SEVERAL. HE WAS CALLED.

Charles Low, sworn and examined.—Am a blacksmith, and live at the Black Dog Creek. Recollect on the day of the murder Ryan's wife borrowing a long-handled shovel. I do not remember that Ryan brought it back. I had to send for it. I remember putting the earth round my alaba, but do not recollect seeing you at all on that day.

Cross-examined by Mr. Bookey.—I did not see Ryan on the Sunday morning after the murder. I heard his voice. He asked his wife how I was. He said, "Oh, what a dreadful murder has been committed." She said "Had they quarrelled, or was he killed for his money." Ryan said he did not know; he also said he was hurt. It was a dreadful wet night; he was out all night, and wished he had had a blanket with him.

To the prisoner.—I was in bed when you came. Your place is 70 or 80 yards from my house.

William Hunter examined.—Am an ostler,

and live at the Black Dog. I do not recollect seeing Ryan on the night the murder was committed. I had a glass with him on the Monday morning after the murder.

The prisoner having been duly cautioned, snapped his fingers, and said he did not care that for his trial; it was just what he had wanted for a long time.

He was then fully committed to take his trial at the next Circuit Court, to be held at Beechworth on the 25th day of March next.