

Bendigo Cemetery



This is an earthen grave for John McWilliam Gunyon.

It is in section B1, and the grave number is 4233.

The date of death was 7/04/1872, aged 45, and date of burial was 10/04/1872.

Images:

GUNYON_B1_164_4233.JPG

Only John McWilliam Gunyon is buried in this grave #4233 Sect B1 as per cemetery records.

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John McWilliam Gunyon

Bendigo Advertiser (Vic. : 1855 - 1918) Mon 8 Apr 1872 Page 2

MYSTERIOUS TRAGEDY IN M'IVOR STREET.

One of the most strange deaths which has occurred in this district for many years, occurred in M'Ivor Street on Saturday night or rather Sunday morning. The case, though surrounded with most tragic circumstances, seems completely shrouded in mystery, and with the scanty evidence which can be obtained it seems difficult to advance any reliable theory.

The facts as elicited with no small difficulty by our reporter are as follows:- On Saturday evening between eight and nine o'clock, a man named John Gunyon came into Mr Fox's Darling hotel, M'Ivor Street, and was served with a pint of beer, after which he left the place. Subsequently, at between 9 and 10 o'clock he was seen by Mr Fox lying on the footpath in front of the hotel, and three or four other men - described as his mates, were with him.

It appeared as if they were having a row about a half crown, and Mr Fox went to see what was the matter. He approached the man in the yard and told him to get up, and they lifted him on his legs. The man, who was evidently either drunk or stupefied, merely asked for his hat, whereupon Mr Fox left, and in a few minutes afterwards the men described as Gunyon's mates, took him away. That is said to have been done at about ten o'clock.

The next scene in the strange affair occurred near a dilapidated weatherboard establishment in a right-of-way, to which there is access both from M'Ivor Street and Mundy Street. It is situated at the rear of the Oddfellows' Hall, and occupied as a general boarding-house for tramps and bushmen, by a man named Powell. This Powell says that at near twelve o'clock on Saturday night, he was in the house, which was lighted with one candle, when he heard a noise in the right-of-way.

Hearing the disturbance he put out the candle, and in a few minutes three or four men came to the door and asked him to let them in. Amongst these men he thinks was Gunyon and a man named John Horne, another lodger at his house, Gunyon also being one. He refused to open the door, saying he would not let drunkards come to his place. Then a parley ensued, in the course of which some one appeared to fight Horne, and the next thing that occurred, as far as he could see and hear - as he was standing in the dark near the door, to prevent its being broken in - was a general melee, in the course of which bricks and stones were thrown against the door, some of the men insisting on coming in.

At length the men went away, and Powell came outside to see if any damage was done, but saw nothing, except two policemen walking down the right-of-way. Half an hour afterwards Horne came into the house, and went to bed. In the morning, shortly after six o'clock, on coming out, Powell saw the body of a man stretched in front of his house. He went to it, and found that it was that of John Gunyon.

Life was extinct, and the body was cold. He immediately ran to the police camp, and gave information, but the police did not come, and he went a second time. At eight o'clock several officers came and took possession of the body, which was removed to the Prince of Wales Hotel. John Horne, lately in the employ of the Easter Fair committee, says that on Saturday night, at about ten o'clock, he went to Fox's hotel with a man named Crawford, a friend of deceased.

On arriving there they saw Gunyon lying on the footpath, and Mr Fox supporting him. Crawford seemed much astonished on seeing his friend, and exclaimed, "Can it be possible!" and with that he raised him up; all deceased said was, "Where is my hat?" There was another party present at the time. At this stage of his narrative Horne refused to state anything further to our reporter, saying he did not think it would be right; but no doubt all he knows will be elicited at the coroner's inquest. Complicated and confused as seems the above statement of facts, it was impossible to gain any more definite information.

There are many missing links in the chain of evidence; but be that as it may, this is certain, that John Gunyon met with a fearful death, whether by accident or murder is hard to say. There were no external marks of violence of any kind. The post mortem examination of the body, however, made by Dr Hugh Boyd, proved that the cause of death was extravasation of blood upon the brain, which was caused either by a violent blow or a fall. The deceased was a carpenter and recently arrived from Ballarat. The coroner's inquest will be held to-day, and as the police are actively engaged collecting the evidence, we may expect that some light will be thrown upon the case.

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LAWLESSNESS.

Bendigo Advertiser (Vic. : 1855 - 1918) Thu 11 Apr 1872 Page 2

THE question is this - is it simply accidental that so many deplorable and discreditable tragedies have occurred amongst us of late, or is the spirit of lawlessness in the ascendant in this district?

The disgraceful fracas at Back Creek, the recent brawl in M'lvor Street, wherein another man came by a sudden and violent death, and one or two other instances, have been referred to in numerous journals throughout the country in no complimentary terms to this community; and more than one moral has been pointed at its expense within the past few weeks. Let us - as we would wish to do with any disagreeable matter whatever - look at the facts boldly and broadly in the face, and endeavour, as searchingly as may be, to set them forth, and account for them if possible.

We are sorry to have to admit, at the outset, that these facts are as discreditable as they are marked. The tragedies themselves have been disgraceful enough, but their surroundings, and the attendant circumstances, are even more to be deplored. A prize fight on Sunday is bad enough - it is a subject of infinitely greater regret to think that nearly one hundred persons could meet together to see it, and to witness, without interference, the lowest spectacle that it is possible to witness in this world.

It is quite likely that the presence of many of these persons, in as purely and entirely accidental; that they did not premeditate attending a prize light on the

Sabbath Day, but that, casually passing, they were drawn towards the scene and detained there, by the seductive curiosity which so often seizes on the people, and gently and imperceptibly leads them to the evil gate.

Nevertheless, we cannot avoid observing the fact, that there were not a few who attended, aided, and abetted, at this outrage; and there were many more who looked on at the brutal exhibition unconcernedly, if not with pleasure. We do not feel justified in going into the particulars or the merits of the more recent tragical occurrence in M'Ivor Street, whereby the man John Gunnyin (Gunyon) met his death.

That matter is at present under judicial investigation, and it would not become us at this stage, to inquire into the circumstances attending it. We may, however, state that about the leading features of the case there is no doubt whatever, and these are, that in a drunken quarrel, in the immediate neighbourhood of a public house, the man received the most frightful injuries, without being assisted, noticed, attended to, or --- for and was killed. We give a few selections from the evidence given before the inquest held by the Coroner, without one word of comment:

Peter Reinke, brewer, deposed that about 7.30 p m. he saw a man eject deceased from the Darling hotel, and deceased fell backwards on his head, striking the ground with great violence, so that witness thought he could hear the skull smash.

The man who did it went away, and though witness stood looking out from his door for fifteen minutes, he did not see him return, he was dressed with a white felt hat, yellow tweed coat, and moleskin trousers, like a laborer. Witness went to deceased and raised him up, and Fox and another man came out and placed him sitting against the verandah post. Deceased did not move when raised, and he fell down from the post with his feet in the gutter, in Fox's and the other man's presence, and they went in and left him there.

Witness thought deceased was dying. Witness went over to his house and told a laborer there that he believed deceased was dying, and the laborer "Jack" went and had a look and came back and said deceased was still breathing very hard. Next morning witness saw deceased lying behind Powell's house dead. The landlord of the hotel where the fight took place deposed "that on Saturday night deceased came into the bar and had a pint of ale, for which he paid. There were about twenty people in the bar."

Another witness gave the following evidence:-

Michael O'Halloran, miner, deposed that he was in the bar when the dispute about the half-crown occurred, and Fox took it out of deceased's pocket and gave it to a man. Several men then took hold of deceased and pushed him out of the bar-door, and he fell backward on the footpath. The men returned and had drinks, and said it served deceased right.

Afterwards the man in the white sleeves and one or two others set deceased against the post, but he fell back on the footpath, with his feet in the channel, breathing weakly. Witness thought he was dead at the time. Witness heard the blow of the head on the ground. Fox was not one of the men who put deceased out. It would seem then, that, judging from the surroundings of these and other cases, 'accident' is not wholly responsible for the condition of things herein set forth as existing in our midst.

We have no hesitation whatever in laying down the maxim, that the law will not be respected if its provisions are not carefully and even minutely regarded and enforced by its administrators. In this we think we have a clue - some sort of clue at least - to the causes of recent events. It is a fact that the provisions of the Publicans statute, for instance, are not enforced - not even pretended to be enforced - in this district.

We don't say here anything for or against the merits of the Publicans' Statute, but we do say, that so long as its provisions are in force, they should be rigidly respected. If we allow these enactments to become dead letters, to that extent to which we do so, do we demoralise the people. If the law says, "close the publican's doors on Sunday," these doors ought not to be defiantly open on Sunday.

If the law says, "Lazarus must close his hotel at a certain hour," the same law ought to apply to, and ought to be regarded by, Dives. There is an end of public morality, and therefore the commencement of public vice and depravity, when the laws, and more especially the laws relating to the social life of a people, are set at naught openly. It is beside the purpose altogether, to enquire here, whether these laws are good, bad, oppressive, indifferent, injurious, or not. So long as they are unrepealed and in force, so long ought the officers of the law to execute them.

We will say one word here about another matter altogether, but one immediately connected with the matter in hand for all that. We allude to the £10 spirit license fee, and the miserable shanties, called by a peculiar stretch of imagination "public houses," licensed in all directions of late around us. We have seen one of these new "hotels" contain two rooms and a kitchen. Within the boundary of the City of Sandhurst we think that the £10 license fee should be completely abolished.

We would suggest the refusal also of any license to houses which did not contain reasonable accommodation for the public, and we most certainly should not increase the large number of licenses already issued without very good reason. Nearly all these are matters in which the law has been hitherto disregarded.

If tragical and disgraceful events are to be of rare occurrence amount us, and if we are to maintain our well-earned credit before the country, let the magistrates and

public officials from the highest to the lowest officer, respect and enforce the existing law, whatever that law may be.

Letter to the Editor

Bendigo Advertiser (Vic. : 1855 - 1918) Fri 12 Apr 1872 Page 3

THE M'IVOR STREET TRAGEDY

(Letter to the Editor of the Bendigo Advertiser)

Sir,- Was there ever a case that so fully illustrated the parable of the sick man who fell among thieves, "who wounded him, leaving him half dead", as the case of the man Gunnyin (Gunyon) at Back Creek, which you have so fully shown up in this morning leader?

What a picture have you drawn, Mr Editor, of the debasement of human nature when degraded by drink! To think that in the year of our Lord 1872 there can be found a set of men capable of such brutality, not only in doing the act itself, but that others could see a fellow creature bleeding to death in a gutter without rendering him any assistance, from half-past 7 o'clock till midnight. "when the bar was closed," and then to be dragged into a right-of way, that the sin of the thing should not lie at anyone's door in particular.

It has been frequently asked lately, and by Mr Buckley in particular, where the police were on this occasion? How often was it their duty to have passed this poor fellow within the time stated, on their regular beat? Mr Chomley has a case clearly set before him in this instance.

The police were either off their beat, or they could pass and re-pass a man either dead or dying without rendering him any assistance till the following morning, when they found him dead in the right of way. One would have supposed that if a mere animal had met with an accident, it would have been attended to; how much more so in this case. Are there no Samaritans at the Back Creek?

Yours,
NEMO.

11th April.

Letter to the Editor

(To the Editor of the Bendigo Advertiser)

Sir,- In the Advertiser of this day I see a subleader headed "Lawlessness," in which you complain of the late fracas at Back Creek, and M'Ivor Street, by which our hitherto peaceful city is getting into bad repute, and after hinting at many causes for the perpetration of those deeds, you refer to the disgraceful places that have been lately licensed as £10 public-houses.

Now, sir, I think that for the credit of our city, three fourths of those places should

never have had a license granted to their owners, for according to the Wines, Beer and Spirit Sales' Statute these places are supposed to have reasonable accommodation; but what is the fact? I will give you, sir, one instance out of many.

I can point out a miserable bark but within three-quarters of a mile of the Town Mall (and in a locality where there were too many dram shops before) the owner of which has got a £10 license, although such a hovel was never intended by the Act to be licensed; but, sir, you may naturally ask how such places have got licensed when the premises are to be inspected and reported on by a policeman, previous to being so? I can only say that such inspection and reports in most cases are a mockery.

You may ask what other inspection we would have but that of the police? I would, until the Act is altered, let the inspection be by the Superintendent of Police, assisted by the Town Inspector, and that would be a guarantee that some, at least, of the provisions of the Act would be complied with. With many apologies for trespassing on your valuable space, I remain, &c,
A CITIZEN.

Sandhurst, 11th April, 1872

Inquest

Bendigo Advertiser (Vic. : 1855 - 1918) Tue 16 Apr 1872 Page 2

THE M'IVOR Street TRAGEDY

The inquest on the body of John MacWilliams Gunyon (Gunyon), was resumed yesterday at the Prince of Wales Hotel, at ten o'clock, and was not concluded until eight o'clock at night. Messrs Garside, M'Laughlin, Carter, and Johnson, who had been identified as the persons who had pushed deceased out of the hotel, were in attendance. Detective Alexander conducted the case for the Crown.

The following additional witnesses were examined:

Hester Gannyon (Gunyon) deposed that deceased was her husband, and until six months ago when his eldest daughter died, and he lost £8,000 in mining, he did not drink much. He was a ship carpenter, and a very quiet man. He never complained of his head. He had been wrecked at Port Phillips Heads in the ship Sea in 1853.

David Jones, carpenter, deposed that he was in Fox's Darling Hotel, on Saturday night, 6th inst, and though not exactly sober, could remember all that occurred. He had been in the store buying groceries, and went into the bar with Carter and paid for two pints of beer to Fox, who was in his shirt Sleeves. Whilst at the bar a half-a-crown was dropped by someone next to him, and witness stooped and picked it up.

Deceased, who was next to him, claimed it, and witness gave it to him. Witness was paying for his groceries, when he found that he was half-a-crown short. He

said to deceased. "Mate, that half-a-crown belongs to me." and deceased replied. "Did you give me half-a-crown?" Witness said, "Yes; and I now find it is my own."

Deceased was gassing and joking, and would not give up the money and witness went for a constable, telling his mate, Carter, to keep an eye on deceased. Witness went as far as the lock-up, but could not find a constable, and returned in twenty minutes to Fox's.

Mr Carter said no constable was wanted, as he had got the half-crown. At this turn; deceased was sitting on the kerb with his feet in the gutter, and his head against the verandah-post. Carter said the chaps at the bar had put deceased out, who was not so drunk as not to know what he was doing. Witness did not particularly notice deceased. He could not identify any of the persons in the bar.

E A Carter, carpenter, corroborated the evidence as to the dispute about the half-crown. He identified Henry M'Laughlin, W Johnson, Samuel Garsyde, and R T Fox as being then present. While Jones was absent for a constable, the above persons were trying to induce deceased to give up the half-crown; and, at someone's suggestion, Fox put his hand into deceased's pocket and took out the half-crown and gave it to witness. Garsyde put his hand on deceased, and remarked that he was not fit for respectable society, and told deceased to go out.

Then M'Laughlin and Garsyde led deceased to the door. There was no violence used, as deceased went quietly. When they were at the door witness turned to the counter, and did not see what happened at the door. He heard no fall outside, and almost immediately M'Laughlin and Garsyde returned to the bar without deceased.

After shouting three pints of beer, witness went out to seek for Jones, and saw deceased sitting on the kerb with his back against the post, head down, and feet in the gutter. Witness saw Johnson aiding in the scuffle in putting deceased out. M'Laughlin and Johnson pushed deceased behind. The scuffle lasted three minutes. He saw deceased on the footpath before he was sitting on the kerb. Fox was running in and out between the bar and the store. Witness did not hear any one asked by Fox to go to deceased.

Edward Shaw, woodturner, deposed, that he was in the bar during the dispute about the half-crown, and when Fox took it from deceased's pocket, the cry was "turn him" (deceased) "out." Edmund Carter had deceased by the left arm, and M'Laughlin had him by the right arm, while Garsyde and Johnson pushed him behind. Deceased turned suddenly round facing the bar, and he was thrust out at the door backwards, and deceased went down like a piece of falling timber. Witness heard the peculiar sound of deceased's head on the ground, like the crack of an iron pot; everyone in the bar could hear the sound if not deaf.

The four men named returned to the bar, and Carter said it served deceased "B--- well right." Carter called for three pints of beer, and whilst the four were drinking it, a man outside, called out to Fox "What do you call this lying outside the door, I would not use a dog like this." Fox then went out and so did witness. Deceased was lying on the footpath with his feet at the door and head towards the gutter. Deceased's mouth was open and he appeared either dead or dying.

There was a man there with Fox "like a Lancashire man" who spoke like the one who called Fox. Witness went across to his shop, but feeling anxious about the man, went back, and saw deceased sitting on the kerb leaning against the verandah posts. Fox was with deceased, and said "I cannot wake him." Deceased had no hat on while lying on the footpath; he had when pushed out.

Harriet Barrett deposed that as she passed Fox's on Saturday evening, on her way home, she saw a man with a white shirt dragging another man in the bar to the door, and others appeared to be helping. She could not see well. The man was pushed violently out, and he fell with great force, his head striking the ground "fearfully heavy". She never heard such a fall. His hat rolled into the gutter. Witness thought the man was dead, and remarked so to a woman near.

Malachi Maloney, store laborer, deposed that between 11 and 12 o'clock on Saturday evening, 6th inst, he saw deceased rolled up in the gutter opposite the Darling Hotel. Crawford, deceased's mate, came up with one Horn as it from Fox's store, and Crawford said, "that is my mate," and asked witness to help him home to Powell's with deceased. Crawford and witness raised deceased up, whose head was down and whose feet dragged along the ground. Deceased did not speak, nor did witness hear him breathing or feel him move. Witness gave Crawford his hat, and he put it on deceased's head. Fox was not present. They carried deceased across the street and up the court to Powell's, but Powell refused to let them in, as he did not want drunken men about his premises.

Then they put deceased standing in a corner between the wall and the tank; his head was hanging, one of his hands was on his belly, and the other hanging down. The square tank was against deceased's thigh, and kept him up. Witness did not hear him breath, and could not say whether he was dead or alive. From the way deceased seemed, witness thought him dead while they dragged him. The tank and the wall kept him up. Crawford bid him stand up and walk, but got no answer. Crawford then walked away. Horn, who was drunk, came up with a broom handle and kicked up a row, saying they wanted to rob deceased, and threatened to strike witness, but witness ran away.

John Horn, laborer, corroborated the evidence of Crawford and Maloney. He deposed that deceased was lying in the gutter about 11 o'clock, and Fox asked

Crawford if he knew deceased, and Crawford replied that it was his mate Gunnyon. Fox said "if so, you bad hotter take him home." Crawford and Maloney lifted up deceased, one at each side, and witness heard deceased ask "Where's my hat?" and Maloney took off his hat, and said "here, old man, is a hat for you," putting it on deceased's head. Crawford and Maloney carried deceased to Powell's, and had difficulty in doing so. After Crawford and Maloney left, witness went into Powell's by the side door. Witness was not sober.

In the morning he saw deceased at the end door, lying dead and covered with a blanket. Hyam Marks, furniture dealer, deposed that, as he was in the Darling Hotel on the night in question, he heard a scuffle inside, and, turning to look, saw a man thrown out, and he fell heavily with his head on the ground. Witness went on, as he thought it was only a drunken row. The man did not move after he fell.

Aytham Powell, tailor, deposed that deceased slept in his house, and the last time he saw him alive was at four o'clock pm on Saturday, 6th inst, after witness went to bed that night, shortly after twelve o'clock, and three men were asleep in the house then. Crawford, Horn, or deceased, were not in. He heard some struggling outside, and Crawford and Horn's voices, and thought they were drunk. Witness refused to let them in.

About three quarters of an hour after, Crawford and Horn came in. In the morning, about six o'clock, witness saw deceased dead at the end of the house, lying on the ground. Witness went in to tell the inmates, and Crawford put a blanket over the body.

Constable Hayes proved the finding of the dead body behind Powell's house on Sunday morning 7th inst. There were no marks of a struggle at the place.

The jury returned a verdict that deceased came by his death from fracture of the skull and effusion of blood on the brain, caused by his being forcibly thrown out with great violence from Robert Thomas Fox's Darling Hotel, M'Ivor Street, by Henry M'Loughlin and Edmund A Carter, whom we find are guilty of the manslaughter of said deceased. We have not sufficient evidence before us to find Samuel Garsyde and Wm Johnson equally guilty. We are unanimously of opinion that R T Fox is very blameable for allowing the deceased to remain so many hours lying outside his premises in the state described by the witnesses.

THE LATE INQUEST.

Bendigo Advertiser (Vic. : 1855 - 1918) Wed 17 Apr 1872 Page 2

Mr H Mark, furniture dealer, who gave evidence at the recent inquest on John Gunnyin (Gunyon), wishes us to state that he was not in the hotel, but passing it, when the man was thrown out.

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Manslaughter Charge

Bendigo Advertiser (Vic. : 1855 - 1918) Thu 11 Jul 1872 Page 1

THE McIVOR Street TRAGEDY.

H McLachlan and E A Carter were charged with the manslaughter of John Gunnyon, in M'Ivor Street, on 6th April last. The defendants had been committed for trial at the Circuit Court by the Coroner.

MANSLAUGHTER.

Bendigo Advertiser (Vic. : 1855 - 1918) Thu 25 Jul 1872 Page 2

Henry McLoughlin and Edmond Adolphus Carter pleaded not guilty to an indictment of having killed and slain John M'William Gunnyon, in M'Ivor Street, on 6th April Inst. Mr Helm conducted the prosecution for Mr Smyth, and Mr Martley defended the prisoner McLoughlin. The facts of this case have already been voluminously reported in our Columns.

Mr Helm in reviewing the evidence for the Crown, pointed out that there was a clear case against McLoughlin, as he had been seen to hit the deceased a sharp blow on the right side of his head, driving him against the verandah post In front of Fox's hotel, and the place in which the blow was struck corresponded with the fracture of the skull.

Mr Martley addressed the jury for the defence of the prisoner McLoughlin, against whom, he contended, there was not a little of evidence to justify a conviction. Ever since, and even, in the time of Shakespeare, coroners and coroners' juries had been a useless and unnecessary experiences of our legal institutions; and he trusted that the time would soon come when it would be swept away, and inquests held before magistrates, who would abstain from such extraordinary proceedings as those which sometimes took place before coroners in hotels; perhaps at a late hour of the night when they scarcely knew what they were doing.

Coroners and their juries seemed to be always trying to hit everybody all round, assured that in their endeavours they would get someone into trouble. In this case the coroner seemed very anxious indeed to commit for trial other men besides those who stood in the dock; and the jury went so far as to pass a severe vote of censure on Mr Fox for his connection with the unfortunate affair.

Then there was the extraordinary, illegal, and unprecedented action of the police in bringing these men before the Police Court, and subjecting them to all the annoyances of a second conviction, giving them the trouble to find new sureties to bail them out. The young man Carter, under the first committal, remained in gaol one month before he could get bail, so that already he had undergone a considerable amount of punishment.

The whole case was reopened afresh in the Police Court, the proceedings being commenced **de novo** (*In law, the expression trial de novo means a "new trial" by a different tribunal*); and, after this second committal, whilst the prisoners were out on bail on the same charge, they had to go back to gaol again, and McLoughlin remained there from the Tuesday till the Friday before he was bailed out.

The second was altogether an illegal committal. However, he would leave that for the consideration of the Court; and, resuming his remarks concerning coroner's juries, he was reminded of a story told of the Japanese and the French. Some French naval officers were once murdered by some of the Japanese, and the admiral of the squadron proceed to the authorities and demanded justice in the interests of the murdered men.

And what did the Government of that highly civilised country do? They sent forth into the streets of the capital city, and laid hold of half-a-dozen of the first householders whom they could find, and these unhappy wretches were handed over to the tender mercies of the infuriated admiral. But when the admiral learned that these were entirely innocent men, and not the murderers, he sent them back to the Government of Japan.

In reply the authorities asked "Could you not torture one half-dozen men as well as another?" and he was informed that if he did not like to have satisfaction on these men, they would not take the trouble to send him any more. So with coroners and coroners' juries; they seemed determined, come what would, to torture some unfortunate men, and hand them over to the fury of the law, no matter whether they were guilty or innocent of the crime preferred against them.

In this case it was impossible for the jury to convict. They could not proceed upon conjecture and probability; they must have certainty. It was an unprecedented charge of manslaughter. In all such cases there should be sure and substantial proof. The offence was a felony; and once a man was convicted of it, he was for ever incapacitated from exercising his civil rights. It was no light sentence to inflict upon a young man of great respectability and unblemished character, as was McLoughlin.

If they had any rational doubt on their minds whether the prisoner caused the death of the deceased they must acquit him. The evidence was so conflicting that they could not arrive at any other conclusion than the one he asked them to adopt. The unfortunate deceased was properly ejected from the hotel. A publican could at any time arrest or turn out a man who misconducted himself; the law gave him power to do so. There seemed to be a sort of pious crusade against publicans, and all who frequented hotels, got up by the coroner and his jury.

All the witnesses were anxious to shift the blame from themselves to the prisoners, although they were more or less implicated. It was impossible to give a satisfactory or consistent and reliable account of such a confused scene as occurred on that fatal occasion. Even up to the present time there were many things in connection with the Battle of Waterloo which could never be explained, and upon which French and English writers could never come to any agreement, so conflicting was the evidence. Of course, this was not a fight on such a large scale as Waterloo, but it was a disturbance; it was a scene of great confusion, and it was really impossible for the jury to say what did take place, or who was to blame.

William Johnson, called by Carter, deposed that he was present at the disturbance on the evening of 6th April. There was a row about 2s 6d. He could not say who rushed at the deceased to put him out; but Carter was present, and he was drunk. Samuel Garside deposed that he was present when Gunyon came in. There was a row about 2s 6d. There was a cry of "turn him out," and Carter helped to turn him out. (Both these witnesses, although called by Carter, gave evidence hostile to him.)

His Honor summed up, and the jury retired. In half hour they returned into Court with a verdict of guilty against both prisoners, but with a strong recommendation to mercy. Carter, in reply to the Court, said he had a wife and family dependent upon him, and he asked His Honor to deal leniently with him. McLoughlin protested his innocence, denying that he had ever had any guilty knowledge of the death of deceased.

His Honor sentenced the prisoners to six months imprisonment in the Sandhurst gaol, with hard labor.



Compiled by Pat & Ian Belmont
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for the Bendigo Cemetery Obituaries & Notes