

Murder Stories

Full version this story

Thomas McELLIGOTT and his wife attacked by three Chinese on Wednesday 1 June 1859 Thomas died on Monday 6th June

ATROCIOUS ATTEMPT AT MURDER BY THREE CHINAMEN.

Bendigo Advertiser (Vic. : 1855 - 1918) Thu 2 Jun 1859 Page 2

One of the most atrocious attempts at cold-blooded murder which has startled this district for a very long time, was last night made by three Chinamen at Ironbark. From the particulars which we were able to obtain late last night, the following is substantially the correct version of the villainous affair. About half-past eight o'clock, Mr Thomas M'Elligott, the proprietor of the White Flag Store, was sitting behind the counter reading a book, when looking up he saw three Chinamen enter. Hardly had he uttered an enquiry as to what they wanted, when one of them, who was armed with a sword, made a desperate cut at Mr M'Elligott's head, cutting through his cabbage tree hat, and inflicting a frightful wound in the skull. He attempted to wrest the weapon from the man, when he was immediately attacked by the other two villains, who were armed with what appeared to be knives or Chinese dirks, as they are called.

The man who had the sword renewed the attack, and again struck at the unfortunate man, and while endeavouring to ward off the blows from the knives, his hands were frightfully gashed. He called out for help, when his wife rushed in from the back room, and was instantly attacked by one of the ruffians. She received several severe stabs in the arm, and a frightful wound inflicted in the palm of her left hand. Her screams for assistance appeared to render their cowardly assailant's apprehensive of being taken, for they made their escape before they had completed their murderous intentions.

On the alarm being given outside, a number of the diggers resident in the locality went in pursuit of the ruffians, but they were, unfortunately, unsuccessful in the pursuit. Information was sent to the police, a number of whom went out and searched the Chinese encampment at Long Gully. From the description given by Mr M'Elligott and his wife, the police apprehended two Chinamen on suspicion, who will be brought up before the Police Magistrate today. Dr Dow was immediately sent for, and the wounds of the unfortunate parties attended to; but late last night they were both in a very dangerous state, Mr M'Elligott from the cut which he had received in his head; and in the case of the wife it was apprehended that lock-jaw might ensue from the cut on her hand.

Various conjectures were afloat as to the cause which had excited the ruffians to the murderous attack. It appears that for some time past Mr M'Elligott has been in the habit of lending out large sums to the Chinese puddlers, in Ironbark, Long Gully, and other places, holding their machines, horses and carle, as security for the loans, and that in several cases where they had been unable to pay, he had issued executions against them for the amounts. Last week he took possession of five puddling mills at the Back Creek, the owners of which had failed to pay the loans.

For the last two or three days a great number of Chinese have been arriving on Bendigo, for the purpose, it was supposed, of settling the difference arising out of the dispute about the erection of the Joss House at Castlemaine (to which we alluded as the probable cause of the disturbance on Sunday last), and amongst these arrivals it is known there are some of the worst characters from Melbourne, Castlemaine, Beechworth, &c., some of whom, it is supposed, may have been hired to assassinate M'Elligott by the parties owing him money. It may be recollected that some eighteen months since he was fined in the Police Court for a trifling assault on a Chinaman.

This affair has caused great excitement with the miners, who assisted the police in their search for the miscreants, and had they been captured, and no doubt existed as to their identification, the police would have had difficulty in doing their duty, as pretty strong expressions of resorting to Lynch law, were given vent to by the men.

FURTHER PARTICULARS.

At a later hour last night we learned that Inspector Nicolas and a fresh body of police, started to search the different Chinese camps. The sword which had been used was found in the store, and may likely be the means of identifying the parties. It is an old cavalry blade, to which has been attached a roughly manufactured iron handle. Mrs M'Elligott states that one of the men attempted to get over the counter for the purpose of getting at the place where the money was kept, when her screams alarmed them, and they made their escape. She believes she can identify the man from his having been in the habit of coming to the store. We are glad to learn from Dr Dow that there is no danger of lock-jaw in the case of Mrs. M'Elligott, as was at first feared, Mr M'Elligott, we understand, knows the individuals who committed this brutal assault, and is able to identify them.

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THE LATE ATTEMPTED MURDER AT IRONBARK.

Yesterday Detective O'Neil arrested five of the Chinese headmen resident in the Long Gully Camp, as accessories in the attempted murder of Mr M'Elligott and his wife, on Wednesday night Their names are A'Sain, (who it will be remembered has taken such a prominent part in the late Chinese memorial to the Government,) Ang Gue, A'Song, A'Tong, and A'Sing. The detectives strongly suspect that they, if not accessories before the fact, know the whereabouts of the parties who made the attempt as on being applied to for information they evidently intended to throw the officers off the scent. Several articles were yesterday found in the tent of Chow A'Yuki, which, in addition to the statement of Mr M'Elligott, who recognised him as the man who struck at him with the sword, clearly identifies him as the principal assailant in the murderous affair.

The articles found are a piece of wood, evidently a portion of the roughly manufactured handle of the sword, and a long piece of wood fitted in the same peculiar manner at the end for receiving the sword blade as the handle of the sword found in M'Elligott's store.

The detectives also found outside M'Elligott's store, and on the road to the Long Gully encampment, as if thrown away by the Chinamen on taking flight from the store; the knife used by the third ruffian. It is like the other, a butcher's knife, with a blade about fifteen inches long. It is evidently a new knife, and the blood-stained edge is notched, apparently by the blows inflicted on the skull of M'Elligott or his wife. It has been ascertained that one of the knives was recently purchased of Mr Williams of Pall Mall, but he unfortunately cannot remember the Chinaman who purchased it. The detectives are on the track of Chow A'Yuk, the man alluded to as being recognised by M'Elligott, who is a fowl dealer residing some little distance from him, and who, it appears, is a cousin to one of the men who was hanged for the murder of Sophia Lewis in Melbourne, about eighteen months since.

On the morning succeeding the attempt he called at a tent near the Picaninny Creek, and the woman noticing that his clothes were covered with blood, remarked it, when he replied that he had been killing fowls. Neither of the other two men have yet been arrested. We hear that Mr and Mrs M'Elligott are still suffering very severely. The police authorities have communicated with the Government in Melbourne, recommending a reward to be offered for the apprehension of the principals, and a free pardon to any accomplice not one of the actual perpetrators.

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THE LATE OUTRAGE BY CHINESE IN IRONBARK

It was found necessary on Saturday to amputate the right arm of the unfortunate sufferer, Mr M'Elligott, which, as our readers are aware, was hacked and mutilated in a shocking manner. The hand was chopped through from between the ring and little fingers, the wrist nearly severed, dividing the whole of the tendons and arteries, and the arm wounded frightfully, M'Elligott, in raising his arm to protect his head, having received a sword cut which penetrated to the bone at the joint. It was in consequence of the last injury that the necessity arose for cutting off the arm. It will readily be imagined that after having received such wounds, besides other severe cuts in the head, and having been for an hour and a half without medical assistance that the quantity of blood lost by M'Elligott must have produced a state of prostration, which would render amputation a very hazardous operation.

We are informed that he has been sinking ever since the attack took place, and considerable fears are entertained from his extremely reduced condition that he will not survive. He is a young man of about thirty years of age, and of a robust habit. We understand from Dr Dow, that he yesterday exhibited symptoms of delirium. Towards night it was considered advisable to take his dying deposition, but to this Dr Dow strongly objected as he considered it would be likely to accelerate his death, It is, therefore, of course, not done. It is unnecessary to add that Mr M'Elligott lies in an exceedingly dangerous state, and that if his life is not absolutely despaired of, but very little hope is entertained of his recovery.

We are happy to be able to state that Mrs M'Elligott is doing well, and is likely to recover. We understand that she is able to identify the Chinamen. The police have been unremitting in their exertions to discover the perpetrators of this villainous outrage, and it

was stated last night that the detectives had obtained some clue to them. It is due to Dr Dow to state that he has been most assiduous in his attendance on the unfortunate pair.

Yesterday the Rev Dr Backhaus, after morning service at the Catholic Church, during which prayers were offered up for the injured man, took occasion to address a few remarks on the subject, admonishing those present to avoid any breach of the law against the Chinese, as doubtless the crime would not go unpunished. This would appear to be very necessary, as we have heard of several cases of Chinamen having been assaulted during the last day or two. One of them made a complaint to the police yesterday of having been assaulted by some parties whom he was unable to identify, and showed a severe wound in the head in corroboration of his statement.

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THE MURDER OF McELLIGOTT

The police are still baffled in their pursuit of the murderous miscreants, through whose ruffianly assault on Wednesday evening last, poor Mr M'Elligott lost his life. The majority of the Chinese are in a state, it is said, of great consternation, and an exodus to various localities has been the taking place within the last two or three days to a great extent. Yesterday especially, it was observable that large numbers were on the move, and mobs of them were seen wending their way in the direction of Elysian Flat.

Mr Warden Pyke, while riding in that direction yesterday, overtook three of them, who on seeing him took to their heels and hid themselves among some bushes. Mr Pyke, with the trooper who accompanied him, gave chase, but on coming up with them could make nothing out of them. It appeared to Mr Pyke that one of them had a scar on his forehead, but on removing his hat he found it to be a bit of red cloth, which many of them are in the habit of wearing about their heads. The death of Mr M'Elligott, the active movements of the police, and the apprehension of the headmen, has, no doubt, had the effect of making them alarmed about their present position with the Europeans.

At no time since their first entrance to the colony has the public mind been so strongly inflamed against these people. Even the atrocious and cold blooded murder of Sophia Lewis failed to excite the degree of animosity against them to which this most diabolical outrage has given rise. On all hands we hear them execrated in the most unqualified manner, and those who were previously inclined to tolerate them are now among the loudest to condemn them. This is not to be wondered at when we reflect on the cowardly and butcherly nature of the attack on the defenceless M'Elligotts. A more terrible and revolting case of assassination it is impossible to conceive, and considering the probability of the murderers having been hired to do their fiendish office, people begin to think that this may only be the beginning of a series of dark and terrible atrocities. It is sincerely to be hoped that the guilty wretches will not escape detection, or there is no saying what may be the consequences.

We understand that the whole of the Chinese camps, with the exception of that at Ironbark, have been broken up, and that in no other place are there more than six tents together. This has been done by the Wardens, the whole of whom on this field are opposed to the stupid system of isolation to which these people have all along been subjected. As we have said, great numbers are pouring into Elysian Flat, where, we are informed, the Wardens are determined not to allow than to form any regular camp.

Rumours were abroad last night of a probable rising of the European miners against the camps. It is, however, to be hoped that nothing of the sort will take place. There were a number of Chinese about town during the day, and it is evident that considerable excitement exists among them. Six Chinese took their departure by Cobb's conveyance. This, perhaps, under other circumstances, might not be noticeable, but at present has some significance.

We have obtained additional particulars of the murderous attack which was made on the unfortunate man. It appears that before opening the door to give entrance to his murderers, he heard the footsteps of two or three parties walking back wards and forwards before the store. He then heard a voice, and which he recognised as that of Chow A'Koy (not Chow A'Yuk, as has been stated, although probably this may not be his right name, as he has been known in the gully by half a dozen.)

He called out "Tom," and said he wanted to get in for some article or other. When M'Elligott found himself attacked by the murderers, he called out to his wife (who was just preparing for bed in the back room) to bring out his gun, and the moment she rushed out she was attacked in the manner already stated. Since the assault was committed, she has stated that she could identify Chow A'Koy, the fowl dealer, as the man who had the sword; but as she had heard her husband state to the police, and to other parties, that he recognised Chow A'Koy as his murderous assailant, this statement probably influenced her in saying that she recognised him, as it appears that the murderers took to flight very shortly after she came out of the back room, and it was not the man armed with the sword, but one of those with knives, who attacked her.

The tent of Chow A'Koy is situated about five hundred yards from M'Elligott's store, and the supposition of the police that the gang comprised Chow A'Koy, his mate, and a man belonging to the Chinese encampment in Long Gully, is borne out by the following circumstances: the sword used by Chow A'Koy was left behind in the store; one of the knives was afterwards found hidden in his tent, as if Chow A'Koy and the other murderer had fled in that direction; while the other knife being found between the store and Ironbark Gully, on the road to the Long Gully encampment and which is in a different direction to that leading to Chow A'Koy's tent, would seem to show that the third murderer had taken the direction of Long Gully, and had thrown away the knife in his flight.

The counter in the store, and several articles about the place, are bespattered with the blood of the unfortunate man, and the door and floor and door post exhibit traces of bloody fingers, from the hands of the murderers coming in contact with them in rushing out of the door.

The mother of Mrs M'Elligott, who was also in the back room at the time of the murderous assault had a narrow escape of being similarly treated. On hearing her daughter scream out for help, she ran into the front store, by which time, however, the murderers had taken flight. The store is situated in one of the most lonely parts of the lower end of Ironbark Gully, about half a mile from the Sydenham Gardens, the only few tents near being occupied by Chinese. There does not appear to be an European tent within at least a quarter of a mile of the store, and this would seem to have favoured the murderous intent of the villains.

The tent of Chow A'Koy is still in the state in which it was left on the precipitate escape of the murderers on Wednesday night, and although there is a great quantity of portable property, entirely unprotected, and about fifteen or twenty fowls in the hen-house

attached to the tent, the neighbouring Chinamen have not attempted to meddle with them in any way, and indeed any of them having occasion to pass gave it a wide berth, as if fearful, apparently, that a visit might implicate them in some way or other.

THE DEATH OF MR M'ELLIGOTT.

As was stated in the second edition of the BENDIGO ADVERTISER yesterday, the unfortunate Mr M'Elligott breathed his last at about 5 or 6 o'clock in the morning. The low condition to which he had been brought by an extensive loss of blood, and by his painful sufferings for several days, rendered it extremely doubtful whether he would survive the operation of amputation, which, however, his medical attendants considered his only chance of life. Previous to the operation his mind had been wandering a good deal, which is always an alarming symptom in cases of such description. Still some hopes were entertained of his surviving, as he was a young man of good constitution. He never rallied, however, after losing the limb, and sunk gradually to the moment of his dissolution.

A post mortem examination was made by Dr Dow yesterday afternoon, when the whole of the internal portions of the body were found to be in a most perfectly healthy state. The brain also presented a healthy appearance. Two severe sword cuts were found on the skull, one of which, immediately behind the left ear, was very deep.

The cause of death was evidently prostration from suffering and loss of blood. Mrs M'Elligott is, of course, in a very depressed state, in consequence of the severe loss she has sustained, and we are sorry to hear that she is not so well as we were yesterday led to suppose. She is suffering a great deal, and in addition to the amputation of her ring finger, it is thought likely that she will lose her thumb.

This sad affair has cast a gloom over the whole community, and a deep feeling of sympathy for the victims of the brutality of the Chinese is loudly and universally expressed.

CORONER'S INQUEST ON THE BODY.

Dr Roche empanelled a jury at the Beehive Hotel, Bridge Street, who proceeded to the scene of the outrage, at Ironbark, and viewed the body, which presented a spectacle which could only be met with on the bloodiest battle field, the head and hands of the deceased being covered with trenched gashes, evincing the determination of the cowardly assassins in their murderous attack.

The jury having viewed the body and the premises, the Coroner made a few remarks upon the importance of the inquiry, and informed the jury that they must view the case dispassionately, and without reference to what they might have heard out of doors. As it would be necessary to have a post mortem examination, the Coroner directed Dr Dow to perform the autopsy, and in the meantime adjourned the enquiry till 11 o'clock today, when it will be resumed at the residence of the deceased at Ironbark.

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SANDHURST, TUESDAY, JUNE 7, 1859.
THE MURDER BY THE CHINESE.

The unfortunate man M'Elligott, the victim of Chinese barbarity and vindictiveness, has sunk under his wounds. He died yesterday morning, between four and five o'clock, and without his depositions having been taken in reference to the circumstances of the murderous assault upon him, and his knowledge of the persons who committed it. It is very much to be regretted that he should have died without furnishing such testimony as might lead to the conviction of the perpetrators of the murder, for without that testimony there will be serious difficulties in the way of bringing home the crime to the authors. It was not at first considered that there was much danger in his case, and when dangerous symptoms set in, the medical attendant pointed out that any attempt to obtain the evidence of the sufferer might turn the scale, and be attended with fatal results. In the face of this warning, no magistrate would of course attempt to proceed, and M'Elligott has passed away without furnishing any evidence to convict his assassins. The wisdom of delaying the taking of the depositions of persons, who have been seriously injured until they are almost in *articulo mortis* (**meaning at the point of death**) is open to very serious objections, and will call for future notice.

It is unnecessary for us to say that the death of this unfortunate man has caused intense excitement throughout the district. That might have been anticipated. But what is worthy of special notice is the fact that the sensation which has been excited is of a very ominous description, and suggests serious apprehensions as to what may be the result of the strong feelings of exasperation amongst the Europeans against the Chinese. In every direction there are manifestations of these feelings, even among intelligent and moderate men. When this is the case we may have reason to fear for the consequences among the more unreflecting portion of the population.

We hear of numerous petty assaults upon Chinamen, and hints of a probable attack upon some of the Chinese encampments. The miners in the vicinity of the camps have assumed a very menacing attitude towards the Mongolians, who are evidently panic stricken. The authorities and police are fearful of some collision which may lead to deplorable results, and have taken all due precautions. It will also be observed that a meeting was improvised last evening at Abbott's for the purpose of taking measures to allay the public excitement on the subject, and we believe that a public meeting is to be convened for Wednesday afternoon, in the Camp Reserve.

That there should be great excitement upon this subject is only natural, and poor spirited indeed would be that community which could contemplate such proceedings without feelings of horror and indignation. But let not feelings of sympathy carry men too far. We happily live in a community where the law is powerful enough to assert its authority, and the public may rest satisfied that all which should be done for the purposes of detection and punishment will be done. The days have gone by when Judge Lynch should be appealed to. The law will not be allowed to flag - detection is almost certain, and punishment will be sure and speedy. Let, then, the miners abstain from any cowardly attacks upon the Chinese, and not involve innocent men in the punishment which should fall on the guilty.

This district has for several years past had the credit of being peaceable and orderly, and let not this character be lost now even through great provocation. The men of Bendigo must not be included in the same category as the ruffian assailants of the Buckland. We refuse to believe that there is any serious prospect of an attack upon the Chinese, hateful as the race may have become. It may be necessary for us to take into our serious consideration the wisdom of permitting any such people to come into the country, or even to remain in it, but no one can imagine for a moment that it is right for him to take the law into his own

hands, and commence avenging the death of M'Elligott by an indiscriminate attack upon the countrymen of the murderers.

We must know that there are abandoned enough ruffians among the Europeans, men quite capable of emulating the atrocities of these Chinese butchers, and what would we think of an indiscriminating vengeance which should denounce all Europeans as barbarians on account of the crimes of a few. It may be the case, and probably it is, that life is held cheaper among the Chinese than among us, and the crime of murder is not regarded with the same horror as we have of it.

But common sense must suggest that we do a whole people the greatest wrong when we confound them with their criminals; and, Heaven knows, Victoria is one of the last countries that should adopt such a course, for her history during the last few years would supply enough European criminals to weigh her down to perdition.

It may be as well to remind the public that the authorities and police are bound to protect the Chinese against any acts of aggression or of violence, and to punish those who commit them. We should look upon it as a lamentable thing not only for the credit of the district, but also for the sake of the misguided men themselves, if any violence were to be committed upon the Chinese, involving as a necessary consequence the punishment of those guilty of it.

We trust, however, that rumour exaggerates the feeling that is abroad, and mistakes the profound sensation of natural horror and indignation that has been caused by this brutal murder in our midst, for an uncontrollable desire of vengeance which blinds the understanding, and will not await the slower process of the law. We have the fullest confidence in the good sense and the respect towards the law that characterise the community, and do not fear any untoward consequences.

We must, therefore, suggest to those gentlemen who have taken measures "for the purpose of allaying the prevalent excitement," to be careful that they do not produce a directly opposite result, and add fuel to the flame. Large public meetings may sometimes be a safety valve for the escape of any superfluous excitement in speeches and resolutions, but we have grave apprehensions of the consequences of convening a public meeting on this subject at present, in the midst of the strong feeling that prevails.

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THE FUNERAL OF MR M'ELGOTT.

The Coroner having given the requisite permission for interment the remains of this unfortunate young man, so prematurely out off in the prime of life by cowardly assassination, were conveyed to their final resting place at the White Hills, during yesterday afternoon.

The funeral, which was a very handsome one, was conducted by Mr Oakley, of Bridge Street, and was followed by a number of the relatives and friends of the deceased, everything being conducted in a most orderly manner, though it was feared that the vengeful feelings of the friends of the deceased might lead, to some excesses against any of the countrymen of the assassins who might be met with. We understand that the Coroner, Dr Roche, in order to prevent any evil results, ordered the interment of the body yesterday afternoon.

Mrs M'Elligott: The unfortunate widow of the the murdered man is going on favourably, and as will be seen by our report, though still weak and suffering from the injuries received, was sufficiently recovered to give evidence before the Coroner and Jury yesterday. Dr Dow has shown us several pieces (flakes), of bone, which he had extracted from the wounds on her head, testifying the violence of the blows dealt by the murderous weapons of the assassins.

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**THE MURDER OF McELLIGOTT.
CORONER'S INQUEST ON THE BODY.**

The inquiry on the body of Thomas McElligott was resumed yesterday, at eleven o'clock, at the residence of the deceased in Ironbark Gully. Tho following gentlemen had been impanelled on the jury, and viewed the body on the previous day: William Meehan, Francis Wood Paterson, Henry Otto, Samuel Faulkner, John Brookley, Edmund Fletcher, John Melrose, John Hislop, William Carlect, George Wildbore, Edward Broderick, and William Baker.

The store is situated on the side of the Ironbark Gully, just above its junction with Long Gully, and is built of slab, divided in three compartments, the first which is the store is about 22 feet by 15 feet, is entered by folding doors, and has a counter running along one side, and nearly across the top, next to this, separated only by a partition about seven feet high, and not going up to the roof is the room, about 8 feet by 15, used as a bed room, and behind this is a keeping or living room of about the same size as the above, having a side door opening on the yard, and it was through this door that Mrs M'Elligot made her escape; on the outside near this door is another tent, in which Mrs Scanlan was getting to bed at the time of the outrage. At a distance of 60 yards to the northward are situated some Chinese puddlers tents, near which one of the knives was found. On the south side of the store at seventy yards distant are some Chinese tents, some others at about 117 yards, some other tents also belonging to Chinese, and about 160 yards are the tents of Inglis and another European.

At about 300 yards (in a direct line), in a north easterly direction is the tent of the supposed assassin A'Kay, or Chow A'Cay. A small gully, a puddling mill, and a dam intervening, making the distance about four hundred yards, in this tent were found the sword and the other knife. The only Europeans within half or three quarter mile were Inglis and his mate, who came to their assistance. Ann M'Elligott, the widow of the deceased, who appeared to be labouring under great weakness from loss of blood, pain, and grief, deposed that she had been married nearly three years; deceased was a native of Listowel, county Kerry, and was about twenty six years of age.

On the night of Wednesday last, about 8.30 pm, she was in the back room and heard a noise in the store, and on coming in she saw her husband standing behind the door (which was closed) with his back to the side of the store, and three Chinamen striking at him with some weapons; could not describe their shape, but saw them shining. Her husband had no weapon in his hand; on witness going towards them, two of them turned upon her, and she received a blow on her head, from some sharp instrument, which knocked her down, and she then received two more blows on the head, and a stab on the arm, and a cut on her hand, while on the ground; she then got up and ran towards the back door, and got out screaming for assistance; in going out of the door she met her mother; told her Tom was dead, and in a

short time Michael Long came up to her and asked her what was the matter; witness told him that Tom, the deceased, was murdered; several other persons then came up, and on witness's return to the tent she found the deceased standing outside the door; he was bleeding from his head and his right arm; he was taken into the room, and a doctor sent for; it was about an hour before Doctor Dow arrived; deceased was bleeding all the time; witness's wounds were dressed first, and then these of the deceased.

Dr Dow was in attendance on the deceased up to the time of his death on Monday morning, about four o'clock ; the arm of the deceased was amputated on Saturday; deceased was sensible after the operation until seven o'clock on Sunday evening, when he began to rave; he was sensible for a short time during the visit of the clergyman, about 12 o'clock. In answer to the Coroner, witness could not swear to either of the Chinese who attacked her husband and herself was too confused at the time to look at their features; could not describe the weapon with which she was struck; it was a bright shining weapon; heard the store door open, and then heard the noise immediately; had been in the store with her husband an hour previous to the occurrence; the deceased had a dispute some eighteen months since with the Chinese, about a claim or a dam, and the deceased beat a Chinaman; the matter was tried at the Police Court, but the deceased was not fined at that time.

Deceased had lent money to the Chinese on their property. Witness did not know Ay Wy, nor remembered his coming with the Coroner to the store. Did not know if the deceased had lent his party any money.

Deceased had told witness that the parties with whom he had the dispute, were not now living in the gully. Did not know whether it was the deceased who beat the Chinamen, there were other Europeans in the row. For the last few months the deceased had been in the habit of lending the Chinese money. Some of them owed him money at the time of his decease; was not aware of his having to distraint on them; in one case some Chinese owed him £200, and they voluntarily gave up their machine on receiving £30 more from him.

Jane Scanlan, the mother of the last witness deposed that she resided with her, and that on Wednesday night while undressing in an apartment at the back of the store, she heard her child (Mrs M'Elligott), scream, and on running out she met the last witness, and asked her what was the matter? She replied to the best of witness's belief, "Tom is killed", witness then came into the store and called out Tom! Tom! what is the matter? Deceased who had his back to the front door of the store bleeding profusely, and as witness thought he was endeavouring to close it, replied, "I am dead! go call for Paddy Neale." Witness procured assistance and sent off to the Camp, and for a doctor. Dr Dow arrived in about an hour, and remained in attendance on deceased till his death.

In answer to the Coroner: Deceased was quite sensible about ten minutes before his death, and told witness to write home to his father and mother, and tell them that the Chinamen had killed him; deceased's right arm was amputated on Saturday; did not see any Chinese about the store on that night: on coming back into the store she found the sword produced, which she handed to Senior Constable Webb.

The weapon was exhibited to the Jury, and caused considerable sensation. The blade, which is about 2 feet 6 inches in length, is a Chinese pike head, with one cutting edge, resembling in appearance that of a much worn away, straight sword, fitted into a handle formed of a round piece of wood, with two iron ferrules, this weapon had evidently been

sharpened with a file, (in the tent of the supposed assassin A'Kay, there was found a three cornered file, the blade of the sword is stained with blood. A knife was also brought to her by Mr Freeman, on Thursday morning; she eventually amended her evidence by stating it was on Friday she received it).

[This weapon is a large sized butcher's knife, about twenty inches in length, apparently new. Some blood is apparent on the blade, which is much gapped. The handle is of black ebony, with four brass screw rivets.]

The hat produced was that worn by the deceased on the night of the assault. [The hat, which is a stout cabbage tree one, has boon cut right through from the rim of the crown to the edge of the brim, evidently by the violent blow of an edged weapon.]

Mrs McElligott recalled: In answer to a juryman, could identify the hat as having been on the deceased's head when the Chinese were attacking him. Could give no description of the dress the Chinese wore, nor whether they had any hats on, nor what was their height.

John Freeman, a minor, living in Ironbark Gully, deposed that on Thursday afternoon he found the large knife (produced) near the gully, about fifty yards from the store of the deceased, and on looking at it found blood on one side of it, and on Friday morning handed it to Mrs. Scanlan. By a Juryman: The knife was found between the gully and some Chinamen's tents. There is no crossing over the gully at that point. Mounted Constable Moran proved receiving the knife from Mrs Scanlan on Friday morning.

George Todd, a storekeeper in Bridge Street, identified the large knife produced as having been bought at his store on last Wednesday by two Chinamen; they paid 5s for it. Two Chinamen came in and priced the knife in the morning, and returned and bought it in the afternoon; they were both low sized Chinamen. One wore a Chinese hat, and a Chinese blue jumper. The man who bought the knife could speak English. The one who witness remarked (the man who paid for the knife) was round faced, and of a pale white complexion. Thought that he could recognise the man.

The reason why he could identify the knife was by the brand, and by its being slightly rusted on one side, having been the outside one of a parcel. By a Juryman: Was quite positive the man who looked at the knife in the forenoon, was the same who purchased it in the afternoon. The inquest was at this stage adjourned to Barrow's Beehive Hotel. On re-assembling, the Coroner remarked that the only evidence he had now to produce to them was that of Messrs Long and Inglis, and the medical testimony of Dr Dow.

The evidence of the two former would be of little value, Lang's being only that he came on hearing the cries of Mr M'Elligott, and went off immediately for assistance, and that of Inglis being only evidence of conversation between himself and the deceased, which of course would not be admissible. He deeply regretted that the dying declaration of the deceased had not been received, as that would have been sufficient to fasten the crime on at least one man.

Here was the fowl merchant, as stated by the deceased, to have been one of the three men who assaulted him, could have been identified by the wife, but as no depositions had been taken, they had nothing but circumstantial evidence.

In the fact of the sword which was found in the store having evidently been sharpened at, and brought from the tent of the fowl dealer, and his subsequent absence from his tent, to bring the crime home to him, there was no positive evidence, and he regretted to say, as the law stood, there was no evidence to convict on. The wife, unfortunately, in consequence of her own terror and confusion, could not swear to the identity of either of the three Chinamen, and in fact there was no real evidence before them to come to a verdict on, and he should leave it for them to decide whether they should now come to a decision, or should adjourn for a time in the hope that the reward offered by Government of £200, and by the Chinese themselves of £100, would have the effect of inducing some of the Chinese to turn Queen's evidence, without which he was sorry to tell them no legal conviction could be obtained.

This was a case of peculiar interest, and the excitement consequent there upon would not be confined to this district alone. There certainly was nothing in the evidence adduced to show why the man was destroyed, in the prime of life, in the midst of a populous district and within a mile or two of the town of Sandhurst.

The only thing of an antagonistic character between the Chinese and the deceased was a quarrel of eighteen months since, and all animosity on this score had apparently died out, and the deceased was on friendly terms with them. He trusted that they would calmly and quietly look at all the facts of the case before arriving at their decision, and by their verdict do justice to both Chinese and Europeans. He was advised that the police wore on the alert in all directions, and that with the large reward no doubt some of the parties would be apprehended and brought to justice.

The following evidence was then taken. Richard John Webb, senior constable, stationed at Sandhurst, deposed that on Wednesday night, the 1st inst, from information received, he proceeded to the White Flag Store, in Ironbark Gully, and there found the deceased, who was then bleeding from the head and the right arm. From the information he received he searched the store, and found the cabbage tree hat now produced, in the inner room. (The one already identified as having been worn by the deceased at the time of the outrage.) Another hat (a drab hat) was found by witness just inside the door of the store. The sword produced was handed to him by Mrs Scanlan. On examining it found both blade and handle marked with blood, and the blade had evidently been recently sharpened.

Simon O'Neil deposed that he was a detective officer stationed at Sandhurst: About a quarter past 12 on Thursday morning, the 2nd inst, from information he received, he proceeded to the White Flag Store, in Ironbank, and saw the deceased lying in bed. He was bleeding from the head, right arm, and various parts of the body. From further information he proceeded to a tent about three hundred yards distant; entered the tent, and found no person in it; searched the tent, and underneath a stretcher found the knife produced, saturated with fresh blood.

[The knife is a large sized butcher's knife, Williams and Co., Smithfield, London, makers, with brown wood handle, and steel rivets, eight in number.]

Also found a piece of wood, which had evidently formed part of the haft of the sword. There was also outside a long stick or pole of about 4 feet in length, which had evidently been the original haft. He also found a file (and on reference to the sword, it showed evidently to have been sharpened lately by a file.) The long pole, the original haft, was

painted red, and one of the ferrules on the haft of the sword was found to have been painted rod also. Also found a black felt hat, marked in the inside A'Kay (in English characters.)

The tent had been since watched by the police, but without anyone coming to it, and appeared to be deserted. Robert Campbell Dow, a legally qualified practitioner, deposed that he was called upon on Wednesday night, at about half past nine o'clock, to visit the deceased in Ironbark Gully. Arrived there about ten o'clock, and in the back room found Mrs M'Elligott lying on a couch, and her husband in a rocking chair. Witness wished to dress his wounds, but he insisted upon his wife being attended to first. Examined Mrs. M'Elligott, and found she was injured in the head and the hand. Partially dressed them, and was then suddenly called to attend to Mr M'Elligott himself.

Examined his hand first, and found a wound above his wrist. Witness took up a large artery (the ulna artery) on which the bleeding ceased more or less, then found that he was bleeding profusely from the head; looked for the severed blood vessel, but could not find it. Put on a large compress and bandage, and the haemorrhage ceased apparently; found several other large incisions on the head, one of them, behind the left ear, penetrating to the bone. Found both the hands of the deceased much lacerated, especially the right one; one incision between the ring and little fingers extended from the division of the fingers down to the wrist on one side of the hand, and halfway down on the other. Dressed the several wounds, and the haemorrhage ceased. There were several other severe lacerations of the hands, but none of any importance. All the tendons of the fore arm were nearly cut across. Witness's attention was then drawn to the elbow, where there was a large wound completely exposing the elbow joint. Could introduce his finger into the joint; dressed the several wounds, and had the deceased conveyed to bed, and his arm put in a sling. Deceased was very weak, and witness ordered him some wine.

There were several minor cuts, one on the throat, and another on the back, but not of any importance. In about three quarters of an hour was again called to Mr M'Elligott, and found that haemorrhage had again occurred in the scalp wounds on the head of deceased. The haemorrhage was again stayed by witness by means of another compress. Visited deceased again next morning, and a second time during the day, in consultation with Dr Hoyle. Found him low, and came to the conclusion that the arm should be amputated, but deferred doing so for a day or two. On Saturday consulted with Dr Smith, by desire of the deceased.

Deceased was then in a very low state, but as the large wound in the elbow joint occasioned a deal of irritation in the system, it was determined to operate upon him that afternoon. Witness accordingly amputated the limb, the patient bearing it pretty well; saw him again two or three hours after the operation with Dr Smith; ordered him a little wine; saw him again twice about half past five the next morning; he then appeared to have sunk considerably; witness then ordered wine more frequently; saw him again with Dr Smith about ten o'clock, he then appeared better, his pulse being lower, and respiration not so rapid; saw him again twice during the day, when he appeared more composed. Was called to the deceased about eight o'clock on Sunday evening, and went over in consultation with Dr Hoyle found the deceased slightly delirious, but sensible by rousing him, and by talking to him. Enjoined absolute quietness, and ordered the wine to be continued; remained with him an hour, when his pulse became more perceptible, and he became more composed. That was the last time the witness saw him alive.

By the Coroner: Considered him in a low state when he left him, but believed that he had rallied a little; had hopes of the recovery of the deceased by using stimulants, and that he would rally; this was his reason for giving instructions that he should be kept perfectly quiet. The following morning (Monday), about half past five, was informed of the deceased's death. There was a slight oozing of blood, which witness would not call a secondary haemorrhage, about two hours and a half after the operation. [After along argument, witness admitted it might be secondary.] He was sent for to check the bleeding of the limb. Found that there was not much bleeding, the bandages only being saturated. Took off the bandages, and put on fresh strapping and a compress. Did not dress the stump again until the next night (Sunday night).

On Monday he had made a post mortem examination. The external marks of violence he had already described. On removing the scalp, found a large piece of the periosteum covering the left parietal bone removed, and the bone shaved, as if a sharp instrument had gone over it. Close to this wound he found an incision. The bone itself was dissevered, and on incision in the left temporal bone. Opened the head and examined the brain and its membranes, and found them healthy. There was no fracture of the skull. The brain was more or less bloodless. Examined the chest. Found the heart and lungs healthy, but pale. Next examined the abdomen, and found all the abdominal viscera healthy also. Witness's opinion was that the deceased died from exhaustion, consequent on the wounds he had received, and the haemorrhage sustained there from.

[This witness gave his evidence in such a low and in distinct manner as rendered it very difficult for the reporters to hear.]

By the Coroner: Considered amputation the only chance the man had for recovery. Was aware that it was necessary that the dying declaration of deceased should be taken, but was not aware that it was his (witness's) duty to give information about it. Supposed it would be asked by the proper authorities, Was asked by the police on the Wednesday evening (on the first visit) whether the deceased's dying deposition should be taken. replied, "No," considering that his life was not in danger just then, but if there was any threatened danger they could then do so. Was asked again on the Sunday evening. Forbade them to take it, considering the excitement might accelerate the deceased's death, he being in a very low state and partially insensible. (There being a considerable noise going in the bar, which somewhat interfered with the business, Dr Smith called out, "Stop that noise.") Does not think the declaration could have been taken on the Sunday night without accelerating his death.

It should have been taken on the first night, but this would not have been valid. All the wounds were incised wounds. The sword or the knives produced were likely weapons to produce all the external injuries. The Coroner expressed his regret that Dr Dow had (though with, no doubt, the best intentions) done wrong in allowing the man to die without the necessary declaration. Had they had this, they could have gone on without difficulty; but now they were completely dependant on the circumstantial evidence connecting the man in whose tent the knife, &c., was found, or on the chance of some of the Chinese coming forward and giving Queen's evidence; and in this case, with the heavy reward offered and the little value placed on human life, they might bring forward innocent persons.

He trusted that in future cases the doctor would coolly consider the matter before preventing these most necessary enquiries, as it was quite evident that in this case it would be extremely doubtful whether sufficient evidence could be got to substantiate the charge.

In answer to jurors: Had no idea of the quantity of blood lost; the quantity lost was sufficient to occasion prostration. The Coroner then gave a resume of the evidence leaving it to the jury to determine whether they should return a verdict that the deceased came by his death from an assault by three Cinnamon, or to adjourn the inquest for a term till they should see the result of the reward offered by the Government, and the additional £100 offered for their apprehension by their own countrymen.

The Jury, after a few minutes consultation, agreed to adjourn till the 21st instant, at 2 o'clock, at Barrow's Beehive Hotel.

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CONTINUATION OF THE INQUEST.

The inquest was resumed at the Beehive Hotel, Bridge Street yesterday afternoon. The Coroner stated to the jury that he would premise the business by stating what had occurred during the adjournment, viz., that the weapons, clothes, &c., had been forwarded for examination and analysis by Dr Macadam, the Government Chemist, and he should be able to give the result of that examination; and he might also tell them that a Chinaman had been apprehended who could be proved to have lived in the tent in which were found a knife covered with blood, a long haft which had evidently been originally part of the pike which had been made into a sword, also a piece of wood, the remainder of the piece fitted to the sword, ferules on the sword which had certainly been on the original pike staff, also a three cornered file. Mr Lysaght was in attendance to watch the case on behalf of the prisoner.

The following evidence was then received Anne McElligott, the widow of deceased, identified the prisoner, A'Key, as a man who dealt in fowls, and lived in the tent which had been pointed out to the police; she had known him for twelve months; the prisoner once worked for Mr Dixon, a puddler in the Gully; she had seen the prisoner about fourteen days prior to the attack on the deceased.

By Mr Lysaght: Did not recognise any of the three men at the time of the attack on her husband and herself.

George Todd, storekeeper, of Bridge Street, had seen the prisoner at the Camp, and previously at the time he sold the knife which he had sworn to on the former investigation. The prisoner was one of the two Chinamen who purchased the knife at his store; the witness picked him out from amongst a number of others, on the 9th inst, in the gaol. By Mr Lysaght: Two Chinamen came in to buy the knife; one had a blue Chinese jacket, a new one, and a felt hat, such a dress is not an uncommon one; never stated that he could not identify the person who bought the knife, but said he thought he could identify the men. [The depositions were referred to, and it was found from them that he had said " I think I could recognise the man who purchased the knife."] The prisoner paid for the knife with a five-shilling piece Alfred Tabor, Sergeant of Police, stationed at Sandhurst, deposed that he accompanied Detective O'Neil on the night of the 1st inst, to a tent pointed out to them, where they found the knife produced. On the 8th inst he had taken the prisoner out to that tent, and he had identified the tent as his property. The knife so found by Detective O'ffeif was then covered with fresh blood. The prisoner told him to bring some of the property in the tent to the Camp for safe keeping. He then pointed out a Chinese jumper, which he said belonged to a Chinaman named Chin A Sou. To the best of his belief, the tent in question had been under police surveillance since the attack.

A'Quau (who was sworn by breaking a saucer), a storekeeper, living at the First White Hill, deposed that on the morning of the day on which the prisoner was apprehended, he went to Job's Gully, for the purpose of selling some oats to the Chinese puddlers, when from information he received, he found the prisoner in a tent, and on asking his name, the prisoner replied, A'Key. He then gave information to the police, and accompanied them to the tent where prisoner was, and saw him apprehended. Did not know the prisoner previously.

By Superintendent M'Culloch: He placed a guard over the prisoner while he went for the police. The prisoner when he told his name, also told him that he (the prisoner) resided in Ironbark Gully. The prisoner was found in the tent of Kin Li.

Kin Li, a miner, residing in Job's Gully (having been sworn by the smashing of a saucer) deposed that the prisoner came to him on the night of Tuesday two weeks since, after dark, and asked for food. Witness asked where he came from, and he replied that he resided in Ironbark Gully, where he kept fowls. By Superintendent M'Culloch: The prisoner said he was very hungry, but did not say he had been a long time without food. He did not give any reason for being hungry. The prisoner slept in the witness's kitchen all night. The next morning, having had a conversation with A'Quau in reference to the prisoner, information was given to the police. Helped to bring the prisoner into the Camp.

By Mr Lysaght: He knew that there was a reward offered for the apprehension of the prisoner. Heard from some Europeans that £200 reward was offered.

Constable Adam Dunlap, stationed at Eaglehawk, deposed that on Wednesday, the 8th, from information he received, he proceeded to Job's Gully, and on entering a tent found the prisoner A'Key sitting on a bed.

On handcuffing him and getting him outside, he said to the prisoner without any previous caution, John you no good, yon kill Englishman." He replied, "No, two Chinaman do it." "Witness asked the name of the two men alluded to by him; he replied "A'Sow and A'Heng," and said he 'saw them kill the man." On bringing him before Superintendent M'Culloch, he understood him to say that he was in the store with A'Sow and A'Heng, in Ironbark. He said, "When the Englishman come round the counter A'Sow and A'Heng cut him with knives." By Superintendent M'Culloch: There was no inducement held out to the prisoner to make the state ment.

Senior Constable "Webb deposed that on that afternoon, while in a room in the Hotel, the prisoner identified the brab hat now produced as his (prisoner's) property. He said he "lost it in Tom's store." (The hat is the one alluded to in the witnessed evidence taken at the former part of the inquiry.): By Superintendent M'Culloch: The deceased was known, and is still spoken of by the Chinese residing in the gully, as " Tom."

Mounted Constable John Moran proved that the weapons, clothes, &c, found had been taken by him, and he delivered them to Dr Macadam for analysis; and that he had brought them back with him with a letter addressed to the Coroner. The letter, which was in the form of an affidavit sworn before Dr Eadeg, gave the result of Dr M'Adam's chemical and microscopic investigation of the stains on the weapons and clothes. The hat he described as evidently stained on the outside and on the ribbon with arterial blood. The blade of one of the knives, he remarked, was stained with blood, and bore the impress on one side of two fingers, and on the other side of the blade that of the thumb of the right hand.

It will be remembered that the deceased M'Elligott's right hand was cleft between the fingers by the assassin's blows. On the other knife he had also found stains of blood possessing the ingredients of human blood. On the sword or pike head, which had evidently been recently sharpened by a file, he found on a microscopic examination, some blood and some fine particles of hair of a light reddish color, and finer than the scalp hair. The stains on the clothes, after having been submitted to various chemical tests, afforded no traces of being stains of blood. In conclusion, he complimented the police on the great care evinced in the preservation and delivery of the several articles to him by the police, in so perfect a state, that it had materially facilitated in his investigation.

Simon O'JSTeil deposed that he was a first class detective officer stationed at Sandhurst, and that on the 10th inst he accompanied Superintendent M'Culloch to the gaol, for the purpose of examining the prisoner in private clothes. After examining the prisoner's clothes, on which were some marks they took to be blood, Mr M'Culloch asked the prisoner "how he got into Tom's store, and who was with him at the same time cautioning him not to tell if he did not like to; prisoner then stated that Chin A Sow and Chin A'Heng came to Tom's door and knocked, and Tom let them in; prisoner then said "me want candles," and Tom came round counter ; two Chinamen pull out knives from under jumpers and cut Tom; Tom make noise; wife come; two Chinamen hit Tom's wife with knife; make noise; me take hold Chin Heng, and pull him out, and run away." Witness then asked whether he had any weapon at that time, which he denied. Mr M'Culloch asked, "What for go to Tom's store?" Prisoner replied, "Me not know."

The tent of the prisoner had been watched night and day since the occurrence. Witness had received that evening some information in reference to the other two suspected Chinese. By Superintendent M'Culloch : Had not heard any thing said by the prisoner about buying the knife for five shillings. This being the whole of the evidence, the Coroner said he should leave it to the jury whether they should now come to a verdict or whether they would adjourn for a further period, more especially as it appeared that the police had received some additional information as to the other two men, whose apprehension might throw some additional light on the subject.

Superintendent McCulloch remarked, in reference to the information spoken of, that there was always a doubt about any of the information received in the vague manner that this was, and that it might be of no value in the case.

The jury elected to come to a verdict, and after an adjournment of a quarter of an hour, the Coroner reopened the court, and gave a careful resume of the evidence, commenting on the fact of the remainder of the piece of wood, the file, the ferrules on the sword hilt stained with paint - the same as on the staff being found at the prisoner's tent, the knife found in the gully which had been identified as having been bought by the prisoner of Mr Todd, and the statements of the prisoner himself, that he was present at the onslaught, but had no weapon; that when the noise was made he pulled out one of them and made off, &c. Then there was the evidence of the injured woman, who swore that three men were attacking her husband, each with a weapon, and by that it seemed that the prisoner must have been one of the three attacking her husband. He would, however, wish them to consider the whole facts of the case coolly and dispassionately, as to find the prisoner guilty.

They must be clear in their own minds that he was one of the three. It was at least a case of very strong presumptive evidence, and he would wish the jury to understand most

distinctly that it was not necessary to find the prisoner guilty of the murder to show that he inflicted the particular injury of which the deceased died. It was only necessary to show that he was one of the three attacking the deceased. It was, he remarked, exceedingly to be regretted that the dying depositions had not been taken, as this would have made his (the Coroner) and the jury's duty much easier. There would, no doubt, have been in that case some valuable evidence, had this been done, but he could not in justice make use of it.

The evidence was now unfortunately purely circumstantial, though strong. If they were convinced that he was one of the three, they would have no difficulty in coming to a verdict, but if they thought there was not sufficient evidence to connect him satisfactorily, they might adjourn still further and await the result of the apprehension of the other two, though he believed the police had done all in their power to throw a light on the matter.

After nearly an hour's consultation, the jury brought in the following verdict: "That the deceased, Thomas M'Elligott, died on the 6th of June, 1859, at Ironbark Gully, from exhaustion, brought on by haemorrhage, the result of severe wounds inflicted on his right arm and head, on the night of the 1st of June, at the said place, the said wounds being inflicted on him by the hands of Chew A'Key and two other Chinamen, supposed to be named Chin A'Sou and Chin A'Heng. We therefore consider that the said Chew A'Key, together with the supposed Chin A'Sou and Chin A'fleng, are guilty of the wilful murder of Thomas M'Elligott."

meaning of breaking a plate as a way to take an oath in a court.

*Racist overtones aside, these two texts confirm the fact that overseas Chinese in Australia were allowed to make Chinese style oaths, albeit by means of rites that may not have been widespread in China itself. They also reveal the ignorance of some Australians about Asian religions, as can be seen in the claim that Hindus would take oaths by beheading chickens. Information on these practices can also be found in a work of community history entitled *The Immigrant Boy: a Townsville Boyhood, 1912—1918*, which was compiled by the oral historian Marion Houldsworth.*

According to this text, the local Chinese were sworn in by breaking a plate and declaring that if they lie "may their souls be smashed as this plate" or "If I tell lies, may my soul be dashed to pieces as this dish". Apparently there was one instance in which the plate refused to break the first few times, and the frustrated Chinese man ended up jumping up and down on it and shouting "Damn fart!", presumably obscenities taught to him by the local children?

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Report by J M'Culloch HENLEY, Anglo-Chinese Linguist.

MURDER OF M'ELLIGOTT.

We take the following from the Mail:

"Sir,- I was up at Sandhurst yesterday, rendering my services on the trial of a Chinaman suspected as one of the murderers of Mr M'Elligott. The Chinaman was discharged for want of proof, no one being able to say whether he was or was not connected with the murderers. Whilst at Sandhurst the Chinese there gave me enough of reason to suspect the murder of Mr M'Elligott as an affair in which a great many were connected. Numbers of them

speak very harshly of deceased, and seem to have but little sympathy for him. This morning I elicited a great deal of information from Chow Ah Key, now committed for the murder. He stated to me that two Chinamen, named Chin Ah Sow and Chin Ah Keung, requested him to go with them to the store of Mr M'Elligott and pass his word for some goods for them, and that whilst he (Mr M'Elligott) stooped under the counter for the same the two Chinamen (Chin Ah Sow and Chin Ah Keung) attacked deceased with knives, that he tried to rescue the deceased from the murderers, but did not take anything to do with the murder; that the murderers fled. He also stated to me where the murderers were likely to be found.

Chow Ah Fung, a prisoner in Castlemaine gaol, was working in partnership with the two murderers now at large. He says that he is willing to go with the police in search of them. He also told me where they were most likely to be found. The same information I have communicated to Mr Burke, superintendent of police, and it is therefore to be hoped that the police will soon have them in their grasp, and bring to justice the Chinese assassins.

Your obedient servant, J M'Culloch HENLEY, Anglo-Chinese Linguist.
- Castlemaine, 13th July, 1859.

Bendigo Advertiser (Vic. : 1855 - 1918) Sat 25 Jun 1859 Page 3

ORIGINAL CORRESPONDENCE.
THE MURDERERS OF MR M'ELLIGOTT.
(To the Editor of the Bendigo Advertiser.)

Sir, I have seen an article copied from Saturday's issue of the ADVERTISER in the Mount Alexander Mail, wherein you alluded to my knowing the murderers of Mr M'Elligott to have been in Castlemaine. Regarding the same assertion I shall give you all the knowledge I possess in the matter, and explain to you how I came by such knowledge.

On the 28th of May last, whilst going up to Bendigo from Castlemaine, a short distance from the Half-way House I came up with some Chinamen, who were on their way to Sandhurst. After I had journeyed with them a short distance I met two Chinamen coming down from there, who after saluting their brethren asked them if they had heard anything concerning the murder of the storekeeper at Bendigo, when they all answered in the affirmative. One of them asked them if they knew who had perpetrated the deed. To this they gave an evasive answer, but stated that the police were in search of them, and would have taken them prisoners had it not been that they hid themselves in a hole, and saw the lights passing and re-passing for some time after the deed was done, and that they were then on their way to Castlemaine. The subject was instantaneously broken off, when one of the Chinamen who had travelled a short distance with me informed the two whom we had met, that the Englishman present spoke the Chinese language, and cautioned them to be more careful for the future. The day following I saw the same Chinamen in Castlemaine, but whether or not they are in Castlemaine at present I cannot tell.

This statement I am willing to verify on oath. The Chinese with whom I was in company at that time stated to me that they verily believed the two men we met were the murderers of Mr M'Elligott, and one would readily suspect them as such from their own statements. My present occupation absorbing most of my time and attention, prevents me from penetrating the hiding places of the Chinese so as to throw more light on the subject, but should I succeed in finding any further clue to the murderers of Mr M'Elligott, I shall not fail

in giving the public all the necessary information.

Your obedient servant,
J. M'CULLOCH HENLEY,
Anglo-Chinese Linguist.
Castlemaine, 23rd June, 1859.

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Sandhurst, Saturday, June 25th, 1859

A STRANGE STATEMENT.

THE letter of Mr J M'Culloch Henley, Anglo-Chinese Linguist, is a somewhat remarkable one. In noticing the subject of the alleged charges against the Chinese of complicity in the murder of M'Elligott, we alluded to a communication of Mr Henley's addressed to the Mount Alexander Mail, in which he stated that two of the murderers had, to his knowledge, been in Castlemaine on the Sunday subsequent to the murder, known as such among their countrymen, and yet suffered to go at large. We also drew attention to a remark of his in the same letter that John was preparing for the commission of similar deeds to this murder, and we suggested that Mr Henley was speaking somewhat at random in making such a serious charge. To the latter part of our remarks we observe no reply, although the matter is an important one, for the probable commission of atrocious deeds is something to be guarded against by immediate and decisive measures.

We therefore wished Mr Henley to give some evidence of the truth of this statement, in order that the public should be on their guard. In his present letter he has taken no notice of this subject, but it is probable that he has made the necessary communications to the police authorities.

Mr Henley, however, furnishes an explanation of his statement concerning the appearance in Castlemaine of the two murderers of M'Elligott yet undetected, and we must say that this statement is a very extraordinary one, for more than one reason. In the first place, this is the first the public have heard of the particulars he relates, and in the next it does seem strange that when he ascertained that the two Chinamen whom he met on the road between Castlemaine and Bendigo were in all probability two of the murderers of whom the police were in pursuit, and still more when he again saw them in Castlemaine, he did not at once take measures for their apprehension.

Mr Henley's statement is explicit enough. In journeying to Bendigo on the 28th of May last, near the Halfway House, he fell in with some Chinamen travelling towards Sandhurst. As Mr Henley speaks the Chinese language, we presume that he entered into conversation with them, and thus journeyed for a short distance in their company, until they met two Chinamen going from Bendigo to Castlemaine. As might be expected, the two parties of Chinese proceeded to interchange compliments in Chinese fashion, and tell each other the news Mr. Henley could understand what was said, and he states that the two Chinese from Bendigo asked the others if they had heard of the murder of the storekeeper on Bendigo, to which they replied in the affirmative.

To a question if they knew who had committed the murder they answered evasively, but, strange to say, added that the police were in search of themselves, "and would have taken them prisoners had it not been that they hid themselves in a hole, and saw the lights passing

and re-passing for some time after the deed was done." The Chinamen, in company with Mr. Henley, cautioned them to be careful what they said, as the European with them understood Chinese. At this it seems they parted, and Mr. Henley, came on to Sandhurst. He tells us that he saw the same two Chinamen in Castlemaine on the following day.

Now does it not occur to the reader as very strange that Mr. Henley did not immediately endeavour to have these two Chinamen, with the suspicious story about their hiding in holes from the police, while people were searching about with lights - apprehended? Or, if he was some what doubtful at the time, or did not see his way clear to secure them without danger to himself, how did he come to neglect the opportunity of having them apprehended in Castlemaine when he saw them on the following day? Really this neglect on his part appears to us to be very inexplicable. The Chinese in company with him stated that they believed the two men were the murderers; so that his suspicions must have been awakened. Mr Henley concludes by informing us that "should he succeed in finding any further clue to the murderers of M'Elligott," he will not fail to give the public all the necessary information.

Why what further clue can he ever hope to get than he has had, and has not availed himself of. Can he ever hope for anything more favourable than seeing the two murderers in the town of Castlemaine, where, we imagine, police are procurable; and if they were not, the inhabitants would render every assistance in securing the miscreants? After having according to his own account had the murderers actually in his grasp without making an effort to secure them, it seems to us sheer silliness on his part to assure the public of giving the necessary information should he find any further clue! Mr M'Culloch Henley may be an excellent Anglo-Chinese Linguist, but he possesses more simplicity than wisdom, and he is more remarkable for prudence than for courage or address. He may be an excellent interpreter, but on his own showing he is a very bad detective.

Mr Henley says that he is willing to verify his statement on oath. Well, nobody called it in question, but when he talks of verifying it on oath, one is apt to recall the words of the poet -
"Methinks the lady doth protest too much."

For our part we are quite willing to believe Mr Henley's narrative, for it does not flatter him very much, and we cannot see what object he could have in fabricating a statement which certainly places him in an equivocal position.

But there is one small difficulty in the matter which weighs with us, and which we should like Mr Henley to explain. When gentlemen use dates they should be specially careful whether they are making a true or false statement. Mr Henley states very distinctly, and with that particularity which characterises the man who keeps a diary, that the day on which he was journeying to Sandhurst, fell in company with the Chinese, and met the two suspected murderers, was "the 28th of May last."

Now the day on which the murderous assault on M'Elligott was committed was the 1st of June, four days after the day on which this interview is said by Mr Henley to have taken place! We believe that he visited Sandhurst subsequently to the murder, and it is very probable that he has inadvertently mistaken the day on which the occurrences took place.

But he must at once see how this discrepancy throws doubt upon his whole statement, and unless he can give some reasonable explanation of it, the public must decline to give it the slightest credence.

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SANDHURST CIRCUIT COURT.
SENTENCES.

Chew A'Koy was then placed in the dock to receive sentence. In answer to the usual question of the Judge's Associate, whether he had anything to say why sentence of death should not be passed on him the prisoner (through the interpreter), said he did not kill deceased; that he did not do it himself, and that if he had meant to commit murder he would have screened his face. The other man induced him to go to the store, and he did not know anything about it before that night; all he did was to keep the other two men off the storekeeper.

His Honor then passed sentence on the prisoner. He said: I have been informed that you, Chew A'Key, understand English, and can speak it. Therefore, the few words I am about to say to you may be understood without the assistance of the Interpreter. You have been found guilty of murdering a British subject; you yourself being for the time under the protection of British law, and consequently owing obedience to those laws which govern this country. But you must know that all laws of every society of every country, are founded on the divine principle of the Almighty, that a man's life is not to be taken by man without his suffering for the act. Your motive in this instance has not been discovered; your object has not been disclosed; whether from ill-will, or for the purpose of robbery or gain, is not shown, but life has been taken without excuse or justification of the act. I believe that you must know that the act is wrong; and that it may be well for you hereafter.

I recommend you to prepare yourself, by attending to the religion which you profess in an attentive and sincere manner. I cannot hold out to you a hope that your life will be spared; that does not rest with me, and I have now, after warning you in the way I have felt it my duty to do, to pronounce that sentence on you which the law directs, which is that you, Chew A'Key, be taken to the place from whence you were brought, and at such time as His Excellency the Governor may appoint, you be taken to the place of execution, and there be hanged by the neck until you are dead; and may the Lord God have mercy on your soul.

The prisoner did not betray any symptoms of being impressed with the awful position in which he was placed by the sentence of death having been passed on him, but was apparently, from his demeanor, as little affected by it as he had been throughout the trial. He was then removed.

The Court adjourned sine die(*meaning adjourned*).

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SUICIDE OF Chew A'Key, THE MURDERER OF M'ELLIGOTT.
(From the Age).

Yesterday morning at ten o'clock was the time fixed for the execution of Chew-a-Key, the Chinaman convicted of the murder of the late Mr M'Elligott, at Ironbark Gully, Bendigo.

On Sunday evening however, he contrived to evade the sentence of the law by committing suicide. He was last seen alive by Mr. Winkle, the Governor of the gaol, and the turnkey in whose immediate custody he was placed, at about four o'clock on Sunday afternoon. There are two doors to the condemned cell in which Chew-a-Key was confined, the outer one similar to those in general use in the gaol, and an inner one composed of perpendicular and transverse iron bars, so as to form a sort of grating, through which the prisoners might be observed by the turnkey on duty. At a quarter to five o'clock on Sunday afternoon, the turnkey went to the cell in which the condemned prisoner was confined, for the purpose of lighting the gas. On opening the outer door, he saw him hanging from one of the transverse iron bars of the inner door.

The alarm was immediately given, the prisoner cut down, and every means employed for his resuscitation, but without avail. It was apparent that Chew A'Key must have premeditated self-destruction for some time from the particular care which he had taken that the attempt should be effectual. He had torn up one of his blankets, and twisted it into a rope for the purpose; and it was evident that he must have managed so to raise himself from the floor of the cell as to obtain a seat on one of the bars of the door, whilst he fastened the rope with which he hanged himself.

He had also tied his feet together, and had then connected his hands with his feet by means of a piece of the blanket twisted into a rope in such a manner as entirely to prevent any attempts which he might have made to save himself, supposing his courage to have failed him at the last moment.

The Sheriff was not informed of the occurrence until he arrived at the gaol yesterday morning, shortly before ten o'clock, to see the sentence of the law carried into effect. An inquest was held on the body yesterday, at twelve o'clock. The Coroner then drew attention to the fact, that in England, from the time sentence of death was passed on a prisoner until that sentence was carried into execution, he was never suffered to be alone, and said he thought the recent occurrence would show the authorities the necessity of adopting a similar practice in the colony.

The following is the evidence taken at the inquest:—

Thomas M'Quinn, a turnkey of the gaol, deposed that he was on duty yesterday afternoon in the same corridor of the gaol as that in which deceased was placed. He did not see deceased from the time he was mustered, at four o'clock, until a quarter past five. He then went to inspect him and light the gas. He found the deceased with his back against the iron gate of the cell. He spoke to him, but getting no answer, examined him more particularly, and found that he was hanging by the neck to the top of the iron gate. He was hanged with a portion of his own blanket, which he had twisted into a rope for the purpose. Witness at once gave the alarm, and the deceased was cut down. No person had access to his cell.

Mr George Wintle deposed: I am governor of the gaol in which deceased was a prisoner under sentence of death. His name was Chew-a-Key. He was a Chinaman, and about 22 years of age. I produce the warrant of the Governor for his execution, which was to have taken place this morning. Deceased was placed in No 34 cell by himself. He was looked after in the usual way that prisoners in his situation are. No one was in the cell with him. There was nothing about the deceased to induce me to suppose that he would commit suicide. I saw him alive at half-past four o'clock yesterday evening. He seemed quite cheerful. He asked the gaoler from Sandhurst if he was to be hanged on Monday. He was told "yes." At twenty

minutes past five o'clock yesterday I was informed deceased had hanged himself. I went at once, and found him lying in his cell, apparently dead. He had been cut down. Medical assistance was at once procured, but the deceased could not be revived.

John W Gee, gaoler of the Sandhurst Gaol, deposed: I was present at the Circuit Court of Sandhurst on the 7th instant, when Chew A'Key was tried, convicted, and sentenced to death for the murder of Mr M'Elligott. I identify the deceased as the person sent down from Sandhurst for execution. His name was Chew A'Key. I was present yesterday afternoon when Mr Wintle mustered the prisoners. The deceased spoke to me, and said, "Mr Gee, me hang tomorrow?" He seemed more cheerful than usual.

Dr Barker made a post mortem examination, and certified the cause of death to have been asphyxia, caused by hanging by the neck. The jury returned a verdict in accordance with the evidence.

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THE MURDERERS OF M'ELLIGOTT.
(To the Editor of the Bendigo Advertiser.)

Sir, I am sorry to see that the public are about to be led into error regarding Chow Ah Key, now convicted for the murder of Mr. M'Elligott. I am only sorry that he has been dealt with (according to my humble opinion) too quickly. I have conversed with a number of Chinese on the affair, and also with Chow Ah Key, at Castlemaine gaol, and have got a great deal of information from him on the matter, which will be of great service in capturing the other two murderers now at large. Chow Afung, a Chinaman, now in Castlemaine gaol, was a working partner with the two murderers - Chin Ah Sen and Chin A'eung and can therefore identify them. He states that he knows whereabouts they are likely to be found.

You have stated that Chow Ah Key, "since his apprehension, has been in a manner disowned by his countrymen, on account of the atrocity of the crime he had committed; and that even now, when about to pay the penalty of that crime, their feeling of animosity against him is still as strong." You also remark, "Had his crime been of less magnitude, there is little doubt but some of his countrymen would have subscribed the necessary funds for his defence, which he was unprovided with." Your remarks and sentiments may be correct, but in the meantime let us examine both sides of the picture.

Chow Ah Key stated to me at Castlemaine Gaol that the two murderers, Chin Ah Seu and Chin A' Heung, on the night of the murder; that they came into his tent and asked him to go with them to Mr M'Elligott's store, and pass his word for some provisions for them; that, when deceased stooped under the counter to get the goods, Chin All Seu and Chin A'Heung attacked deceased with knives, which they had secreted under their clothes; that when Mrs. M'Elligott came into the store, they attacked her also. He (Chow Ah Key) tried to prevent them, but did not succeed.

The murderers, seeing they could not accomplish their ends, fled, and left one of the knives used on deceased in his (Chow Ah Key's) tent. He denies all previous knowledge of the affair.

Chow Ah Key may be said to be a stranger among his countrymen. There are but few of his clan in the country. The other two at large belong to the clan of Chin, who are very numerous and powerful, and, as I have been told, are members of the "Triad Society," a secret association, whose objects are mutual defence, as well as plunder and other dishonesty. They engage to defend each other against the attacks of police officers, and assist members of their fraternity in escaping justice. If any one feels injured, the rest take part in his quarrel, and help him to avenge himself. Had Chow Ah Key been a Triad, he would not have been slighted by his countrymen; whereas the other two at large, being Triads, will have every assistance rendered them in escaping justice.

There are many of the Chinese on Bendigo who bear very harsh feelings towards deceased, and possess not an item of sympathy for him. It is to be hoped that the two murderers at large will be captured. If the police succeed in arresting and bringing them to Sandhurst, I make no doubt but a number would be implicated in the affair. I have the honor to be, your obedient servant,
J. M'CULLOCH HENLEY,
Anglo-Chinese Linguist.
Castlemaine, 16th July, 1859.

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The Chinaman, Chew A'Key, who at the last criminal court was sentenced to death for the murder of M'Elligott, anticipated his fate by adding the crime of self murder to that he had already committed. He hanged himself in the Melbourne gaol on the 17th ult, the night previous to the morning he would have been legally executed.

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