

13<sup>th</sup> January 1867

209

DEPOSITIONS

REGINA

V

*Michael N. O'Connell*  
*and*

*James Griffin*

*Murder*

*Braidwood*

There is not sufficient in these depositions to justify me in fully there answers upon then trial. Let them be immediately removed to Goulburn Gaol and let a further inquiry be had in the gaol or court house then ----  
--- ----- Mr Edward Smith and Mrs McAnnery be again examined in there presence. If necessary let the -  
----- expense be incurred to provide Mrs McAnnery with the means of ----- out of the Braidwood district until the -----

February 21<sup>st</sup>, 1867.

Sir,

We do ourselves the honor to transmit herewith the depositions taken at this office in the case of the prisoners named in the margin who have been committed to take their trial at the next Circuit Court to be holden at Goulburn on the 8<sup>th</sup> April next.

We would (acting in accordance with a circular issued on the 12<sup>th</sup> March 1859 by the Attorney general to the Bench of Magistrates) also draw your attention to the fact that it was with very much difficulty the Attorney for the prosecution or ourselves were able to obtain even the accompanying evidence from the fact of the witnesses (all or most of them living in the neighbourhood of the murder) being intimidated. We have little doubt that when the cases come on for trial some of the witnesses will give much more decided and important testimony. We also expect and hope that further evidence will then be forthcoming more especially as one of the most important witnesses has offered to give further evidence for the Prosecution which will strengthen the case very materially against the prisoners.

We would also recommend that the prisoners be removed to Sydney for trial.

We have the honor to be your obedient servants

Robert Maddrell

James Rodd J.P.

Edmund Murphy

This deponent being duly sworn saith as follows: I am lockup keeper in Braidwood. On Saturday evening the 19<sup>th</sup> instant I received the prisoner James Griffin from Sergeant Byrnes of Ballallaba on a charge of murdering Special Constables Carroll, John Phegan, Ennis McDonnell & Patrick Kennagh at Jinden on the 9<sup>th</sup> January 1867. I apply for a remand until Thursday next

E Murphy

Sworn before me  
this the 21<sup>st</sup> January, 1867

signed

J.H. Griffin J.P.

Remanded until the 24<sup>th</sup> instant

Signed J.H.Griffin J.P.

This deponent Daniel Byrne being duly sworn maketh oath and saith as follows I am a Sergeant of Police stationed at Ballallaba

I produce two warrants for the prisoners Michael Connell and Daniel Guinea wherein they are charged with murdering John Carroll and others on the 9<sup>th</sup> of January 1867. I arrested the prisoner Daniel Guinea about 7 o'clock and Connell about 12 o'clock last night

Daniel Byrne

Sworn before us this  
17<sup>th</sup> January 1867

Tho. Henon J.P.

Remanded until the 24<sup>th</sup> instant

Tho. Henon J.P.

Joseph Taylor J.P.

This deponent Daniel Byrne sworn oath as follows I am Sergeant of Police stationed at Ballallaba.

I know the three prisoners. I apprehended Daniel Guinea about 7 o'clock on the evening of the 16<sup>th</sup> instant at his residence Krawarree . I told him I had to arrest him on a charge of murdering Constable Carroll and his party at Jinden on the 9<sup>th</sup> instant he said he was not guilty of that Thank God, he said Thank God I am not guilty of that anyway. I asked Guinea where he was on the day of the murder he said he was working at home, drawing timber. I asked him who saw him at home, he said his father and brother Timothy and John Guinea saw him at home, I asked of anybody else, he said a boy of the name of John Watts also saw him.

I apprehended the prisoner Michael N. O'Connell at his residence on the night of the 16<sup>th</sup> instant about 12 o'clock, he was in bed drunk, I told him the charge. I told him that I apprehended him on a charge of murdering Special Constable Carroll and party at Jinden on the 9<sup>th</sup> instant he said he never murdered anybody. I knew John Carroll, John Phegan, Patrick Kennagh and Ennis McDonnell. I saw those men on the morning of the 8<sup>th</sup> January 1867 at Ballallaba they were going in the direction of Jinden it was about 8 o'clock am they were all on horse back. That was the last time I saw them alive. I saw them next at Jinden station about 2 o'clock pm on Thursday 10<sup>th</sup> instant. I saw them about a mile from Jinden house on the road to Timothy Guinea's farm, I found John Phegan and McDonnell's bodies on the road about one mile from Jinden and about 3 miles from Timothy Guinea's place.

Phegan was lying on his face on the left hand side of the road going to Guinea's.

McDonnell's body was about 5 yards further on lying on his back. He was on the same side of the road as Phegan. I saw that McDonnell's left thigh was broken, it was bent out, McDonnell's waist coat pockets were turned out. Close to Phegan's body on the left hand side I found a Tranter pistol lying it was loaded and capped about four yards from McDonnell's body we found a pistol it was loaded and capped. Near the revolver we found Patrick Kennagh's hat. I took particular notice of the place on the right hand side of the road going to Guinea's and about 23 yards from Phegan's body, there was a large tree, about 10 yards further on there was a smaller tree not so large, I examined at the large tree I found a wad and some paper. I found a wad and some paper belonging to a cartridge of breech loading rifle. I have seen paper like it. I took some similar cartridge paper from Tom Connell. I saw footprints of men at the large tree and also at the other tree but principally at the large tree. I removed the body into a cart. I then found a Tranter revolver on McDonnell. I put the bodies into a cart belonging to Edward Smith of Jinden which we got from the flat about ½ a mile we found the dead bodies of Carroll and Kennagh. George Smith, Edward Smith and a man named Watts were with me. Both bodies were lying on the back. I found a red handkerchief on Carroll's breast on which was placed a one pound note the bodies were about 5 yards apart on some clear open ground. When we lifted Carroll's body we found under it one round of Tranter revolving ammunition and also some money. We removed the

bodies to Smith's. The following Saturday morning we made another search. Close to where the first two bodies we found the track of four or five horses the tracks were on the right hand side Guineas about three hundred yards from where the first bodies were found. I know Edward Smith of Jinden. I have been to his house about a week ago. He was not at home. He was away in Victoria with a mob of cattle. I cannot say when he'll be back. I require his evidence in this case, principally against Griffin and Connell. Most of the witness reside in the neighbourhood of Jinden about 45 or 50 miles from here.

By Mr Scarvell            I am sure Guinea said when I arrested him Thank God I am sure he used the words anyway. About 3 weeks before I arrested Guinea on a charge of having stolen beef in his possession.

The Government cartridges is in yellow paper. Connell's was in white paper. I never saw any white but those of Connell's. Connell's were not used. I have not subpoenaed the witnesses, Connell and Guinea have been in custody since the 16<sup>th</sup> instant. Edward Smith left about a week after the murder. I believe that Smith left before the prisoners were apprehended. I am not certain I have not subpoenaed Smith nor any other witness as yet.

The piece of cartridge paper that I picked up at the tree was white. The wad that I picked up was much larger than any found in the bodies

Daniel Byrne

This deponent John Loughlin sworn saith I am a Constable. I am stationed at Ballallaba. I arrested the prisoner Griffin at his residence Oranmeir on the 19<sup>th</sup> instant on a charge of murdering Const Carroll and his party.

He said nothing

John Loughlin

This deponent George Smith being duly sworn saith as follows I reside in Araluen. I was living with Hezekiah Watts at Krawarree. I left there on last Sunday fortnight. I know the three prisoners before the court. I knew Special Constable Carroll and his party. They came to Hezekiah watt's place on the Wednesday. On the next day I saw them lying dead. When I saw them on the Wednesday they had firearms on them.

Guinea was at Watt's place. I had a conversation with him about Carroll about three weeks before they were shot. I do not think any person heard the conversation. Heziakiah Watts was sitting nearby nursing a child which was crying but I do not think he heard it. Guinea said we had better go into Braidwood and hear the case between Carroll and M. O'Connell and the Griffins. I told him I was not interested in the cases and I would not come. Guinea said I'll swear if the fat wretch comes this way after anyone he will be shot. He said it was a shame the way he was dragging the two Misses Clarke about the Court. He mentioned

Carroll's name as well as calling him the fat wretch. I knew to whom Guinea alluded to when he said the fat wretch. Carroll was a stout man. I have been in the Krawarree district about three years. I was examined at the inquest held at Krawarree on the bodies. I left the district on my own accord. Carroll and party had two revolving rifles and revolving pistols when I saw them on the Wednesday.

By Mr Scarvell. The conversation took place between Guinea and I just outside Heziakiah Watts door. Watt was sitting outside the door. Watt was about three yards from Guinea. I was about the same. I might have been a little closer. Guinea stopped about  $\frac{3}{4}$  hour might be more or less. The child was fidgety all the time Guinea was there, it stopped crying after Guinea left. Watt might have heard the conversation. I cannot say whether he heard the conversation or not. Guinea was addressing himself to me alone, he was sometime speaking to me and sometime to Watt. I think he asked Watt as well as myself to come in and hear the case. Watts joined in the conversation when he could. I mean when he was not taken up with the child. I believe the child was quiet some part of the time. I swear the child was not quiet when Guinea used the words fat wretch. I have no doubt about it. I have not spoken to Watts about that conversation since the constables were found dead. Where the bodies were found dead is about 4 miles from Watts house. They came to Watts place about 12 o'clock on the Wednesday. I do not recollect any strangers coming to Watts place on that day only the constables. I was at Watts all the day that Carroll came there. I saw two men galloping about  $\frac{1}{4}$  mile from Watts place at the time I was speaking to Carroll. I did not know them. It was too far to see. I left Watts place the Sunday after the murder. I was at Ballallaba with a message for the police. On the Sunday night after I left Watts I stopped at Mick Gallagher's Long Flat. I did not say there that I knew who murdered them. I had a conversation with Mick Connell at his place on the day the bodies were found. I told him about the murder. He asked me how far the bodies were apart and I told him. I saw Griffin on my way down on the following Sunday at Connell's. Connell, Edward Smith, Griffin, Mrs, Mr and Miss Berry, George Cole, all were present. Cole came with me to Connell's all the others were present when we got there. James Griffin spoke to me first, about the murder, he said that was a shocking affair we had up our way the other day. Connell was the worse for liquor he said nothing. I did not hear any person describe how the bodies were found. Connell was sober on the Thursday I spoke to him first. I called him outside to tell him what happened. He asked me how far apart the bodies were laid and what firearms they had on them. Dennis Dempsey was in Connell's. I saw Connell on the Sunday I did not speak to him since. I have not spoken to the other prisoners since I was examined at the inquest. Prisoner Connell keeps a public house at Stoney Creek

George Smith

This deponent Antony Vider sworn saith as follows. I am an Inn Keeper residing in Wallace Street Braidwood.

I know the prisoners Guinea and Connell. I knew the Special Constable Carroll. I heard a conversation between Carroll and Connell on my verandah on 31<sup>st</sup> December last. Carroll was standing on the verandah, Connell was on horseback. I heard Connell say to Carroll if ever I see you or any of your men about my place or in my paddock I'll shoot you like dogs. About a minute after Connell said never mind old man do not take any notice of what I say you know what I am. Guinea was on horseback a short distance from Connell he could have heard what he said. Michael Griffin was present. He is the prisoner Griffin's brother and Connell's brother-in-law.

By Mr Scarvell            This was between 4 and 5 o'clock in the afternoon at the time this took place. Carroll, Connell and the others had some drinks. Connell was tipsy. I cannot say whether he Connell spoke in a threatening or joking way. Carroll remained talking to Connell for a few minutes after the expressions were made use of. The people that I have named were within hearing and might have heard what was said. He invited Carroll to call and have a drink at his place if he was going that way. He Connell said to Carroll I am very much obliged for your treatment towards me. They shook hands when parting. Connell seemed to be very well able to ride.

A.

Vider.

The above depositions of Daniel Byrne, John Loughlin, George Smith and Antony Vider were taken and sworn before us this 31<sup>st</sup> January 1867.

Robert Maddrell

Remanded for a week

Houtton H. Cop J.P.

Robert Maddrell J.P.

J. Bennison J.P.

Houttan H. Cop J.P.

The deponent John Lynn being duly sworn saith as follows I am in the employ of Edward Smith of Jinden as a laborer. I saw Constable Carroll and party at Smith's on Tuesday 8<sup>th</sup> January last. They came there riding. They stopped all night. I saw them leave walking on the following Wednesday morning. They had firearms. They left about ½ past 7a.m. They took in towards the prisoner Guineas. I don't know whether they kept the road. Next time I saw Carroll he was dead. I found the bodies of McDonnell and I think Phegan's. I found them on the Thursday morning I was going to Bell's Creek with a letter for Mr Smith. I took the same road as the Police took. I found the bodies about 1½ miles from Smith's and about 2¼ miles from Guinea's. I went back to Mr Smith. He came to the spot where I saw the bodies. I afterward went to the Police Station. I saw the prisoner James Griffin at Smith's

on the morning that the Constables left (the Wednesday morning). He came there about 8 o'clock after the Constables had left. He came riding a grey horse. He stopped about ½ an hour. He saw Mr Smith. I saw the direction he took when he left. Griffin said nothing to me. Griffin had a black monkey jacket on. I did not notice his trousers. Griffin left in the direction of the Big Badja. Not in the direction where the men were shot. I saw Griffin on the day after that. The man brought up the coffins. I cannot say how he was dressed. He was riding a brown horse with a stumpy tail. I saw the horse running once in Braidwood. He then belonged to Tommy Clarke. I had no conversation. The second time I saw Griffin I did not see where he was going. I know Tommy Clarke, his brother John and Bill Scott. I recollect herding with some cattle for Smith. We started on the Thursday before the men were shot. Tom Lynn, Tom Burns and Smith we camped at Wambugga Swamp about 6 miles from Jinden. We were going to Gippsland. Mr Smith left us before the camp was formed. On that night when we were camped Tom and John Clarke and Bill Scott came up to us. They came from the direction of Guinea's. We were camped about 6 miles from Guinea's. They were riding. Tom Clarke was riding a bay horse, John also a bay and Scott a chestnut. They had firearms. Scott had a double barrel gun. I did not know any of the horses. I never saw them before not in Guinea's paddock or any place. Tommy Clarke had a revolving rifle and I saw one revolver. John Clarke had a breechloading rifle. I saw a revolver with Scott and Clarke. They stopped at our camp all night. John Clarke had knee breeches or boots outside of his trousers. Tommy Clarke and Bill Scott were dressed as we are. They had hats on. I did not take notice of them. We left the bushrangers at the camp on the next Friday morning. They came right up to the camp. I did not take notice how they carried their guns. I know Mrs McAnany. I was at her place on the Wednesday that the men were killed. After breakfast I saw Mrs McAnany. I gave her my clothes. I passed her place on the following day close to her paddock. If she was outside she would know me. I went the left hand side of her house. On the Wednesday I went to her place and home again. I did not see any person. I was dressed with a cabbage tree hat and moleskin trousers. I have been at Guinea's place. Guinea's father lives about ¼ mile from Guinea the prisoner. I am quite sure the bushrangers came to our camp after Mr Smith left. I have only seen Griffin twice before the times I mentioned. I have been there for 24 weeks next Saturday.

To the Bench

The bushrangers did not tell us where they came from. Mr Smith left us about 2 hours before they came.

I did not go the usual road to Bell's Creek when I found the bodies. It is the road I travel. Smith came back the next morning. The bushrangers were not gone when Smith came. He saw the bushrangers. We were just leaving when Mr Smith came. When the bushrangers came they tied their horses to a tree and came to the fire. They did not attempt to stick us up. Smith traveled with us all day to Big Badja. We left the bushrangers at the camp in the



morning.

The Constables had two rifles when they left Smith's and I saw a revolver each with them. They had one revolver just like Tommy Clarke's. Mr Smith came up when we were starting with the cattle. Mr Smith spoke with the bushrangers. I did not hear what was said. Mr Smith only came to the yard not to the camp. The bushrangers came up to Mr Smith and rode along with Mr Smith for a short distance. I saw a breech loading rifle in Smith's but never a revolving one. I never saw the rifle used. I saw it hanging up in Smith's on the morning I told him about the murder. Clarke had one like it. I never saw a rifle with the prisoner Griffin. I did not take much notice of the rifles that Tommy and John Clarke had. Tommy had a revolving rifle. When I saw Smith's rifle it was hanging in his own room. His rifle is something like the one produced. I never handled a breech loading rifle. I consider that he produced a breech loader. Mr Smith was at home all morning before I found the bodies. I left to go to Bell's Creek about 9 o'clock am and about ½ past 9 I found the bodies. From the time Carroll and party left Smiths until I found the bodies there were no strangers at Smith's only those I have mentioned. When I was starting for Bell's Creek Mr Smith told me to go by the road that I found the bodies on. It is the shortest road and the one I generally go by. I did not see the prisoner again that day.

John Lynn  
his mark

This deponent James Donohoe being sworn saith I am a farmer at Molonglo about 25 miles from here. I do not know where Jinden is. I know the prisoner James Griffin. I saw him at my farm. He called at it on the Friday or the Saturday either the 11<sup>th</sup> or the 12<sup>th</sup> of last January, he called about one o'clock. He was riding a brown horse with a short tail. I dare say I would call the horse he was riding a stumpy tail. When Griffin called I had three men and my own two boys reaping in the paddock. When he came up he spoke to one. He told me he was at the blacksmiths (Marshes) getting his horse shod. The blacksmith is three miles from my place. I said, Jimmy I said, is there anything about the bushrangers. I have been looking over the paper and see nothing about them. I believe they were of to the Weddin Reach. He said he did not hear much but if what he heard now was true it would shock the heart in a man's body. I said what did I do that my heart would shake. He said not you but it would shock the heart of any person who would hear such a thing. Immediately after this he said that he heard that the four detectives were shot. James Griffin then said that he did not want to have his name mentioned. He said he heard there was a warrant for him about some lies that Alex Bradley told upon him. He said he'd leave the district for a while. He did not want to be dragged about the court. He said he would leave until the court would be by. The reapers came up when I called them to dinner. The reapers came up while I was having the conversation. We then dropped the conversation about bushrangers. I think he

said he had been to Cronins last night but I won't swear. He did not hesitate to tell me about the murders. I do not think that I told any person this morning that Griffin hesitated to tell me. I don't think I said this morning in the presence of Detective Lyons and you that (he hesitated to tell me). I won't swear that Griffin told me he was at Cronin's the night before. Griffin stopped for an hour. He had dinner. There was nothing said about the shooting nor the bushrangers. I know the three reapers that I had at work well. We had no conversation before he left. We all left together. I cannot positively swear that this was Friday the 11<sup>th</sup> or Saturday the 12<sup>th</sup> January last. When Griffin left my place he went toward home. Griffin did not caution me nor did I caution him to say anything about the murders. We did not speak about it before the reapers. The reapers live near to me about 3 miles from my place. Griffin was known to the reapers well. I don't think he said anything about the bushrangers before them.

James Donohoe

The above depositions of John Lynn and James Donohoe were taken and sworn before us this 7<sup>th</sup> January 1867

Tho. Henon J.P.     Houtton H Cop J.P.     Rob Maddrell J.P.     James Rodd J.P.

The deponent Catherine McAnnany. I am the wife of Henry McAnnany. I reside near Jinden about  $\frac{3}{4}$  mile from Jinden house and on the road between Jinden house and the prisoner Guinea's. I saw Constable Carroll and his party some day last month, four of them. It was on the morning he was shot. They all called at my house at about 8 or 9 o'clock in the morning. I saw Carroll's dead body afterwards. I showed them a road to Guinea's, the pathway road. I saw a person whom I believe to be John Lynn at my place, he came to my house on the same day, he came to my place after 12 o'clock on that day. I heard guns fired. I heard 8-9 or 10 gun shot reports about an hour before sundown. The reports come from the direction of the road, the first shots. Afterwards they seemed to be further away like the crack of a whip. I then heard several shots.

I saw either three or four men crossing the creek after the last firing. I took them to be Carroll and party. They were on foot. I believe them to be Mr Carroll's party returning to Jinden. They were just in sight. I did not take particular notice of their dress as I thought they were carroll and party. They seemed to be in dark clothing. They crossed a creek towards Jinden but not going to the house. I think they were going towards Jinden mountain. I could not tell if they had firearms. I could only see their head and shoulders.

I thought it was somebody else not John Lynn that came to my place until he bought his clothes. I saw Griffin at Smiths mustering cattle about 6 months ago. I saw no person that day on horseback but John Lynn. I believe John Lynn was riding a dark bay horse. He was in his shirt sleeves. He was the only person I saw that day on horse back. I did not that I recollect see any person riding a grey horse on that day. Lynn was riding on the left hand

side of my house coming from Jinden. I am quite certain I did not see James Griffin on that day. I am still living near Jinden. My husband was away from home but has returned. Several persons spoke to me about the murder. Watts and all the neighbours spoke to me about. I saw prisoner Connell at the inquest and spoke to him he said nothing about the murder. I have not spoken to Guinea since the inquest. No person has threatened me about it. Guinea came to my place. He asked if I heard the shots. I said yes. Yes he said you seem to know all about it. I said I know, I know little about. Watts was with him. He said nothing else to me only those words that I have stated. Mr Watts' was present. He is a neighbour of Guinea's. I do not recollect Guinea saying you are too officious. Guinea said to me before the inquest that I seemed to know all about it as I had said I had heard 8-9 shots. Guinea came to my place and asked me if these men were at my place. I said no they were at Smiths. I said I should not like they come to my place as I was alone but I was not going to shut the door against them if they did come. He said I seemed to know all about it that I first said there were 8 reports and afterwards I said there were nine. I said I knew but very little of it. He said no more but returned with Mr Watts. He did not say I had better mind what I was about. Mr Watts was present and heard all the conversation. The Police were at my place before the examination at the inquest. I saw Sergeant Byrne. I told him about the transaction before the inquiry. I did not tell Sergeant Byrne that I saw James Griffin riding by that day. I told him I saw a man riding by on that day and that I heard that James Griffin was in the district. When I spoke to Byrnes I did not know I was to be examined at the inquest. Lynn was in his shirt sleeves when he came to my place. Byrnes asked me if the man had a light or dark coat on. I can't say that I told Byrnes that the man had a dark coat on.

I do not recollect telling Sergeant Byrne that I saw Griffin riding by about 12 o'clock on that day I did not that I can recollect. I did not tell Sergeant Byrne that about the middle of the day that Carroll was shot that I saw Griffin riding close to the road where McDonnell was found. Mr Byrnes mentioned Griffin's name he asked me if I saw Griffin. I said I did not think I would know him. I told him I saw a man whom I afterwards said was John Lynn looking for stock. The person whom I saw on that day riding was on a dark bay horse. Lynn was on a dark bay horse. It was after 12 o'clock when I saw the man riding. He was coming from towards Smiths down by my place. When I first saw him he was the length of a paddock of 10 or 12 acres from me. Was in the paddock. I then went into my house and in a few minutes he, Lynn, came into my place. He came cantering. He stayed a short time and then went away

Before I was examined and when talking to Sergeant Byrnes I did not mention Lynn's name. I told Byrnes I saw a man on a horseback. Mr Byrnes asked me if the man had a light coat on. I then recollect the man I saw had no coat on. I was examined at the inquest. I said something then about seeing John Lynn. I am positive the man I saw was John Lynn. When

I saw him he was on the left of the paddock coming from Mr Smith's. Byrnes asked if the man had a black or white coat on. I could not then recollect

On Tuesday last I was subpoenaed I have seen Lynn since. I have not spoken about the evidence to him. I told him I was summoned. I did not say anything to him about the dress he had on when he came to my place I did not hear any shouts when I heard the shots fired. I have spoken to Mrs Smith since the murder and have had a conversation about the murder. I did not tell Mrs Smith that I heard shouting when the shots were fire and that I did not like to tell all I knew at the inquiry as they might serve me the same way as my husband was at the diggings. I never told her I saw James Griffin. I have said for God's sake do not mention my name as I was frightened out of my life. I told Mr Byrnes I cannot recollect any person else that I told

I said pray do not bring me to court as what I have to say will be no benefit to you. I said that I would be frightened out of my life. My husband was absent when this took place and he was absent when the inquiry took place. I have to pass Connell's place in coming to Braidwood. I was there yesterday. I saw Mrs Connell and Mr Vincent. Mrs Connell and I had a conversation in one of the bedrooms. I did not stay there 3 minutes. I said to her I had nothing to say more than what I said at the inquest. That is all was said in he bedroom. I went into the bedroom first. I asked to be shown the room. Vincent is schoolmaster at Connell's. There was a stranger at Connell's. I had no conversation with Vincent. I had no talk with Guinea's friends since the murder took place. I saw Mrs Guinea this morning at the gate but said nothing to her. I sw Mrs Connell but said nothing about this case. I did not say to Mrs Smith that I heard one poor fellow moaning like a dog. I remarked that I heard a noise like a native dog crying on the night of the murder. I told this to Mr and Mrs Byrnes who are in Smith's employ. I am sure that Lynn was riding a dark horse when he came to my place. I know what a piebald horse is. I am sure it was not a piebald that he was riding. That was the only time I saw Lynn riding on that day. I believe it was after 12 o'clock (after dinner) that Lynn came to my place. I had no conversation (private) with Mick Connell before the inquiry. I spoke to Connell the people were all about he said nothing to me in reference to the murder only that it was a dreadful affair. I have not spoken to John Lynn since he was examined

Mary McEnnery  
her mark

John Lynn recalled on his former oath saith, I recollect the day I went to Mrs McEnnery's with my clothes. I went direct from Jinden to her place between breakfast time and dinner time. I went there and back again. I was riding a black and white horse. I was not in her

neighbourhood that day only the once when I went with my clothes. The only horse that I rode on that day was the piebald horse. I rode no horse but that on that day.

I went on the left hand side of McEnnery's paddock. When I went there I saw her at the door. I have to pass her paddock. I did not see any person in the paddock when going up to her house. The paddock is behind the house

I gave evidence in court today. No person has spoken to me today since I was examined. Mr Orridge spoke to me about the colour of the horse since I was examined. I had to ride around the paddock and come up to Mrs McAnniny's door. There is no back door. It took me about 5 minutes to go round the paddock and get to the door. I walked the horse to the hut. If Mrs McAnniny was outside of her house she might have seen me about 5 minutes before I got to the door. I am not often out on the run except when my brother is away. We never ride the bay horse. We keep a brown, a grey, a roan and a piebald horse. I did not go to Mrs McAnniny's paddock on the following day I passed the paddock. I know that I rode the piebald on the Wednesday because I recollect catching it. I kept Mrs McAnniny's paddock on my right hand going from Smith's. There is nothing particular to make me recollect that I rode the piebald. I rode the roan horse on the following day. I did not ride the dark horse since the murder, nor for 5 weeks before it. I am quite sure I rode the piebald on that day. I am labourer with Mr Smith. My brother is stockman.

John Lynn  
his mark

The deponent Kate Kelly sworn saith I reside at Long Flat at Michael Gallagher's place. I knew Constable Carroll. I saw him at Gallagher's place on the Monday before they were murdered. I know the 3 prisoners. I know James Griffin for 3-4 months. He often calls at Gallagher's. I did not remark any person coming with Griffin. Carroll and his party was at Gallagher's on the Monday between 6 or 7 in the morning. Griffin was at Gallagher's on the same Monday morning but before Carroll arrived. Griffin came the night before and in the morning he went for his horse to the paddock, and shortly afterwards Carroll's party arrived. I did not see Griffin after Carroll's party came. Carroll stopped a few minutes, had nobblers and then went towards Mr Wallace's

Griffin left for the paddock about ½ hour before Carroll came. I was up milking. Carroll came up and asked me to come and serve nobblers. Gallagher was in bed. I did not see Griffin after I saw him going to the paddock. I did not speak to him only bid him good morning. I never told any person that he told me he was going to his paddock for his horse. He never told me he was going to the Weddin diggings. I did not see Griffin leading his horse after Carroll's party had left. I did not tell Griffin they were the detectives. I have not spoken to Griffin since. No person has spoken to me about the evidence I was to give. I

had no conversation with Mrs Connell. Griffin stopped all night,. He did not pay me for the horse. I get paid for nobblers but not for horses. He had his supper on the Sunday night. I gave him nothing to eat on the morning. I saw the bridle in his hand the next morning, but he never told me he was going to the paddock. He had the bridle in the house that night but I do not know where the saddle was left. He Griffin left in the morning before 6 o'clock. He did not see the detectives at all. I do not know what colour his horse is. I don't know whether his horse was hobbled.

Kate Kelly

Kate Kelly on her former oath: I do not know the bushrangers. I saw Tom Clarke and John Clarke at Mick Gallagher's once. They came to stick up the place for grog. They took it and stopped for ¼ hour. I do not recollect the day. It was after I saw Carroll. I did nit know them. I never saw them before.

Daniel Byrnes sworn saith: I know Robert Vincent. I served him with a subpoenae to attend hear today. I served him personally with a true copy of the summons I produce. I saw him this morning at Ballallaba. He was coming in here in Mrs Wallace's cart. He has not arrived. I served him with a true copy of the summons produced on yesterday morning by leaving it at his residence at . I served Thomas Lynn and Thomas Byrnes with copies of the summons I produce by leaving it at their residence

Daniel Byrne

The above depositions of Catherine McAnniny, John Lynn, Kate Kelly and Daniel Byrnes were taken and sworn before us this seventh of January 1867.

Robert Maddrell J.P.

James Rodd J.P.

Tho Henon J.P.

Houtton H Cop J.P.

The prisoners are remanded until Thursday 14<sup>th</sup> instant

R.Maddrell J.P.

Houtton H Cop J.P.

The deponent Edward Smith being duly sworn maketh oath and saith as follows: I am a manager and grazier residing at Jinden. I have been from home for three weeks. Jinden Station is about 40 miles from Braidwood. I knew Special Constable Carroll and party. He stayed at my station on the night of Tuesday the 8<sup>th</sup> January last. They left my place about 7



o'clock the following Wednesday morning. I saw their dead bodies on Thursday 10<sup>th</sup> January last about 11 o'clock lying about 1½ miles or 2 from my homestead. I sent for the police. I know the three prisoners. Prisoner Guinea lives four miles from my place and Connell about 16 miles. Griffin lives about 19 miles from my place. About 4 o'clock pm on Tuesday the 8<sup>th</sup> of last January Griffin was riding, I think he was on a bay horse. He stopped about ½ hour. He told me that he had passed Carroll's party on the road. That was all he said to me about Carroll's party. He said nothing about the bushrangers. He did not tell me where he was going. I saw Griffin on the following morning after Carroll's party had left my place. We had no conversation about the bushrangers or Carroll's party. He was then riding a grey horse. Carroll and party had left my place about ¾ hour before Griffin came. He did not tell me where he came from. I had some conversation with Griffin about Carroll's party. I cannot recollect what was said. I think Guinea's name was mentioned and also Carroll's name. I don't think Griffin said the detectives were going in the direction of Guinea's. He made a remark about the detectives and Guinea's but I don't recollect what it was. Griffin remained for ¼ or ½ hour. He had some gin in a bottle. I had some with him in the dairy yard about 30 yards from the house. The gin was in a square bottle. I had my breakfast before I had the gin. Griffin rode up he had the gin in his pocket. He said nothing about Clarke's party he did not tell me where he got the gin. He did not tell me where he stopped that night. He came to my place about 8 o'clock a.m. I cannot say whether he took the remainder of the gin with him. When going away he rode around the yard. I did not notice what way he went. I saw Griffin at my place on Monday or Tuesday. It was the day they came to remove the corps to Braidwood. He was at my place all that day from 11 to 12 o'clock. I saw Griffin at Connell's public house on the Sunday after the detectives were murdered. Connell was there. I stayed at Connell's on the Saturday night. I saw Griffin about 11 o'clock on the following Sunday morning. I did not see Griffin coming to the place. I do not know if he came on horse back. I got up on Sunday morning about 9 o'clock a.m. I had breakfast. I saw Griffin and Connell together. I was in the little parlour and they were in the bar. I could not hear what was said in the bar. There is a door leading from the parlour to the bar. Connell was drunk that day. Griffin was pretty well on when I saw him about 11 o'clock. I saw Griffin and Connell have drinks about 10 o'clock on Sunday morning. That was the first time that I saw Connell on the Sunday morning. Connell and Griffin were talking in the bar. There was a good deal of chaffing about the murders. Griffin said if he had been there he'd have saved Kennagh's life. They were going on with all sorts of talk. I don't recollect the conversation. I don't remember Griffin tell me that Tommy Clarke got behind a tree. He might have said so. I do not remember Griffin say that Bill Scott and John Clarke fired together at Carroll's party. He might have told me but I do not remember. I was not sober on that Sunday. I was not sufficiently sober to know all that passed that day. I was muddled the day before and

Sunday. I do not recollect griffin telling that Phegan and McDonnell were first shot. He made some allusion to it. He said they were good shots. Connell said I believe that there were two shot first. Griffin said that he supposed that was it. Connell said that he supposed that Clarke shot three out of the four. They were saying that they were good shots. I believe they were referring to the bushrangers. I do not recollect Griffin saying that Carroll did not fire at all. I cannot swear that he did not say so. I don't recollect Griffin saying that Carroll did not fire at all. I cannot swear that he did not say so. I don't recollect Griffin saying that Carroll kept behind Kennagh whilst Kennagh kept firing at the gang. I heard Connell saying no doubt they had their horses and pursued them. Either Connell or Griffin said so. I did not hear Griffin say that Clarke arrived with the horse. I heard Griffin or Connell saying that. Carroll prayed for mercy and the answer was how can you expect mercy when you showed no mercy to my sisters.

I heard one of them, either Griffin or Connell say that after Carroll asked for mercy Tommy Clarke went up close to Carroll and shot him with his revolving rifle. I heard the remark that Kennagh threw down his rifle and did not ask for mercy. I heard him say that Scott shot Kennagh

Through the neck with a double barrellled gun. I cannot say which prisoner said so. This conversation took place between Connell and Griffin. Guinea was not present. I did not hear them say that Clarke took a one pound note out of Carroll's pocket and put it on his breast. I did not hear them say that one pound note was put on Carroll's breast. I did not hear it. It might have been said without my hearing it. I did not hear Griffin say that if he had known that Kennagh was such a game fellow he would have saved his life. I heard him say that if he was there he would have saved Kennagh's life.

I don't remember Mrs McAnniny's name being mentioned. I don't recollect telling Griffin and Connell that day that Mrs McAnniny said she saw 3 men going away from the place of the murder. I might have told them that she told me. I did not hear Griffin say that it was a good job for her that she did not see more than 3 men going away. The conversation at Connell's was carried on, on the Sunday before and after dinner. I was in the little parlour writing a letter. I got up about 9 o'clock. I was writing the letter about 11 o'clock a.m. I might have had 6 nobblers of brandy between 9 and 11 o'clock a.m. I wrote the letter and posted it. It was to Mr Wallace of Braidwood. There is a slab partition between the bar and parlour not plastered. The door was open. I could mostly hear what was said in the bar when I was in the parlour. I do not remember asking Griffin what he was talking about I went out a couple of times to the bar. I heard what was said in the bar when I was in the parlour. I was not a party to the conversation except when I would go out to the bar to have drink. They might make a remark to me about being a very good shot. I don't remember Griffin saying that Tommy Clarke rushed out from behind a tree. I did not hear him. I don't remember



them making any remark in my presence about the shooting. I left Connell's about ½ past 11 o'clock a.m. to go to Ballallaba to post my letters. The distance is 6 or 7 miles. I saw the postmaster at Ballallaba. I do not think he saw me. I gave the letter to the post boy. I stayed about ½ an hour and had dinner with Sergeant Byrnes and then I rode back to Connell's. I am certain I had drink on Sunday morning before I went to Ballallaba. I never saw prisoner Connell at my place until the day of the inquiry. I had no conversation with Connell on the day of the inquiry. He said it was a dreadful affair.

Connell never said to me as soon as Carroll and the other buggers left. I had them watched and sent for the bushrangers. Connell was assisting the doctor at the postmortem examination. I don't remember Connell saying he could chop that fat bugger Carroll into mincemeat. He did not say so to me. I heard that remark made use of in Connell's on the Sunday night. There were men and women present. I cannot say if I heard it remarked in Connell's room. Some person said they could chop Carroll up with an axe. I did not speak to any person about the murders at Cooma. I did at Barne's at Buckley's Crossing. I don't remember saying at Cooma that Mick Connell when drunk said to me, that when Carroll and the other buggers had left I had them watched and then sent for the bushrangers. I do not remember telling Sergeant Lenthall that. I saw Lenthall at Buckley's Crossing place about 3 weeks ago. I stopped at Welch's the first night that I went to Cooma. Next night I stopped at Barnes. Lenthall was there. I had a conversation with Lenthall. I told Lenthall that no doubt they had been watched and layed on by some person. I never heard Mick Connell saying that when Carroll and the other buggers left I had them watched and sent for the bushrangers. I won't swear that he did not make use of those words. The postmortem examination was held at my place.

I did not hear Connell making use of the words I could chop that fat bugger Carroll into mincemeat with an axe. I will not swear that he did or did not make use of those words at my place. My memory is not very good. I was served with a summons on last Friday in Cooma by Sergeant Lenthall. He served one in Solomon's Public House. Lenthall might have been ½ hour in my company during that day. I might have told Lenthall that I was sorry that Griffin was apprehended. I don't recollect saying so. I won't swear whether I did so or not. I never said that Griffin would bring home murder to someone. I will not swear that I did not tell Lenthall so. I do not think that I told him so I am sure I did not say so. I did not say it to Lenthall on Friday last. I don't believe I said anything of the kind to him.

I never said to Lenthall that I was sorry that Griffin was arrested as I would have to bring murder home to him. I am sure I never said it. I do not think I said anything to Lenthall in the presence of the troopers. I saw no strange horses with saddles and bridles on at my run on the 9<sup>th</sup> January last.

I saw the three bushrangers, the two Clarkes and Scott on the Friday morning before the

murder. My men were camped with the cattle and on Friday morning when I went to the camp the bushrangers were there. I would know the letter I wrote to Mr Wallace on the Sunday. I have a breech loading rifle for the last 3 or 4 years. I lent it to Griffin about three months ago to shoot wild horses. He told me he would return it in a week. I told him to leave it with sergeant Byrnes. Griffin returned it to me. He kept it for 8 or 9 weeks. Griffin said nothing about the police when he returned it to me. I don't recollect him saying he was afraid to give it to the police. I never saw it with John Clarke or Tom Connell. I told Griffin if he did not bring home the rifle I would tell the police as I thought he wanted it for the bushrangers

By Mr Scarvell        I do not remember seeing any police on the Sunday at Connell's. I had dinner about one o'clock with Sergeant Byrnes. It would take me about an hour to go from Connell's to Ballallaba. I got back to Connell's on the Sunday about 3 o'clock. I was very sick when I got back to Connell's. I was drinking all that afternoon. I do not know when Griffin left Connell's on the Sunday. I was so bad I had to leave my horse about 8 o'clock and go to bed. Some of the conversation was in the forenoon and some in the afternoon. I think I heard the most in the forenoon

I remember only parts of the conversation that I heard on the Sunday. There were people in and out about Connells but I cannot recollect who they were. I think Dennis Dempsey and there was also George Smith. There were others but I cannot recollect who they were. I think Dennis Dempsey was there and also George Smith. There were others but I cannot recollect who they were.

Griffin generally helps me to muster horses and cattle and he was talking of going to Gippsland with cattle

I saw Griffin at Connell's. He left Connell's place on the Sunday the same time that I left to go to Ballallaba. I think he came back to Connell's about 4 or 5 o'clock p.m. on Sunday – he stayed there for about an hour.

By the Bench        I do not remember seeing George Smith at Connell's on Sunday morning but in the afternoon of that day. I gave no ammunition to Griffin when I lent the rifle. I think James Lynn and Dennis Dempsey were at Connell's. I did not see any person in the bar on the Sunday morning between 9 o'clock a.m. and when I went to Ballallaba, only Griffin and Connell. Everything I heard was said either by Connell or Griffin. I saw Mrs and Mr Berry at Connell's on the Sunday morning. I swear that I never said to any person that Mick Connell told me, When Carroll and the other buggers left I had them watched and sent for the bushrangers. He bought the gin to my place and on the morning that Carroll left my place, Griffin came to my place about an hour before Carroll. Griffin said that he passed Carroll and party on the Dirty swamp about 5 miles from my house. Griffin had no firearms. He brought the rifle back about 10 days before the murder.

Sworn before us

This 14<sup>th</sup> February 1867

Robert Maddrell J.P.

Tho. Henon J.P.

Houtton H Cop J.P.

Prisoner Daniel Guinea is discharged. The prisoner's Michael Connell and James Griffin stands remanded until 10 o'clock tomorrow

Robert Maddrell J.P.

Tho. Henon J.P.

Houtton H Cop J.P.

Remand case resumed

This deponent Robert Vincent sworn saith: I am a school master in the employ of the prisoner Connell, at Stoney Creek.

I have been at Connell's for 5 years. I recollect hearing of the detectives being shot. Connell told me on the 11<sup>th</sup> of last month that they were shot. Smith brought the intelligence. Connell told me in the morning early. He said this is a dreadful thing that happened. I said what is it. He said the 4 detectives are all shot. That was the first I heard of the murder. I heard nothing about it before the 11<sup>th</sup> of January, 1867. Connell told me to keep steady. He said keep steady Vincent we shall have plenty of company today on account of the murders. I got a nobbler every morning at the bar. On the 9<sup>th</sup> January last, Connell, myself and another man were drawing in hay and in the afternoon we were bringing in a log. I know Griffin. I did not see him on the 9<sup>th</sup> January, 1867. I cannot say whether he was at Connell's on the 10<sup>th</sup> or 11<sup>th</sup>. I would not know Tommy Clarke if I saw him. I know Bill Scott well. I saw him at Connell's some time ago. I cannot recollect whether Scott was at Connell's on the 9<sup>th</sup> nor how many days previous to the 9<sup>th</sup> that I saw him there. I recollect what was done of the 9<sup>th</sup> at our farm but I do not recollect what we were doing on the 8<sup>th</sup> or 10<sup>th</sup> of last January. I cut wood every morning but I cannot say that I cut wood on the 8<sup>th</sup> of last month. I do not know how many weeks ago that I saw Scott at Connell's. I have no doubt but that it is a month ago since I saw Scott at Connell's. I do not recollect Scott being at Connell's since the murder. I do not remember seeing him after the murder of the constables.

The last time I saw Scott was at Connell's public house he was then on the spree. He stayed there a day or two. I think this was before the murder. I never leave Connell's place. I see Scott at any place but at Connell's. There was no person up when Connell told me about the murder, only myself and Connell. I have seen James Griffin often at Connell's. I saw

Mic Griffin at Connell's on the 9<sup>th</sup>. I did not see James on the 9<sup>th</sup>. I cannot say when I saw James Griffin at Connell's after the murder. I recollect the 9<sup>th</sup> January because the men were murdered. On the 11<sup>th</sup> in the morning Connell told me about the murder. I swear there was a day between the murder before I heard of it. I do not recollect seeing the detectives at Connell's or passing. I'm sure I did not see them. I know Edward Smith. I have seen him at Connell's since the murder. I was at home on the following Sunday. I won't swear whether Smith or Griffin was at Connell's on that day I cannot remember. I cannot recollect when Smith and Griffin were at Connell's. Griffin is often there. I cannot say what day Griffin was at Connell's after the murder. Connell never told me when the bushrangers were at his place. I did not see Scott on the 9<sup>th</sup> January last.

By Mr Voss

Mr Smith of Jinden does not sleep often at Connell's. Not oftener than once in 6 months. Mr Smith might sleep there without my knowing it. The last time I saw Smith at Connell's he did sleep there. I cannot say when Smith was at Connell's. I do not recollect Smith being at Connell's on the Sunday. I know Sunday from other days. I know it by the mail coming in. I recollect nothing about the Sunday. I do not recollect the day of the week the 9<sup>th</sup> was on. On the 8<sup>th</sup> January last McLean and myself were in the hayfield. Connell was driving the dray. I do not remember seeing Griffin on the 8<sup>th</sup>. I do not recollect any others being in the field on the 8<sup>th</sup>. It was late when we got out of the field. Mrs Connell gave me a nobbler. I do not know where Connell was then. I did not see Griffin. I will not swear that I did see him on the 7<sup>th</sup> of last month. I was in the paddock on the 7<sup>th</sup>. I do not know where Connell was on the 7<sup>th</sup>. I saw him at home on the morning and in the evening. He could have left without my seeing him. I did not see Scott on the 7<sup>th</sup> or the 8<sup>th</sup>. I think it was more than a week before the murder when I saw Scott at Connell's. I did not see him at Connell's since the murder.

Robert Vincent

Sworn before us 15<sup>th</sup> February 1867

Robert Maddrell J.P.

Houtton H Cop J.P.