

The Murder of the Police Escort of the Albany Mail.

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IN the first few numbers of our last week's impression, we gave a very erroneous account of the murder of the police escort of the Sound Mail, which we stated to have been committed by a bushranger. However we soon found the colony has not yet to regret the appearance of such fearful desperadoes, but that the crime had been committed by a man sent to Perth as a lunatic, but of whom the policeman received no account at Albany why he was sent up. On Monday last the unfortunate occurrence underwent an instigation at the Perth Police Court, when the following depositions were taken:

Septimus Robert Toovey, sworn, said—I am the mail carrier between Perth and Kojonup: on the 11th instant, Nathaniel Newstead, mail carrier between Albany and Kojonup, arrived at the latter place between 9 and 10 am, bringing the mail and a passenger named Obadiah Stevens ; Newstead told me that he had received Stevens from William Burrell, gaoler at Albany, with a message that Stevens was sick and was going up to the Perth Hospital for medical treatment; between 1 and 2 o'clock of the same day I started from Kojonup, accompanied by Stevens as passenger, and escorted by Philip McGuire, mounted policeman stationed at the Beaufort Hills, 23 miles north of Kojonup: at Kojonup I asked Stevens who was to pay his passage, he said that he was going to the Government Hospital and that Government would pay; I at that time noticed nothing remarkable in prisoner's manner. We stopped to sup at the police Station, Beaufort Hills, where a police constable, Thomas Knibbs, replaced Philip McGuire as escort. In the course of that night, as we were travelling towards the Williams, prisoner complained that he was not very well, that his head pained him; on the following day (the 12th) we arrived about noon at the Williams prisoner remarked some places at the Williams where the road party had formerly encamped, and asked me "whose graves they were." After having turned my horses adrift, Constable Knibbs, who had never been at the Williams before, asked me where the watering place was. I told him that if he came along with me I could show him; he accompanied me to the pool, leaving prisoner about 30 yards from the mail cart looking at some opossum skins, which some natives who overtook us on the road had offered us for sale; Knibbs left his brace of loaded pistols in his holsters on the saddle on the ground near the cart: while we were at the pool, we heard prisoner call out "where are you?" as we mounted the bank from the pool, we saw prisoner within 5 or 6 yards approaching us with a pistol in each hand: when he saw us he cried out "down on your knees," at the same time presenting a pistol in the direction of each of us: Knibbs stepped towards prisoner saying, "don't be foolish man, put the pistols down": the two men were approaching each other at this time, and when prisoner had closed with Knibbs, he put the right hand pistol close to Knibbs' breast and fired: Knibbs immediately fell, apparently dead, as I never saw him speak or move afterwards: prisoner immediately changed the pistol which was not discharged into his right hand and approached me in a threatening attitude: I rushed away towards a thicket of stinkwood in the bed of the river, prisoner crying out "stop or I'll shoot you:" he then fired at me but missed, I then ran in the direction of Granger's station (a man in the employ of Mr Hamersley), who lives about a mile from the Williams pool: on reaching Granger's I informed him of the occurrence, and armed with a cudgel and Granger with a double barrellled gun and a thick rope, we proceeded towards the pool in search of prisoner. On approaching the pool, we saw prisoner carrying some heavy body, which I afterwards found to be the body of deceased Knibbs, the prisoner being between us and the cart, we made a circuitous route to reach it, and in doing so

observed prisoner in the bed of the river, bringing up water in a bucket in one hand and holding a saucepan in the other, I therefore remarked that he had no firearms: prisoner at that moment observed us, and Granger called out that he would blow his (prisoner's) brains out if he did not stop: prisoner then threw away the bucket and quickened his pace in the direction of the cart ; I ran up and overtook him within a few yards of the cart: I hit him on the head with the stick I had in my hand, and he threw the saucepan at me, but missed me: a struggle ensued, but prisoner managed to get up to the cart and seize a double barrelled gun belonging to me, which being out of repair, was as I then supposed, unloaded; as he seized the gun with one hand, I seized it also, and succeeding in tripping him up, and then fell upon him. Granger then came up, and we secured him by binding his arms, hands and legs with rope. We then examined the gun and the pistols of the deceased and found that during my absence prisoner had loaded both barrels of my gun as also the 2 pistols of the deceased with cartridges in the pouch belonging to the deceased; then placed prisoner and the body of deceased in the cart and drove to Granger's house: before leaving the pool I found that prisoner had covered deceased's body with the tarpaulin of the cart. I left Granger in charge of prisoner and mounting deceased's horse rode back to the Beaufort Hills, where I procured the assistance of Philip McGuire, police constable, who accompanied me back, on the following morning to the Williams. We started from the Williams on the 13th about 3p.m. for Perth, taking deceased's body fastened up in the tarpaulin and the prisoner Stevens. When we arrived at the Bannister (36 miles from Granger's) we found the body of deceased so offensive that we were compelled to bury it. We arrived at the Bannister on the morning of the 14th: on the evening of the 15th (Thursday) I arrived in Perth and delivered up prisoner.

Philip McGuire sworn, said — I am a mounted policeman stationed at the Beaufort Hills, on the Albany road; on the evening of the 12th instant, between 8 and 9 o'clock I was in bed, when I heard a man on horseback approaching the station ; I found that it was the mail carrier Septimus Toovey, who informed me that the man Stevens, who had passed up in the cart with him on the previous evening, had shot constable Knibbs; Toovey requested me to accompany him and take charge of prisoner whom he had left secured at the Williams. On arriving at the Williams I saw prisoner fastened to a tree: he said to me "McGuire let me go, for Granger has killed me all night. " We took prisoner and the deceased on to the Bannister, on the morning of the 13th, where the body became so offensive that we were forced to bury it ; on my arrival in Perth I gave prisoner over to the police. On passing the Gordon Plains on the 10th instant, prisoner asked me if Mr Belches or Constable Mooney of the Sound had directed me to take his life , I said "no." On mounting a hill shortly after prisoner saw a kangaroo and asked for my pistols to shoot it. That same day prisoner at the Gordon river where we stopped, walked round my holster apparently reaching for my pistols which I had removed for security; all this occurred previous to our arrival at Kojonup; I was the mounted escort of the mail cart from Albany to Kojonup.

John Ferguson, sworn, said—I am Colonial Surgeon; on Friday, the 16th instant, I was informed that a man named Obadiah Stevens was in charge, accused of having shot a police constable named Knibbs on the Albany road. I was also informed that prisoner was supposed to be of unsound mind; I visited prisoner on that day and found his arms much lacerated and crippled by the tightness of the ligatures with which he had been bound. From the answers of prisoner to my questions on three several occasions and his general demeanor, I am decidedly of opinion that he is not of sound mind.

On being asked what he had to say in his defence the prisoner said he did not know he had killed the Constable, and that he was sent to Perth in charge of the Government Mail. He was then fully committed to take his trial at the Sessions.

*The subsequent evidence refers to what passed between Albany and Kojonup , previous to Toovey joining.