

Broome Chronicle and Nor'West Advertiser, Saturday 26 June 1909, page 2

The Death of Dost Mahomet.

GRIGO BROTHERS ON TRIAL.

AN ABRUPT TERMINATION.

THE GRIGOS DISCHARGED.

(Before His Honor, Commissioner G. T. Wood).

MONDAY, JUNE 21.

William Ernest Grigo and Harry Herman Grigo were arraigned for having at Port Hedland, on 7th April, wilfully murdered Dost Mahomet. Mr. Coleman, with him Mr. Frank Martin (of Perth), appeared for the Crown. Mr. J. H. Moss (of Port Hedland) defended the two accused. Mr. Moss said that in the depositions the words "wilful murder" were not mentioned. He would ask for an adjournment so that he might be served with a proper indictment. The indictment as read charged the accused with wilful murder. He did not wish to press for an adjournment but he must ask that a proper indictment be served the defence. His Honor said the indictment could always be inspected. He thought the objection trivial. Counsel could not show an indictment that did not mention murder. The original charge was wilful murder, and the word "wilful" was struck out. The Crown were able to change the charge from the serious to a lesser one. Mr. Moss will hear that when the indictment in read. Mr. Moss said he should have been notified specifically and definitely what he was to meet. His Honor read from Form 107 of the Criminal Code. He did not know of any practice where the indictment was served on counsel. Counsel could always see the indictment. He did not think that this would interfere with the defence. Mr. Colman on behalf of the Crown, said that the indictment had only just arrived. There has not been time to do what was requested. Upon the indictment being read, and the accused had pleaded not guilty, Mr. Moss said it was a gross scandal. The indictment served on him had the word "murder" only, and now we are asked to meet the charge of "wilful" murder.

Mr. Coleman then applied for an adjournment on the grounds that another witness has been subpoenaed, and he was not prepared to go on. He wished to ask for an adjournment of two days. His Honor said that if the Crown were not prepared to go on he must adjourn, but he did not think it would be necessary to grant two days. He would empanel the jury, and adjourn till two o'clock. Mr. Martin pointed out that it would be unwise to empanel the jury until after we reassembled. They should be kept apart, and it would mean but little inconvenience. His Honor said that perhaps that would be the best course to follow, and accordingly the court was adjourned till 2 o'clock. On resuming, Mr. Colman opened the case for the Crown. He said it was his serious duty to place before them the facts in an indictment of the most serious crime known to our laws. If in his opening he reiterated himself he would ask them to hear with him. He reviewed the evidence that would be submitted on behalf of the Crown, and called Arthur Emery, sworn, said the plans produced were made by him; they show the position of Dost Mahomet's house at Port Hedland on lot 104; the brewery near is on lot 103, about five chains distant; the railway construction camp is also shown on plan; know the Afghan camp. (Plan produced, also photos of position of the house). Cross-examined: Did not take any notice of the furniture or fixtures of the house; the furthest camp from Dost's house is 280 ft and the nearest is 250 ft; there are several Afghan camps there; the ones mentioned are the nearest; Coxswain Fry pointed out to him the camps to be measured. George Worth Fry said he was coxswain of police stationed in charge at Port Hedland; remembered the evening of the 7th April; on that date a report was made to him at 10 minutes past 8 o'clock, in consequence of which he proceeded to Dost Mahomet's house; when he got there saw Dost sitting on the ground with his head resting on two other Afghans; noticed he was in a serious condition, his face, chest, and stomach were covered with blood and vomit; he had a large cut over the left eye brow; he wore a white singlet and pyjama trousers; he was in his bare feet; both sleeves of singlet were torn out, but still on his arms; examined his face and found a large wound; his left eye was blackened and much swollen; both lips were much puffed; there was a quantity of blood in and around the mouth; on the left side of the head there was a large wound with swelling; on the right side a slighter wound and swelling; there was also a swollen ridge on the top of the head from back to front, and between the first finger

and thumb on the right hand was a jagged wound three quarters of an inch long ; under the doctor's orders assisted him to the verandah, which was about 8 ft away ; Mrs. Dost was standing at the north end of verandah ; a man named Stapleton was also there, also some Afghans ; William Grigo was lying on a stretcher on the verandah ; did not see the younger Grigo then ; he came while witness was talking to the brother.

Willie Grigo was complaining about a bad head, and made certain other statements. Mr. Moss objected to any statement made by the accused to the constable, as the witness says that the statements are as near as he can give. They were now dealing with certainties. He did not take down the statements and those could not be given with certainty after a lapse of time. His Honor allowed the statements to be given. Witness (continuing) said the elder Grigo made a statement to him saying that he came in from town about 8 o'clock ; had no intention of then arresting him, as witness did not know what the disturbance was ; he said Mrs Dost was in the act of making a cup of tea before he left for the 12-mile, and that just as she was doing so Dost came out and spoke to Mrs. Dost in Afghan which he could not understand, and immediately kicked her in the stomach ; Dost then put his left hand on her shoulder, and attempted to strike her with his right; he pushed Dost's hand off and told him not to hit his sister in his presence ; he immediately grabbed me by the throat and threw me on my back on the kitchen floor and tried to choke me; after some difficulty he managed to get free by using a dodge he learnt at school ; they got on to the end of the verandah when Dost again attacked him, and they both fell several times; he (Grigo) striking his head on the verandah floor, and Dost cutting his head against the verandah post ; he again caught hold of me, when my brother came to my assistance and pulled him off ; he also said that he pumpled him with his fist to protect himself; on witness' advice he then went to the police station for safety with Constable Robinson and his brother ; Dost was alive at this time but unconscious ; Harry Grigo had up to then made no remark ; about 12 that night witness was sitting on the verandah when Harry returned to the station ; remarked to Harry that whatever hit Dost gave him a terrible bump ; had no idea then that Harry was mixed up in it ; Harry remarked "I hit him, but only once and slight ; had Billy beaten" ; he also said he was lying on the front verandah when his sister called him ; he said he hit him with a piece of jarrah wood which he put at the back of the kitchen ; he said that after he hit him Dost let Billy go and fell down ; when his sister called him she said Dost was choking Billy and to come and help him; searched under and around the house hut failed to find the piece of wood ; eventually found it in the kitchen under a skeleton cupboard covered over with a piece of hessian (produced) ; it was then quite damp and covered with blood ; searched the same morning for traces of blood ; but the only trace was that which came from deceased after his removal to the verandah ; could see that Dost was seriously injured ; witness then placed the two brothers under arrest for assault causing grievous bodily harm ; about 9 o'clock Dost died ; and then told them that Dost was dead, and cautioned them ; Harry made no reply ; William said : "If he had not been killed he would have killed all of us" ; saw the two accused at the lockup the following day ; William had a slight abrasion about the size of a shilling above the left eye ; also a slight wound above and below the left jaw, and a slight bruise on the left thigh ; Harry had no marks on him; noticed clothes (produced) with blood upon them ; was present at the post mortem examination ; the skull of Dost (produced) was wired together, because the star shaped piece fell out during the post mortem; deceased was about 5ft. 10 in., solidly built, active man; was present when Mr. Emery took the measurements produced.

Cross-examined: Do not drink much ; usually a sober man ; the Minilya was in, but had no drink there; did not carry drink to the house that night ; usually carry revolver ; if Harry Grigo said he took drink to the house he would be telling a deliberate lie ; when the report was made was on board the Minilya ; will not swear that I did not have a drink at Dost's house ; some drink, fruit, and cake was brought there ; had one whisky in the presence of Dr. Brown and Stapleton ; when he got to the house he was exhausted ; can go from the jetty to Dost's house in 12 minutes ; (distance measure. 75 chains) ; saw William Grigo laying down with his head on a pillow ; he seemed slighted exhausted ; he walked unassisted ; refuse to show statement at present in my pocket ; it is a statement taken two days later ; James O'Grady gave him the first information on board the Minilya ; the case was conducted in the coroner's court and adjourned ; sought to take it out of that court ; was acting under instructions ; a charge of murder was laid in the police court ; warrants were issue for Mrs. Dost and the two Grigos ; did not see the coroner with regard to taking action while matters were in abeyance at the police court. (The witness was here subjected to a severe cross-examination as to the evidence given in the

coroner's court and the police court). Did not go to the coroner on the 17th April and requested to be allowed to read over my statement before being cross-examined; if he said so it would be false.

TUESDAY, JUNE 22.

His Honor having taken his seat, the Foreman of the Jury (Mr. H. Man) rose and said the jury wished to ask that better accommodation be provided for them. There were only beds for four, and the others had to sleep on the floor and on tables.

His Honor: Certainly. The jurymen must be provided with proper accommodation, and instructed Corporal Stewart to see to it.

Coxswain Fry was further cross-examined : At the police court he said Dost struck his head several times ; at the police court he did not say "several" times ; did not see any Afghans carrying sticks ; there is no doubt that William complained about having his neck mauled by Dost ; he said "Yes, if you had Dost's maulers round your throat you'd feel sore,"; if Harry Grigo said he did not use the word 'once ' of having struck Dost he is incorrect ; no witness was present at our conversation or when statement was made ; at the inquest said he ran round the back of the house, he left this out at the police court; at the inquest he said, "He (William) said they fell two or three times," he omitted this at the police court ; at the inquest he said, "Harry said he (Dost) had my brother beaten, and I hit him simply to make him let go," he omitted this at the police court ; will swear that I did not say to Harry Grigo in the cell, "Why didn't you break Dost's arm," Harry did not reply, "I didn't want to break his arm or hurt him" ; Mrs. Dost on that night was getting hot water and doing everything in her power ; when William Grigo said "If Dost had not been killed he would have killed all of us," he did not reply, "Yes, perhaps"; all police are supplied with book and pencil to put down important events, or make entry at police station ; did not do so on this occasion ; remember a conversation with Mr. Barker, when he expressed surprise at Mrs. Dost not being called as a witness by the Crown ; did not say, or words to the same effect, that it was the police's duty only to get evidence to convict, and not elicit evidence for the defence ; if Barker says so it would not be true ; when lie was instructed to take proceedings in the police court the coroner (Mr. Barker) protested against such interference ; did not state that the reason why he wanted to proceed in the police court was that the witnesses were going back on their statements ; do not recollect Willie Grigo having his hands on the back of his head ; Willie Grigo did complain for a few days of pains in his head ; am on the best of terms with the accused ; they are too young fellows he thought a lot of; had good reasons for not calling Mrs. Dost. By Jury: Dost was a very powerful man; if on equal terms Willie Grigo would have no chance with him ; knew that there were many transactions between Willie and Dost ; do not know if they were on friendly terms ; know Willie owed a man money for whom Dost was attorney.

Dr. Dodwell Brown said he was Government Medical Officer and Resident Magistrate at Port Hedland ; remember being summoned on the 7th April to Dost Mahomet's house; when he got there he saw a small knot of persons on the verandah ; saw Dost sitting on the ground supported by some Afghans; there was blood on the left side of his face; he was quite unconscious and breathing heavily; had him shifted from verandah and examined him closely by the aid of a lamp ; on his scalp there was a large contused swelling on left side, and a smaller one on the right side ; in the centre of each swelling there were scalp cuts; there were some wounds round the eyes ; on the left eyebrow there was a horizontal cut an inch in length; coming down from the swelling to the left eyebrow there was a straight depression on the skin downwards and forwards ; he had a big black eye ; both lips were puffy and swollen as if hit; put the injuries down to external violence, not with fists, but with such an instrument as a heavy stick with a sharp edge ; a large degree of violence would be necessary to effect the wounds; could not have been caused by falling on a verandah floor; but might if became with a bash against a verandah post ; the presence of the two depressions could not have been caused in this manner ; his face was puffy and his pulse was full and slow, and he seemed half choking in his breathing ; placed him on his left side, and blood commenced to pour out of his mouth and his left nostril; blood and fluid was continuously flowing from him; when witness left he was still unconscious; saw that he was getting weaker and weaker, and slowly dying; was not there when he died; saw the body two and a half hours after ; he was a splendidly built man, muscular and powerful ; performed a post mortem on him ; examined his head, and there was a gaping wound ; when the scab was removed found a large blood swelling on the right and left side, and when the scalp was removed could see the bone was fractured ; the piece marked with a cross was quite loose and dropped away from the skeleton ; and also another piece, which was a portion of the left parietal bone ; the wound

on the left side of the head corresponded with the fracture ; the four pieces were wired together so as to show the skull as now seen ; the artery near the star-shaped fracture was ruptured : there were four pieces of loose fracture and signs of two other tissues ; there was a large clot of blood adhering to the brain substance underneath: part of the brain was injured, and was immediately under the broken bone ; took away the membrane and examined the base of the skull, and found that the upper bony wall of the eye cavity was torn away or fractured ; that fracture allowed the blood from the torn parts into the tissues of the left eye. and then made its way to the nose and the mouth ; the lungs were sound : death was due to coma, injury to the brain, and weakness gradually following on continuous loss of blood; piece of wood produced might have caused some of the injuries ; the injuries to the lips, face and eyes could not be caused by such an instrument ; know William Grigo, and saw him on the night of the 7th on a bunk on the verandah ; went with the police to where he was lying to see if he had any injuries or bones broken ; told him to sit up ; not certain if he sat up unassisted ; cannot say if he sat up quickly ; he made some statement to me. but cannot recall it with certainty : but it had some reference to a struggle with Dost ; he pointed to his chin, and noticed he had a swelling ; remembered that he (Grigo) said Dost had bitten him ; he did not ask me to examine his throat ; he gave me the impression that he spoke with some difficulty : my impression was that he had had a rough and tumble ; swear positively that the deceased received two blows from the injuries to his skull; he may have received more; either of the injuries to the skull would render him unconscious ; what Coxswain Fry said about having only one drink was absolutely true ; had one drink myself ; Dost was an honorable man, obliging and courteous ; and he (witness) had the greatest respect for him ; he was quite a peaceful sane man ; during the camel strike at Port Hedland he gave me his word of honor that no force would be used against the men going through.

Cross-examined: Had seen Dost about the camel strike previously, and sent for him again and reiterated my advice of peace; was not frightened that Dost would get into trouble ; was really afraid that some Afghans would use weapons and that Dost would be drawn into it; know Willie Grigo and often stopped and spoke to him ; respected him as a steady, hard-working young fellow ; he had an idea of starting in business, and he was always anxious of getting on ; he came to me for advice as to how he could further his interests on the Pilbarra [sic] goldfields ; Willie Grigo is about 23, and Harry about 17 ; declined to say Harry was a powerful man unless he examined him ; decline to examine him ; (at the request of Mr. Moss the younger accused took off his coat and bared his arms) ; in the hand of a powerful man the wood produced could have battered a man's head to pieces, but it would depend on the force used ; it would take the whole strength of a man to cause the injuries shown on the skull ; will not venture an opinion that tissues are softer in life than after death ; bone in life is brittle ; (Mr. Moss here asked the witness if he knew the medical work he was about to quote from ?) " Yes," said the witness, " I lent it you—you had to get some of my ammunition to fire at me;" a depressed fracture is shown on the skull; admit it is not an irregular fracture ; other medical men may have a different opinion; don't know what the "flying mare " is in wrestling ; ("flying mare" described) ; it is possible for a fracture to be inflicted such as is shown on the skull by a throw over a man's shoulder by means of the "flying mare"; the wound looked to be consistent with striking a verandah post ; a severe fracture is always followed by insensibility ; it is possible for Dost to have a fractured skull and continue the struggle with Willie Grigo ; (Mr. Moss read from medical work) ; the case quoted is not a parallel one, because in my opinion the pieces of bone in this instance was not held in continuity of the surrounding portions ; don't think it possible for a man to survive sensibility from a blow as on the left side ; it has occurred for a man with a fractured skull to retain sensibility, even after severe depressed fracture ; have lived in Colombo ; never came across a man running amok. (To be continued in our next issue).

'Northern Times', Saturday 18 February 1911, page 5

ROEBOURNE NEWS - KIDNAPPED NATIVE.

The Hedland Advocate in a recent number says: "Four years ago Jourack (brother of the noted Dost) took from Hedland an aboriginal named Pidgy, then 6 years old son of one Polly. Polly vehemently protested at the time, and was beaten with a stick and driven away by Dost, but managed to evade her wath-er, and reached the jetty in time to see the ship leave with Jourack and her son. Her lamentations and protests were heartrending. He has now been rescued and is in custody of the British authorities in Bombay".

Death of Dost Mahomet.

THE DEFENCE.

Mr. Moss, in opening the case for the defence, apologised for his diffuseness in cross-examination, but his desire was to put such light upon the case that it could not bear before. He thanked His Honor for the assistance he had given him, although he did not, on all occasions, agree with his rulings. He then reviewed the evidence that would be called for the defence, and declared it would be shown to be, if not one of innocence, to be one of extreme doubts, for the accused were not willing participants in the affray. He called William Grigo (the elder accused), sworn, said he was a camel teamster knew Dost Mohamet in Perth when witness was about 12 years of age. Dost had been married to his sister about 3 or 4 years, and our parents were then reconciled to the mixed marriage; saw a lot of Dost, who was always very gentlemanly and kind; boy used to envy me for having him as a brother-in-law; witness at first had a strong prejudice against him but his gentlemanly bearing and kindness soon removed this; when he saw Dost again it was in Port Hedland about three years ago; was then staying at his sister's hotel at Poondina until his sister got married; came to Port Hedland, and Dost asked how witness would like to have some camels, and this led to the purchase of Carda Bux's camels, 17 all told, five for cash, the rest on terms; agreement (produced is the agreement; the money balance owing was 540 pounds; enlarged the herd since then by 10 calves, and have paid 450 pounds off the whole ; owe now 280 pounds; recall the camel strike ; Dost was at the head of that strike, he being the chief of a committee of five; the strike lasted about four months; during that time the promissory notes were running, and Dost was looking after Carda Bux's interests, the latter being in India; the strike ended disastrously for the Indians, as horse carrying was started at the old rates; witness joined the strikers and withdrew his camels, the rates being too low; made arrangements with Dost that the p.n.'s should remain in abeyance during the strike, and the time to be extended on the bid; during the strike Dost was in an excitable state, and never started out without a loaded stick or a rifle; some of the Afghan camel teams were stopped on the roads; the white teamsters would wait till the camel teams got into camp and then unload the camels and let them go; the white teamsters doing this were armed; Dost at that time was carrying firearms; he came to me in a dejected state and said, "Billy, I don't know what to do, storekeeper no like me; will you help me?" witness replied, " I have my own camels to look after"; he replied, " Never mind, you be true friend to me; want to make store and sell stuff up on Fields" ; his proposition was to enter into competition with the storekeeper, and being an Asiatic he could not get a business area; he asked witness if he would take stuff up in his own name and sell it;

Subsequently accepted, on my sister pressing me; told Dost do my best, but had no previous experience, and was no bookkeeper. And he had better get another man; Dost replied "No, Billy, I want a man to trust." And said Dr. Browne would give me advice and information; he went up and got auctioneer's licence and business area; another Afghan was interested in this business with Dost took first load to tinfields, and dropped it opposite the stores and opened the auction sales; then shifted to another camp 45 miles from Marble Bar; sold goods from one place to another; first trip made 87 pounds profit and accounted for every penny; after the strike was over, Dost told me he wanted to apply for business licence in my name for Googlegong; lie came to him one day with fears in his eyes, saying that Musa Khan had been refused a license; witness acceded to his request, but again explained position; took out miner's right and applied for area ; saw Dost after at Marble Bar, and he was very pleased; left Dost there and worked for Mr. Cooper; saw Dost again at Port Hedland and. said, "Well, Dost, suppose you want some money?" he replied, "Never mind, Billy, you and me just the same"; tried to get some financial assistance, £130, From Mr. Beahmache, but told him after did not want it, as he had got it elsewhere; always stay at Dost's house; Harry and Mrs. Dost were there on the 6th; when he went in Dost said, "I Want to see you, Billy," and then abruptly asked, " How much do you owe me?" after some explanation on my part, we had some dispute as to some bicycle tubes, and I said it was usual to allow them as wear and tear;

Mrs. Dost also said it was usual, when Dost jumped up and in a threatening manner said, "Don't you say that"; witness went to him quietly and said, "Now Dost," when Mrs. Dost left the room he told Dost he ought to look after his wife better, as he had one of the best women that ever breathed; he replied, " All right Billy"; later in the same night Dost was sitting on the verandah with Harry, and witness said, " Dost, I'm very glad have fixed up your promissory notes"; he frowned and said, " Where did you get

it"; replied, "from a financial agent "; he did not congratulate witness on getting the money, and did not seem pleased; that night Dost made for the 4-mile camp; next day he brought in some tin, and unloaded at jetty; he saw witness but did not speak; that day witness had started teams out, and had followed them to the 12-mile well; returned to the house and Dost said he had seen the agent, and the p.n's were just as good as paid, and asked how he (witness) would want to pay the remaining p.n's; replied at least two trips; told me then about his intended trip to Kimberley, and he would like to send money to Carda Bux before he started; went to the agents and explained position; when he returned to the house Mrs. Dost said, "Don't make a noise, as Dost is asleep and very much worried"; went round to the kitchen door; went out to get a drink, and Dost passed me, looking half asleep, with his hand rubbing his head; said, "Good night, Dost," and he gave a start; almost instantly Dost went out through the door, mumbling something; again sat down in the kitchen, and as Mrs. Dost and witness were conversing Dost suddenly returned with his hands extended; Mrs. Dost was standing near the doorway, wiping a plate, and spoke to Dost in his own language; he replied in a bad Afghan word, and saw Dost suddenly raise his foot and kick Mrs. Dost in the stomach, grabbing her by the throat with his right hand, and raising his left as if to strike her; witness jumped up from where he was sitting and exclaimed, "Dost, Dost, don't"; he then left Mrs. Dost and rushed at me, and grabbed me by the throat; hit at him several times in the face ; he got me by the throat; tried to sing out for my brother, but could not; Dost was making a loud guttural sound showing him not to be in his senses; witness then remembered a trick he learnt at school, which enables one to liberate oneself from a man who has a grip on you, known as the "flying mare"; broke away from Dost and ran towards the door, Dost following me; was not going to run away and see his sister knocked about by a madman; he came at him again with a piece of wood; witness dropped to his right knee; as he got up Dost rushed and struck him in the stomach; he then succeeded in again grabbing me by the throat and forced me into the lobby; were clutched together, and witness got hold of his throat and kept a grip for a good while; we then fell sideways, when Dost resorted to a dirty trick; witness then released hold of his throat and succeeded in knocking his hand away; then succeeded in loosing his hold of my throat and gave him the "flying mare" and threw him; in falling he struck his head about 4ft. up the verandah post; when we got up he again rushed me and we fell again, he (witness) striking his head on the verandah floor; Dost was up again quicker than witness; was almost in an upright position when Dost again caught him by the throat with one hand; tried to sing out, but did not know if Harry helped me then or not; we were struggling on the verandah, and fell off, witness underneath; he then had his hand round my throat and bit my chin; witness had his hand loose clutching, but almost settled: then Dost suddenly dropped his head and fell sideways to the ground; it was then that he crawled on top of Dost and caught hold of him; did not know at that time what my brother had done; the helplessness of Dost dawned on me, and witness released his hold; got up and staggered towards a man named Stapleton, and fell down from exhaustion; lay there for a while, but did not see what happened, as he was dazed; faintly remembered water being poured over him; don't remember being carried on to the verandah; recollect getting off Dost myself; someone mentioned Mrs. Dost's name, and he said, "Where's Mrs. Dost, is she safe ?" tried to crawl back to Dost; remember Harry saying, " That's enough, Billy; Annie is all right"; heard someone say, "Let's shift him out of this"; Fry came about half an hour after, and we went to lock-up; Fry did not tell us we were charged till next day; Fry had a good look at witness's neck, and jabbed his fingers into my neck, and said he did not see any swelling; sang out and said to Fry, "If you had Dost's maulers round your throat you'd be sore."

Cross-examined: Afghans usually carry firearms with their teams; am not bad with my fists, and when Dost accused him of cheating would have tackled him had he not been his brother-in-law; witness would not be afraid of tackling any man if he insulted him; did not get cash for the bull camels sold to Dost; only wanted to reduce any liability to Dost; when he told Dost he had got money to meet p.n.s he was not pleased.

The foreman here intimated that the jury were of opinion that Crown counsel (Mr. Coleman) was trying to mislead the witness.

Mr. Coleman: If the jury are of that opinion then he would retire from the case; and he was about to leave the court when Mr. Moss said he hoped Mr. Coleman would continue the case, as he felt sure the jury did not wish to convey that impression.

The foreman explained that the juryman who had handed him the objection said he did not wish to convey the impression Mr. Coleman had upon it.

His Honor thought counsel should be reasonable in his decision. He did not hear anything objectionable in Mr. Coleman's cross-examination. Mr. Coleman said that after the explanation given he would accept the position.

Witness (continuing): The blows given to Dost in the kitchen were not heavy; hit him before he had his hands on me, as witness was afraid he meant mischief; Dost was a dangerous man when put out; if assistance had not arrived consider Dost would have killed him.

By Jury: When Dost hit his head on the verandah post cannot say if his head hit the floor also.

Harry Herman Grigo (the younger accused) said he was 18 years old; first saw Dost in Perth about ten years ago; came to Hedland the year before last; stopped at Dost's house; always been friendly with Dost; on the evening of the 6th Dost did not seem in a good humor; Billy had come back from town and told Dost he had got the money, and Dost did not seem pleased; Dost picked up his boots and went outside; said to Billy, "He does not look too pleased on it"; Billy replied, "No, Carda Bux has been worrying him, and business is worrying him"; we talked over Dost's money difficulties for half an hour; Mrs. Dost came round and said Dost would be all right in the morning, she was trembling and frightened, and he wondered what was the matter; Dost had a drink of water and said to my sister, "It's all your doings," and threw his boot at her; he then got on his horse and rode in the direction of the 4-mile camp; this is the first time, heard of him ill-treating my sister; on the 7th saw Dost bring a load of tin to jetty; saw my brother getting camels ready for loading; about 5 Billy came to Dost and said he fixed the first p.n.; when Mrs. Dost spoke of the bicycle tyres Dost said, "You shut up, no business of yours"; witness then laid down and went to sleep; this would be about 6.45; was awakened about 8 by someone; was in a half sleepy condition, and do not remember going up the verandah; heard sounds of scuffling, and saw Dost and Billy on the verandah about 10 yards from the kitchen; saw Dost with a small bit of wood in his hand raised, and he had Billy by the throat; rushed at him and took stick away from him, and hit him with my fist; Dost had the better of Billy, who seemed in a bad way and pretty well knocked up; was too excited to see where Billy's hands were; had no difficulty in getting stick from Dost; he then got both hands on Billy's throat; heard Billy gasp out, "Hit Dost with something"; went and got the stick (produced) and gave Dost a couple of cracks; they were then struggling very near the edge of the verandah. Hit him across the back twice and asked him to let go before and after each blow. Saw he would not let go and gave him a tap on the head. My object in dealing that blow was to make him let go. Could see that Billy was done up. Dost was the assailant, Billy was on the defensive.

The delivery of the first blow had no effect, as Dost continued the struggle with more fury. They then fell off the verandah on to the sand. Dost was up first and gripped Billy again, and witness struck Dost another blow on the head, which appeared to have no effect. Again told him to let go or he would use the stick again. Did not like using the stick. Both fell to the ground again.

Dost half on top, and had hold of Billy's throat. Billy seemed in a bad way, his eyes seemed out of his head and his tongue protruding, and thought he was on the point of death. Asked Dost for the last time to let go or he would strike. He did not answer, and he hit him a fourth blow, harder than the rest, because he thought Billy was settled. Am of opinion he would have killed Billy had he (witness) not been there. The last blow knocked Dost unconscious, and he fell off Billy on one side. Billy then crawled on top of Dost and sat on him and got his two hands on Dost's throat. He remained on top for a minute and then got off and fell flat. Then saw Stapleton, and said "You cook, you go away." He replied, "You can't do that sort of thing." Replied. "He tried to kill my brother." Stapleton asked for the stick and gave it to him. Asked him not to say anything about the stick, and he said he would not. At that time he had no idea he had killed Dost. Thought it was just a family row. An Afghan came, and thought he was going to hit Billy with a stick, and rushed at him and took stick away. Other Afghans came carrying sticks, and they took charge of Dost.

Billy was lying face downwards unconscious. Stapleton and witness lifted him up and he fell down again; we carried him and put him on the verandah. He was done up and breathing heavily. Omrah is a liar if he said he was at the house that night. Did not notice Stapleton when the last blow was struck. When awakened at the commencement of the row did not know my sister was being ill-treated. Stapleton did not help to pull Billy off Dost.

Cross-examined: The blows he gave Dost in the face with his fists had no effect; could have put more weight in the blows with the wood if he had liked.

The evidence of William Crawford was only material to the fact that a conversation took place at the 4-mile soak between Dost and Carda Bux. Walter Henry Barker, the acting coroner at the inquest, proved the depositions taken in that court.

Constable Skeet deposed as to the condition of the Grigo's when brought to the police station.

H. Wilson gave evidence as to Dost's mental condition when he came to the jetty with a load of tin ore on the 7th. When the Court assembled on Saturday morning the formen asked His Honor for direction as to their verdict, as they did not desire to hear further evidence.

His Honor having directed them the jury, without leaving the box, then returned a verdict of "not guilty" against both the accused.

In discharging the jury His Honor complimented them on the attention they had given this most protracted case, remarking at the same time that he quite concurred with the verdict.