

Western Australia
POLICE DEPARTMENT
Roebourne District, Port Hedland station
July 3rd, 1909

REPORT OF Cox Fry, Reg. No. 166
Relative to Trial at Broome

Rex v Grigo and Grigo

I have to report that the trial of case Rex v Grigo and Grigo commenced at Broome on the 21st ulto before G T Wood Esq (Commissioner) and Jury.

Messrs. Coleman and Martini Solicitors prosecuted and Mr J D Moss defended.

From the very start the jury appeared to be against the Prosecution and owing to the interjections by the Foreman Mr Coleman on the 5th days hearing threatened to throw up his brief and after considerable trouble was persuaded to continue.

On the Court opening on the 6th day and before evidence for the Defence was completed the Foreman stated that the jury had heard sufficient evidence for the Defence to satisfy them and they returned a verdict of not guilty. The only evidence for the Defence which had any bearing on the case was that of the two accused and which they concocted whilst in the lockup together with the assistance of their sister and Solicitor.

The evidence for Prosecution was very clear and strong as Mr Wood remarked afterwards. But the feeling against the Coloured race is so strong in Broome that Justice could not be expected and it is very seldom that white man is convicted before a Jury.

The Jury were in charge of a Constable from the time they left the court until they returned the following morning.

But they were allowed to separate and roam all over the Hotel in fact do practically as they liked. Anyone was allowed to talk to them inside or outside the Hotel.

One Juryman was seen in Jap Town at 11.30pm. I reported the matter to Mr Coleman also the conduct of the Jury at the Hotel and he said it would not do any good to bring the matter up before the Commissioner. So nothing was done. Should either of the Grigos return to Port Hedland and remain here I am quite sure that there will be serious trouble between the Afghans and them as they are so dissatisfied with the result of the Trial they will take the law into their own hands.

Should another case ever occur at port Hedland I beg to state that it is simply useless to take it to Broome especially if the accused person is a white man.

Geo W Fry
Const 166
3/7/09

[Note added to Fry's letter by Sgt Pilmer addressed to The Commissioner of Police]
Comment by the Police on the action of a Jury in dismissing an accused party at any stage of the proceedings, is to mind unnecessary.

But there are phrases of the Coxswain's report that should I think be brought under notice. I therefore forward his report for your information,

Pilmer
Sgt 93

LETTER IN REPLY TO FRY

Corporal Stewart

I beg to report having been in charge of the jury during the trial of the Grigo Bros. for willful murder.

The trial lasted six days and we were located at the Roebuck Bay Hotel.

I think Cox Fry is somewhat exaggerating things in his report when he states – “the jury were allowed to separate and roam all over the hotel. In fact do practically as they liked...”

One would think from this that there was no restraint whatsoever placed on the jury by the constable.

The only separation I allowed was on two or three evenings some played billiards and the rest cards in the dining room. I kept a lookout to see that no outsiders entered either room while occupied by jurymen.

At meal time the jury sat at a table by themselves, the bedrooms they occupied are situated from the main building.

Occasionally a jurymen would ask me for permission to speak to an outsider on business. (the jury was composed principally of business men of the town).

I could see not harm in allowing a few minutes conversation on business matters.

But I deny that the jury were allowed to indiscriminately mix up with outsiders and carry on conversations.

The hotel was very quiet during.....

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URGENT TELEGRAM

9-AUG 1910, 2.45pm

Port Hedland

Inspector Connell Perth

Dost Mahomet killed by brothers Grigo here last year Jourack brother and executor Dost Mahomet sent widow four children India last May Jouracks son Kardar Bux went same boat widow expressed fear she would be murdered India I advised her not go but Jourack insisted Jourack now Derby en route Halls Creek camels Mrs Grigo thinks advisable leave children where they are she will look after deceased property

Brodie Corpl

Kalgoorlie Miner (WA), Saturday 29 May 1909, page 7

PORT HEDLAND MURDER.

TRIAL OF GRIGO BROTHERS.

Recently William Grigo and Henry Grigo, two brothers, were committed for trial at the Port Hedland Police Court, on a charge of having willfully murdered an Afghan. Both; men were committed to stand their trial at the Perth sitting of the Criminal Court. The Crown, after considering the facts of the case and the heavy expense that would be incurred in bringing the 15 witnesses who gave evidence for the Crown to Perth, decided to make an application to a judge in chambers for a change of venue of the hearing from Perth to Broome. The application came before Mr. Justice McMillan in chambers, who granted it and fixed June 21 at Broome as the date and place of trial, which will come before Mr. G. T. Wood, resident magistrate of Broome. who has had a special commission empowering him to hear the capital charge despatched to him.

Daily News (Perth, WA : 1882 - 1950), Monday 26 April 1909, page 8

CHARGE OF MURDER

AGAINST THE GRIGO BROTHERS

The Commissioner of Police received from Sergeant Pilmer, of Roebourne, the following wire today: "Re Dost Mahomet inquest. Open verdict returned. Charge murder against Harry and William Grigo proceeding."

It will be remembered that recently Sergeant Pilmer despatched the following wire to the Commissioner: "Hedland police wire 8 o'clock night of April 7 a quarrel arose between Dost Mahomet and wife in kitchen of dwelling. Wife's brother, William Grigo, interfered. Dost then attacked Grigo, catching him by the throat, but Grigo eventually freed himself. Another scuffle took place on the verandah, and whilst both men were locked together and fighting, Harry Grigo, a younger brother of William Grigo, struck Dost on the head with a piece of jarrah measuring 3in. by 2in. and 4ft. in length, completely smashing skull. Dost died on the morning of April 5. An inquest has been opened and adjourned, both William and Harry Grigo in custody."

Hedland Advocate (Port Hedland, WA), Saturday 26 June 1909, page 5

THE HEDLAND TRAGEDY

TRIAL OF THE GRIGO'S

Broome, June 24.

William and Henry Grigo were charged on Monday with the wilful murder of Dost Mahomet at Port Hedland. Mr. Wood presided as a Commissioner of the Supreme Court. Messrs Coleman and Martin appeared for the Crown and Mr. J. D. Moss for the defendants. Mr Coleman applied for an adjournment till Wednesday as the indictment had only just arrived, Mr. Moss opposed this; he said it was an extraordinary thing that he had heard in town before the mail was delivered on Saturday, that this application was to be made. It would be a big loss to witnesses and the Crown, and it was possible to excite sympathy with the jury. When the charge was read, Mr. Moss pointed out the extraordinary fact that the indictment was for Wilful Murder, the alteration being made without any notice to the defendant brothers. The Court was adjourned until the afternoon and on resuming, Mr. Emery produced plans, etc., of the scene of the tragedy. Coxswain Fry gave evidence of a similar nature to that already published. An objection made by Mr. Moss to the admission of statements reduced to paper two day after their being made, was overruled by His Honour. In cross-examination by Mr, Moss, Cox. Fry said W. Grigo complained of his neck being mauled by Dost. Harry Grigo had said "My brother was beaten and I hit Dost, simply to make him let go." Did not ask Grigo why he didn't break Dost's arm. W. Grigo was not a match for Dost alone. Harry Grigo and Dost were on friendly terms.

Dr. Browne gave medical evidence, and, with the cross-examination, was two and a half hours in the witness box. Stapleton, the Crown's chief witness and Omrah, second in importance, gave evidence similar to that already given in. the lower Courts, but they were each considered shaken by cross-examination. Stapleton said he only had a fair recollection of what occurred; Harry Grigo could have hit harder, and the blows were consistent with a man trying to separate two combatants. He had no doubt that a great struggle preceded the striking. Witness Woods, for the Crown gave a different version to Stapleton as to the manner of striking. All the witnesses for the Crown were heard by Wednesday night. Mr. Moss tried

hard to get evidence out of Alloo [Afghan] regarding money transactions between the Afghans. Mr. Coleman however objected and the Judge disallowed it as Mr. Coleman claimed that Mr. Moss had obtained possession of the information in his professional capacity. whereupon Mr. Moss exclaimed, with great emotion 'Am I to allow these men to go to the gallows because I neglected to bring out something of vital importance in their interests? No, you may drag me through the mire, but I am bound by all honorable means to do my duty to these boys." Yesterday the Court adjourned after an argument on the question as to whether the Coroner should be called or not June 25. Evidence for the defence was called yesterday afternoon, William Grigo being three and a half hours in the box. He pictured the row with Dost in the kitchen, thence on to the verandah; a fearful struggle ending in Dost getting the better of him, and falling on top of him in the sand, when Dost suddenly relaxed his hold of Grigo's neck, allowing the latter to get on top. When be found that Dost was helpless, he got off and fell down exhausted and insensible. Cross-examination will be commenced this morning, and it is possible the case will extend into next week.