

## THE RAINBIRD MURDERS.

### MAGISTERIAL INVESTIGATION AT KAPUNDA. AND COMMITTAL OF THE PRISONERS.

#### KAPUNDA POLICE COURT.

SATURDAY, MARCH 23.

[Before Messrs. J. S. Browne, S.M., Alexander Buchanan, James White, Henry Kelly, John Taylor, and Dr. Blood.]

The following prisoners, natives, were charged with the murder of Mrs. Rainbird, and her two children, committed on Monday, 11th March, 1861:—*Tankawortye* alias *Jemmy Alick*, *Monecha* alias *Jacky Pike*, *Pitti Millinda* alias *Bobby*, *Warrecha* alias *Old Man Jack*, *Warrecha* alias *Kapunda Robert*, and *Warrecha* alias *Jemmy*. The Court was crowded to excess, the windows had to be kept open to admit ventilation, but even outside the windows spectators were jammed and crammed four and five deep during the entire day, so great was the anxiety to witness the proceedings. The charge having been read over to the prisoners, the following evidence was adduced in support of the Crown. King John a European, well versed in the native language, having been first sworn to act as interpreter for the prisoners.

Charles Stoddart sworn—I live at Maryvale, near the Rainbird's. On Sunday, 10th March, I saw six natives at Maryvale cooking six opossums and two lizards. I saw a lubra hand one of the lizards to Robert. I went home, and called at a neighbor's house at Blackhill. When I was going to the neighbor's, Bobby went for water. Jacky Pike spoke to me. On the Friday morning, having previously heard of Mrs. Rainbird's absence from home, I went in search of her. I found tracks of natives at about a section from the top of the hill down to about 100 yards of Rainbird's house. I saw a native fire before I came to the tracks. Jemmy Shearer was helping me in the search.

August Stief, sworn--On Tuesday, March 12, I heard that Mrs. Rainbird and her two children were lost. I went to Rainbird's house to search about. About half an hour after sun-down, a Mr. Bradshaw and myself got a strange smell. We followed the smell for three or four hundred yards till we came to two spots, a yard apart, of blood, each about the size of a plate. We also saw a mark where something had been dragged along the ground from the blood. We followed this track about 25 yards, when we came to a rat-hole and found two human bodies partly covered with earth. We went to the house where Mr. Rainbird lived; it was shut up. We saw some horsemen. We called to them. Mr. J. Hyde, Mr. Rainbird, and others came up, when we told them what we had discovered. We all then went down to the bodies, but we did not touch them till Dr. Ward came down. It was too

dark to see any tracks that night. When Mr. Ward arrived, we dug down and found the body of a little boy about 18 inches in the ground. On the following morning at daylight, we found the tracks of native feet of all sizes, large and small. One track was very remarkable, the toe on the left foot appeared to be bent inwards. I believe the track to be that of Jemmy Alick. Sergeant Reid was with me, and inspected the track to which I refer.

Police-sergeant Reid, sworn—I was at Finnis's Point on the 13th of March. I found that the deceased, Mrs. Rainbird and her two children had been discovered in a rat-hole. At daylight I searched with the last for tracks, and found some of natives in different places. One track had only one toe and three small ones on one foot, the big toe was turned in a little. I had the bodies dug out, and removed to near the house. Since then I have taken out Jemmy Alick to the spot, and having caused him to make an impression of his feet. I swear that the track which I saw near the hole was that of Jemmy Alick. I saw the same track within a few yards of the blood and the hole. I made enquiries from Mr. Rainbird if he had missed anything, and he said he had not. There was a skirt lying on the bed in Rainbird's house; it was torn to strips. Nothing else seemed to have been disturbed. The body of the woman when found had no dress on. Having heard on Saturday that an iron bar had been discovered, I went to the hut and found this bar (produced) wrapped in a piece of nater. I

inspected it and found both ends covered with blood and two small pieces of hair. I examined the hole where the bodies had been placed, and found the hair produced where the little boy had been buried. It is the same hair as was on the bar.

Michael Sorpy, sworn—On Monday, March 11, I came with my flock of sheep to Rainbird's hut. Mrs. Rainbird was winnowing barley outside the house. I spoke to her, and left her and her two children well about 1 o'clock p.m. She had on a pint dress. I remained near hand for some time. I did not see any blacks.

Charles Farrow sworn—On Monday afternoon, March 11, I went to Amos Flavell's place to fetch water. Amos Flavell is quite a mile west from Rainbird's. My house is nearly a mile north-west from Rainbird's. While I was drawing water, two native women and two boys came to me for water. I gave them some to drink and some to take away with them. They went in the direction of Rainbird's. This was about 4 o'clock p.m. I then started for home. I went easterly by the road towards Rainbird's. When I had gone some 150 yards from Flavell's house, I met three black men and two boys, the same two boys who were with the women at the well. The boys were travelling westward with the men. I can swear that Jacky Pike and Old Man Jack were two of the men. I cannot swear to the third man. I can swear that one of the boys I have mentioned was that boy now in Court (two native boys produced). His name is George. His father is dead. I went on about 200 yards farther, and saw about a dozen natives of both sexes camped in the shade of some sheoak trees. This was about 50 yards off the track. One of the same women who came to me at the well came from the party to me. I was not close enough to the party to recognise any of them. They were camped nearly in a line between Rainbird's and the water. The time I met the three was about half-past 4 o'clock. They were sweating very much. The three appeared to be leaving the others. They were very dry, and passed me as quickly as possible. On Friday night I went with Police-trooper Ayliffe, and found natives camped in Mr. Cole's paddock, at Macaw Creek. We counted about fourteen in the camp. This would be about 2 o'clock in the morning of Wednesday. I remained at the camp to watch the natives while Ayliffe went on to apprehend others at Baker's Springs. Ayliffe brought back Jacky Pike, who pointed out the other four natives. Bobby was not there then.

Robert Rainbird—I left home on Monday morning at 7 o'clock to work. I returned at half-past 6. My children did not come to meet me as usual. I thought Mrs. Rainbird was inside, putting the child to sleep. I took my bullocks out of the dray before I went in. The door was fastened in the usual way. No one was in the hut. I thought my wife had gone to drive cattle off. Saw nothing in the state of the hut to call my attention. I went to look for her, but could not hear anything of her. I searched in all directions until Tuesday morning. At about half-past 6 o'clock on Tuesday morning I met a blackfellow travelling east. He was alone. I spoke to him, and asked if he had seen white lubras. He said no. He asked me if I had seen any blackfellows. I said no. He turned back and walked a few steps with me. I started my horse at a gallop, and turning round afterwards I saw the blackfellow was again travelling east. I believe the blackfellow to be Bobby. He has not the same dress on now, but I think I know his features again. I went to my house several times, and continued the search with others all the Tuesday. A little before dark we were all returning from my house to James Hyde's, when we heard some one whistle. We met Stief and Bradshaw at the corner of my paddock, and they told me that my wife and children were murdered and lying in a wombat hole. We went with them and found the bodies. It was dark, I came to the house again. I have since ascertained that a small bag of washing soda was taken. It was about half a pound. Cannot swear to the soda (produced). I can swear to this thimble (produced) as the property of my deceased wife. The dress deceased was wearing when I left home was on the bed not torn. I found one dress torn. She was in the habit of wearing the dress that was lying on the bed during the day time. I know the iron bar (produced) It was lying at the side of the water-tank on Sunday. I found a woman (produced)

show the iron bar (produced) It was lying at the side of the water-tank on Sunday. I found a possum (roasted) lying 150 yards from the house.

Richard Stoddart, sworn—On Wednesday evening, the 13th of March, after the inquest was held, I found the bar produced about six or seven yards on the north side of the hole where the bodies were found. There was some light hair sticking on it, and a spot of blood. The bar was in a low part of the ground. The bar was then tied in paper and left at the house.

Police-trooper Ayliffe, sworn—On Tuesday, March 12, I received information of the deceased being missing. I heard of the murder about 9 o'clock p.m. at Mr. Hyde's. I went to Rainbird's with others. Dr. Ward was there. He recommended me to go at once in pursuit of natives suspected. Mr. Hartland accompanied me to McCaw Creek. We found about 16 blacks in Mr. Cole's paddock at McCaw Creek. At about 3 a.m. on Wednesday I left a watch over them and proceeded in search of Native Jacky Pike, whom the natives said had left the camp. I apprehended him at Baker's Springs, and on searching him I found the parcel of soda and thimble produced. I cautioned him in the usual way, and, in a room at Pott's public house, he said he had nothing to do with the murder, but was a little way off when he saw Bobby kill the woman, as he thought with a stick; that four other men were with him at the time, and that Bobby had left and gone to Buchanan's. When he arrived at Mr. Cole's I took Jacky Pike to the camp to point out the men who were with him. He pointed out Jemmy Alick, old man Jack, Jemmy, and Kapunda Robert. I apprehended the four men. The shirt (produced) I found on Jemmy. The blood was on the shirt when I took him. On Thursday last I cautioned Bobby particularly; but he stated, I was a little way from the hut. Said one of the children run up the hill. Goggle-eyed Jemmy after it. I saw him strike the child with a stick. He did not leave it till it was quite dead. I saw him kill the woman. Old Man Jack killed the other child. Old Man Jack and Jemmy then had connection with her. Jemmy got some blood on his shirt, which he tried to rub out. On Thursday last I cautioned Jacky Pike alone. He stated, "I got a drink at the hut. I went on a little way. Soon after I saw Bobby, Jemmy, Jemmy Alick, and Kapunda Robert stop at the hut. Soon after they arrived I saw Bobby strike the woman. Jemmy and Jemmy Alick killed the children. All four of them had connection with her after she was dead, and Bobby while she was living. The same four buried her. The same day I cautioned Jemmy Alick. He said "he was afraid I (witness) would tell the others." I was a little way from the hut. I saw Bobby strike the woman. I think he wanted to get something from her. She made a noise and put out her hands. When he struck her she fell down, and Bobby got upon her. He was by himself.

Police-trooper Hagie proved to taking Bobby at Anlaby, from the charge of Henry James, and to a statement made by him in reference to the murder.

Amos Flavelle proved to four natives coming to his well on Monday evening. Kapunda Robert was one. Could not swear to the other three.

Thomas Haster proved to Jacky Pike and Goggle-eyed Jemmy being in the neighbourhood at the period of the murder, and to finding a roasted possum on the track between his house and Rainbird's.

Patrick Kelly proved to seeing three men and a lubra going to the westward on the Sunday. Bobby was one of them.

Dr. Blood proved as to the immediate cause of death.

Miss Ellen, an aboriginal native, stated that she was at Maryvale. The six prisoners were there all night. Two women and two boys went to Riverton. Saw Mrs. Rainbird and her children alive. Left the prisoners at Rainbird's.

Maria, wife of Jemmy Alick, stated that she saw Mrs. Rainbird alive, and went on with the two women and two boys. Went on because the men told her.

George, son of Jemmy Alick, said all the prisoners went to Rainbird's. I went to Mr. Cole's. The men told us to go on from Rainbird's to the Springs. Only two women and two boys. Jacky Pike and Old Jacky came up first. I saw Mrs. Rainbird and her children

came up first. I saw Mrs. Rainbird and two children alive. Mother asked for a drink. Mrs. Rainbird would not give it. Bobby went away from Plunket's at night. My mother looked for Bobby and found his tracks, and found he had gone to the range. Miss Ellen, Old Jemmy's lubra, was with them.

The prisoners having been duly cautioned, were then asked if they wished to make any statement.

Old Man Jack's statement--I know nothing at all about it.

Kapunda Robert's statement--Bobby killed the woman. It was the white men told me so.

Jackey Pike's statement--I went from the depot to the scrub; then to Pop's Creek (Bobby with me); then to Francis Stacker's; and then to Maryvale. All the prisoners were at Maryvale. We roasted some possums there. On Monday morning I filled the tub with water for the horse, and got some tucker at Maryvale. Left Maryvale at 12 o'clock. Some of them went then to the natives graves. Two old men went with me through the scrub. Old Jack and Goggle-eyed Jemmy, and two little boys. We caught a possum. I was walking through the bush alone. I made a fire on the top of the hill. I said I must go for some drink. I went to Rainbird's, and asked for water. Mrs. Rainbird gave me some. I went away. Old Jacky and the two boys went along the road also to the springs before me. A little way down and we saw a mob of blacks coming towards Rainbird's. I went on down a gully, and looked back, and saw Bobby kill the woman. Jemmy Alick, and Goggle-eyed Jemmy, and Kapunda Robert killed the biggest boy and the other boy also with a small piece of iron. The same men buried the bodies. Jemmy Alick stole the grog from Supple's cellar. Goggle-eyed Jemmy pulled Mrs. Rainbird's dress off in the hut.

Goggle-eyed Jemmy (Warracha) stated, that he had nothing to do with it. He came along behind the others.

Jemmy Alick stated he knew nothing about it.

Bobby's statement--Jemmy Alick, Old Robert, Goggle-eyed Jemmy, and Old Man Jack, were with me at Rainbird's. Goggle-eyed Jemmy went for a drink. Goggle-eyed Jemmy and Jemmy Alick went to a pigsty which Mrs. Rainbird was cleaning out. Jack had a stick in his hand. Goggle-eyed Jemmy asked for water. He then went into the house (Mrs. Rainbird and her children were in the garden) to get a pannican, when Mrs. Rainbird ran down the road with one child, the other child ran up the hill. Old Man Jack ran after the child and killed it in the ribs with a big stick. He carried the child under his arm to the mother. Goggle-eyed Jemmy and the other two were holding her up by the arm. He could not push her down, but struck her on the temples with a cutter-stick. Old Jack had the iron bar. He struck her on the back of the head. We went down further, and saw them carry the two children to the hole and drag the mother along the ground to the hole. Old Jack put the earth over her. They were drunk. They had a nobbler under the sheoak. Old Jack and Jemmy pulled her gown off in the house. Jemmy was in the house too. They threw her down on the bed. Jemmy Alick was outside. The woman got the child and ran out of the house. Jemmy Alick fastened the door. I saw Old Jack take the thimble and some black cotton when they were in the hut. I was at the haystack with Old Robert, who was with me all the time. We had a nobbler all round before she was killed. They could not overpower her in the hut. I had six nobblers myself at Rainbird's, and they all had nobblers. I only asked for drink myself, Jemmy Alick, Kapunda Robert, Jackey Pike, Goggle-eyed Jemmy, and Old Man Jack, all came to Rainbird's together. They had nobblers together. Old Jemmy Alick told me not to tell. I said we would all get into gaol. Jemmy said, not as long as we did not tell whitefellows. Old Kapunda Robert did not strike her; he only lifted up her frock and lay down on her. While they killed her I was on the road alone, and no one else was near me.

This ended the examination; and the Bench, after a brief consultation, committed all the prisoners to the next Criminal Sittings for the capital offence.

They were removed from Kapunda by train yesterday, under charge of Sergeant Major Hall and Sergeant Reid.