

# Charge of Kidnapping

## William Manson Cases.

### Supreme Court Criminal Sittings.

THURSDAY, MARCH 21.

Before his Honour Mr. Justice Harding and a jury of twelve.

QUEEN V. VOS AND OTHERS.—CHARGE OF KIDNAPPING.

The Attorney-General (Hon. T. J. Byrne), with him Mr. Virgil Power (Crown prosecutor) and Mr. Lionel Lakin (instructed by the Crown solicitors, for the Crown); and Mr. Fees (instructed by Messrs. O'Shea and O'Shea and by Messrs. Winter and M'Nab) for the prisoners.

In this case Joseph Vos, master; George Tom Oliver, Government agent; Michael Joseph Curry, recruiter; Alfred Cathbert Hall, chief mate; and Arthur Abelson and Alfred Dowsett, seamen, of the barque William Manson, licensed by the Queensland Government to recruit Polynesians, were charged with kidnapping.

The prisoners when arraigned pleaded not guilty. Mr. Power continued his cross-examination of the witness Dowsett, on the court resuming on Thursday morning. Dowsett said his wages on the William Manson were £2 10s. per month. Abelson received £1 per month as wages.

Alfred Cathbert Hall, one of the defendants, said he was first officer on the William Manson, on her last voyage. When Quisocola came on the ship off Urasi the vessel was lying to. The boats were about to be lowered to land returns. Quisocola said recruits could be got if the vessel anchored. After a consultation with witnesses Vos decided that soundings should be taken in the launch. Quisocola went in the launch, which was away about two hours, and returned in her. The ship then went in and anchored. The captain worked the ship in from the poop, and Quisocola was with him there. Witnesses did not see Quisocola go into the captain's cabin. Quisocola left the ship that day in the boats. He came on board again about 7 o'clock on the Monday morning. The boats went away recruiting on the Monday morning. Witnesses did not leave the ship that day. There were five boats on the ship, and a steam launch. On the Monday the captain's boat was being scrubbed before being pointed. Witness had his attention directed to the flag hoisted ashore. He saw Erringa, Soogow, and Zoolotta come on the ship. They hoisted no sign of distress, but a destination to come on board. They were shy, and witness believed he showed them which end of the ship to go to. He sent them on the poop for the captain to see them. They were not crying, when going to the boat or the ship. John and Quisocola in the second dog-watch, between 6 and 5 o'clock. Erringa did not understand the men, and Try guided his hand. The other boy signed without any guidance. Neither of them showed any disinclination to sign, and no force was used to make them sign. Witnesses knew nothing as to the way in which the boys were recruited. He knew nothing to lead him to suppose they were recruited against their will. Except on one occasion, witness never went in the recruiting boats. It was not part of his duties. He went on one occasion to have a look at the Quisocola, taking the steer car in the Government agent's boat. One boy, Louie, was got that day off an island in Urasi Passage. Witness on two or three occasions saw Amboo-oba come out of the Marys' place on the ship—the married women's quarters—in the morning watch. He reported the matter to the captain. Vos and Amboo-oba had a row some time afterwards. The captain caught Amboo-oba coming out of the married women's quarters. When spoken to Amboo-oba gave the captain "shock." Vos threatened that if he caught him in the married women's quarters again he would put him in irons, and he told witnesses to keep a strict watch on him. This happened about 7 o'clock in the morning, one day before the ship left the Solomon. When the boats came off with Erringa, Soogow, and Zoolotta there was no one in them who had wounds that were anything like tomahawk wounds. Witness remembered dressing a ragged wound low down on the left thigh of one of Quisocola's men, who told him he had fallen on the coral when pushing the boat out. The first complaints as to the way recruiting had been done came to witness's knowledge some time after the ship arrived back in Brisbane. The first complaints he heard were from Mr. Brennan. Nash came to witness one Sunday afterwards and said he had seen some of the boys, and that Amboo-oba was telling them to say the boys were dragged into the boats.

Cross-examined by Mr. Lakin: When Quisocola came off at Urasi the ship was about 8 or 9 miles from the beach, perhaps not so far. Witness was forward on the ship part of the time she was going in to Urasi. He watched the sails and saw the anchor let go. Quisocola might have gone into the captain's cabin while witness was forward. Witness remembered having a conversation with Mr. Brennan, at the Immigration Office. He did not remember A. Dowling being present. Witness would not try to refresh his memory by the shorthand writer's notes, because that gentleman had in the Police Court tried to make witness out to be a "perfect idiot." Witness remembered now, after hearing the particulars at the Police Court, that he remembered when Mr. Brennan examined him. Witnesses did not remember everything that took place at the examination. There was nothing in witness's log to show that any complaint was made as to Amboo-oba being in the married women's quarters. The husbands of the married women slept in the same place as

their wives. Witness remembered the trouble at Ambrym, in the New Hebrides, about a boy who was recruited. That recruit came to Queensland. Witness did not hear of any complaints being sent off the ship to other vessels about the way recruiting was done. There was coral on the beach at Urasi; it was not confined to the reefs.

Do you know that Quisocola was on board for two months? I suppose I do.

Look at your log under date August 13. Do you see an entry there, "Boats left ship recruiting; returning with ones"? Yes.

Did any recruits come off that day? I suppose so, or I would not have it down.

Is the one referred to Quisocola? I have not the slightest idea.

Had Quisocola been on board two months on August 13? I suppose so, but she had not recruited.

By Mr. Fees: Witness had no interest in the number of recruits obtained.

James Allan Duncan, clerk to O'Shea and O'Shea solicitors, said he attended at the detective office in November last for the purpose of submitting the names of proposed surties. Witness asked Shanahan if he approved of the names which witness showed him as surties for Abelson's bill. Shanahan said: "Yes; I saw Abelson yesterday, and he said he did not want a bill, but would stay in till Monday." Witness said, "Well, I can say you approve of the names." Shanahan said, "Yes; subject to Mr. Fincock's approval."

Witness then left the detective office and went straight to O'Shea and O'Shea office in Queen street in a cab. He told Mr. O'Shea something, and then went to the watch-house in the same cab. The time occupied between the detective office and the watch-house was 10 minutes at the outside. Shanahan was at the watch house when witness arrived there. Shanahan was talking to a constable. Witness went to Abelson's cell, and he was let out on bail.

Cross-examined by Mr. Power: Shanahan said, "I don't think Abelson wants bail."

Timothy Joseph O'Shea, solicitor, said he saw the witness, Maxwell Johnson, at his office for the first time on November 23 last. Alex. Odan, another Polynesian, was with him. Witness called them into his room and had a conversation with them as to the charge made against the defendants. The defendants were arrested on November 17. Witness examined Johnson and Odan on November 23, and also about a week later, as to occurrences on the William Manson. On the second occasion Mr. Winter was present part of the time. On the first occasion witness asked Johnson if he knew Erringa, Soogow, and Zoolotta, the three boys said to have been kidnapped. He said yes. He also described in his own way the boats going to the beach and said he saw "nobody pull" the boys. Witness pressed Johnson to see if there was anything that could be construed into kidnapping, but he said the boys came of their own accord. Witness also talked to Odan. On the second occasion, before any of the defendants came into the office, witness asked Johnson several questions, and he again said the three boys were not forced to the beach, and did not cry when taken to the boat or the ship. Johnson said that no one used a tomahawk on a black boy. Witness saw Johnson frequently afterwards during the police court proceedings. He was attending there at witness's instructions, to be called for the defence if any evidence was called in the defence.

By his Honour: The first time witness heard Johnson make different statements to those he made to witness was in the Supreme Court during the present proceedings.

Mr. Lakin: Have you written notes of Johnson's statements? No.

You are relying on your memory? Yes.

How did Johnson come to be at your office? I gave some one instructions to send me all the witnesses.

This closed the case for the defence at 12.15 p.m.

The Crown called evidence in reply.

Samuel John Lloyd, inspector of police and officer-in-charge of detectives for the police district of Brisbane, said that he remembered Abelson making a statement in an office at Roma street police station on November 20, 21, or 22. Witness has seen Abelson previous to outside the cells at the City Police Court. Detective Shanahan and Senior-constable Healy were also present. Shanahan said, "Abelson, you sent for me." (Mr. Fees objected.) Abelson replied, "Yes." Shanahan said, "Do you want to make a statement?" Abelson replied, "Yes." Shanahan, Abelson, and witness then went to Roma street police station, where they went into one of the offices. Witness got some paper from another office and the three of them sat down at a table. Abelson gave his name and occupation, and made a statement. Abelson did not, to witness's knowledge, have a long conversation at the police station with Shanahan.

His Honour: Did Abelson have a long conversation on the veranda with Shanahan? It was impossible.

Did he? He did not.

By Mr. Power: Shanahan might have had a conversation with Abelson for a minute or two while witness was away getting the paper. Witness did not hear Shanahan say any suggestion to Abelson. Shanahan did not say to Abelson, "The three boys struggled to get away, and one of the two caught by the biggest of Quisocola's men succeeded in getting away." The rest of the statement was not obtained by Shanahan suggesting it to Abelson. It was not true that Shanahan suggested that statement and that Abelson simply said "Yes." Witness took possession of the statement. Exhibit 13 was the statement.

By Mr. Fees: Shanahan, Abelson, and witness went in a cab from the police court to the police station. Abelson told his statement as to date, but Abelson told his statement. Nash had previously made a statement, and it was in witness's possession. That statement was also made to Shanahan. Nash's statement was looked up at the detective office the day that Abelson made his statement.

No leading questions were put to Abelson. When witness went for the paper there was time for Shanahan and Abelson to have gone on to the veranda, which was just through the door, but not to have had a conversation. If Abelson said he was never in a cab in his life with witness, he was telling a falsehood. Who got the cab that you went in? Shanahan.

Did you see him get it? I saw him bring the cab.

Who paid for the cab? The Government.

The Government was not in the cab? No.

Was the cab paid for on the journey? I did not pay so, or I would not have it down.

Who was the driver of the cab? I cannot say.

What sort of a cab was it? A waggone, I think.

Did Shanahan ask questions in order to get Abelson's statement? Occasionally.

Did Shanahan say to Abelson, "Tell me what happened"? That is about what happened.

What? He said, "Tell me what happened."

You were the inspector in charge of this case? Shanahan was in charge of the case.

Was there not someone above Shanahan? Shanahan was in charge.

If Shanahan says you were in charge, is it a fact? Shanahan was in charge.

And you had nothing to do with the case? As inspector I had.

Were you not over Shanahan? Yes.

Did you give instructions as to what was to be done with the prisoners? On what occasion? On any occasion? I expect so.

Did you give any instructions in connection with the case? I expect I did—about the arrest and such things.

Did you give any other instructions in connection with the prisoners? I do not know what you refer to.

I will refresh your memory. Did you give instructions to have all the prisoners separated as far as possible? I did.

You remember now? Yes, and if the question had been put before I would have told you.

Now, who was in charge of the case? Shanahan. He was the man who got up the evidence, and he was in charge of the case.

Why did you give those instructions about separating the prisoners? It is customary when a number of prisoners are charged in connection with the one offence.

Abelson and Nash were kept in the cells at the Police Court? Yes; the others were bailed out.

Oh, no; where were the others before they were bailed out? I do not think they were in goal.

Were not the prisoners, except Nash and Abelson from whom statements were got, taken to the Boggo road goal? They may have been.

Were they taken there? Why were they taken to the goal? Abelson was left at the police court at his own request, to get bail, and so was Nash.

How did you know that? I heard it from the lock-up-keeper, Senior-constable Healy, or some other man.

What about the other prisoners? I am under the impression they were out on bail at the time.

Did you give instructions as to where the prisoners, before they got bail, were to go? What papers?

O'Shea, Curry, Hall, Abelson, and Dowsett? I do not remember.

Did you give instructions that three of the prisoners were to be sent to Boggo road goal and two to the watchhouse? I do not remember.

Who would do that? Warrants would be made out, and the prisoners would be sent away in the van to the goal.

Would not all the prisoners be treated alike unless instructions were given to the contrary? Yes.

Am speaking of the time when the other prisoners were sent out on bail? I do not remember that the other three prisoners went to Boggo road goal at all. I would not know it.

What stage was Abelson in when you saw him at the cell at the police court? He was crying.

Did he seem distressed? He did.

Mr. Power: Did Shanahan suggest any answers to Abelson when the latter was making his statement? No.

Did you say anything to Shanahan? I told Shanahan to take Abelson's simple statement, and to suggest nothing to him.

So far as you know, did Shanahan carry out your instructions? He did. I was there to see it done.

Angusie Dawling, Government shorthand-writer, said that on October 30 he was at the Immigration Depot, at an inquiry held by Messrs. Brennan and Caulfield, when certain persons were examined—namely, Vos, Curry, and Oliver. He took shorthand notes of what was said, questions and answers. The witness was then examined as to certain answers given at the inquiry.

Mr. Fees: Were the answers given on oath? No.

Was the inquiry in the nature of a conversation? A good deal of it.

Were persons talking together? Sometimes two persons were talking together.

And would a witness occasionally chip in with an answer? Well, there was a little of that. (Laughter.)

Did you take down everything? Everything that was relevant.

Were the questions of a kind designed to try and induce the answers that were wanted? I do not know.

This was all the evidence.

His Honour said he would sit on Saturday till noon, but only to take a verdict.

The court adjourned at 4 p.m. till the following day.

### FRIDAY, MARCH 22.

Mr. Fees, on the court resuming on Friday, addressed the jury on behalf of the prisoners. He referred to the duration of the trial, now in

its eleventh day, and to the exhaustive examination of witnesses. Everything that could be done to extract the truth from witnesses had been done, and he claimed he would be able to show that on the evidence the prisoners were entirely innocent. The charges were preferred against the prisoners was one of kidnapping the three boys Erringa, Soogow, and Zoolotta. The jury had nothing to do with the women who had been referred to during the trial. The cases of those women had been brought in by the Crown for purposes best known to themselves. A great deal of mischief had been thrown in the hope that some of it would stick. Numerous incidents had been brought in apparently to show that the prisoners had been travelling on a kidnapping expedition. The jury had to try the case on the evidence respecting the three boys, and on that evidence alone. The testimony of the Crown witnesses was undoubtedly unreliable. The evidence of Try and Amboo-oba must have been concocted owing to illwill on their part against the prisoners. Six Southern Sea Islanders and Nash had given evidence for the Crown, and that was the evidence on which the jury was asked to convict the prisoners of a very serious crime. The evidence of the Islanders could not be tested properly. Any attempt to cross-examine them was quite futile. The evidence of Erringa and Soogow was actually given through two interpreters. How was it possible to extract the truth from witnesses of that sort? The Islanders had been held together since October, and they all told exactly the same story, except Maxwell Johnson, whose strange to say, was not called as a witness in the police court. As to Nash, Queen's evidence it was the most despicable kind of evidence that could be given. The similarity of the evidence of the Islanders showed that it had been rehearsed—that, indeed, there had been dress rehearsals—whereas the slight discrepancies in the evidence of the prisoners, each of whom heard what the other said, showed that they were speaking the truth, and had not prepared, parrot-like, a lesson in order that they might tell exactly the same story. As against the evidence of the Crown there was that of four men on the ship, and that of the prisoners. The Crown might say that the evidence of the prisoners was tainted, but the men were in self-defence bound to give evidence, and it would be unkind at the Crown to speak of their evidence in that way. There could be no doubt that Abelson's statement was extracted from him under unfair circumstances. Whatever might be said of Abelson's conduct in the first instance, in the end he was treated as a criminal to refuse to support a false charge against his comrades. Why were Abelson and Nash kept apart from the other prisoners, unless it was to enable the Crown to have the evidence of others than blackfolds in order to convict the prisoners of their statement, which was in evidence against him, was just what Nash was told by the niggers on Kangaroo Point, and what the niggers had learnt. The evidence of Mr. Brennan showed over anxiety to secure a conviction. As to the evidence of that over-anxiety, might be found in the fact that a section of the community and also the Imperial Government did not regard the recruiting of Polynesians with favour, and that the Queensland authorities were desirous of showing that the trade was not carried on in a way that would offend the authorities. It was a pity that when the authorities decided on a prosecution they did not have evidence of a more substantial character than they had in the present instance. In regard to the alleged kidnapping it would be asking the jury to believe too much to ask them to believe that the three boys were forcibly taken by Quisocola and his men without any resistance on the part of the other lads, who were in the great majority of the crowd on the beach at the time. Why was Nash, after he made his statement, kept at Woodford away from his fellow-men, like a leper, unless it was feared that if he remained in Brisbane he would come to his right mind and tell the truth at the last moment? If Vos was going on a kidnapping voyage would he not keep his intention very much to himself? It was too absurd to suppose that he would choose Try to be the man to betray himself and Quisocola. The chief, moreover, could speak better English than Try—the missioner-ship kidnapper. One explanation of Try's action was that he was annoyed at Quisocola for not allowing him to form a school at Urasi. Another explanation was that Try was annoyed at his friend Amboo-oba being reported for his visits to the women's quarters on the William Manson. Amboo-oba confessed himself a sneak by admitting that he heard the negotiations between Vos and Quisocola by listening at the cabin window. Mention had been made of Kobey and Odan witnessing certain occurrences. Why, then, were they not called to give evidence? Hall appeared at the recruiting boats at Urasi, but it must have been in a phantom boat, for no one could say how he got there. Quite apart from any of the other prisoners, it was the bounden duty of the jury to bring in a verdict of not guilty in favour of Hall without the slightest hesitation. The jury would remember the illustration Erringa gave of his strength when he lifted Mr. Caulfield when showing how he was carried to the boat. Yet they were asked to believe that Erringa allowed himself to be carried quietly to the boat, contenting himself with crying, and that his tribe stood by inactive whilst he was taken away against his will! The allegation as to the tomahawk wounds inflicted on Kowah was invented in order to make the kidnapping look more desperate. Try, the missionary-ship kidnapper, and Amboo-oba, "that leery gentleman," were at the bottom of the whole charge against the prisoners. Against the Crown evidence there was the evidence of four independent men, members of the ship's company, who gave direct testimony that the boys came off to the ship and signed agreements of their own free will. The evidence of those four men was substantiated in a most minute manner by the testimony of the prisoners. In regard to what happened at Urasi, there was nothing extraordinary in Quisocola going ashore with