

“A Tragic Accident” or Murder at Sandy Point?

On Saturday 17th August 1895 two men, Thomas Radcliffe aged 24 and James Hannan aged 15 from Waratah North were arrested and charged with the murder of Joseph Radcliffe (22 years). A magisterial inquest was commenced almost immediately, and the following is a summary of this record and various newspaper reports at the time.



Map (1885) showing the locations of the Radcliffe's and the Fraser's properties. Current day Sandy Point is located to the east of Fraser's and the Sandy Point Road runs approximately between CA 19 and 17. Map is adapted from LC2123.A BULN BULN from the Public Record Office of Victoria

The Radcliffe brothers, Joseph and Thomas farmed Crown Allotments 16 and 17 (a total of 1360 acres) at Sandy Point. This land had been leased by their father on the brothers' behalf. They lived in a four-roomed house with James Hannan who was working with them at the time.

A witness from the hotel in Fish Creek gave evidence that Joseph was of a 'passionate disposition' and always growling at his brother. Thomas was more even tempered and quite the reverse of his brother.

On Saturday 10th August, Thomas left for Fish Creek. Joseph became very angry and agitated when Thomas did not return when expected and on Thursday, he went to Fish Creek to find him. The bartender at the hotel gave evidence that Joseph had become "very excited" on hearing that Thomas had met their father

at Boys Station and they had gone to inspect some land. Joseph had said that it was not the first time it had happened and there would be a row about it.

The brothers somehow missed each other on the road and when Joseph arrived back in Sandy Point at approximately 5.30pm, Thomas was already at home. Thomas gave evidence that Joseph had been in a bad mood and had started quarrelling. In his statement, he described how Joseph picked up the kettle to throw at him but then threw it in the fire. After this, he then had to wrench the fire shovel out of Joseph's hands. Joseph then announced that he had his gun which Thomas knew to be in a drawer in the kitchen. Thomas knew he had no chance of getting to the gun first, so he ran. He just managed to get behind a tree when Joseph fired at him. Thomas then ran on, with Joseph after him shouting, for about ¾ of a mile. Thomas then went to Fraser's station where he stayed for the night.

After the incident Hannan also went to the Fraser's. Gilbert Fraser gave evidence that Hannan had looked very nervous when he arrived that night and announced that Joe Radcliffe had shot himself. He told Fraser that he had seen Joseph throw the gun to the floor. The gun had gone off and then Joseph fell to the floor. Hannan said he could not see any sign of a wound and said that he thought Joseph may have been putting it on.

Fraser notified the police and Constable Mackay from Foster arrived on Saturday 20th August. Thomas and Hannan both told him they had not touched the body, and everything was as it was when they left the house on Thursday evening. McKay found Joseph deceased and wearing a vest and shirt. His trousers were partially removed and there was a boot and a waistcoat on the ground. The waistcoat had a hole in one side and some blood on the inside. Mackay found a damaged double barrel muzzle loading gun lying near the fireplace with one of the barrels showing it had been recently discharged. He found that there was an entry wound under the ribs on the left side of Joseph's body, but he could not locate an exit wound. The mattress was soaked in blood, but he could not find any sign of blood elsewhere in the house.

James Hannan's statement was taken by Constable Miller from Toora. He deposed that after Joseph had returned from Fish Creek he had proceeded to bully Thomas. Hannan said he saw Tom run out of the house and heard Joseph say "If you run away bullets will catch you" before firing at him. He saw Thomas shelter behind a tree whilst Joseph returned to the house. He threw the gun down onto the floor and then came back out with another gun and said "I will shoot the bugger with his own gun".

Hannan described how Joseph called out to his brother to come out and face him. He flung the gun inside the back door which then exploded and hit him. Joseph had asked for help and Hannan helped him up into his room. He said he left Joseph standing about a yard from his bed. Joseph did not seem at all hurt he got himself onto the bed. Hannan said that he then "cleared away" down to Frasers' place about 5 miles away. Thomas arrived about an hour later and they both stayed there for the night.

The next day at about 9.45 am, Thomas and Hannan returned to the house. Hannan told Constable Millar that Thomas sent him on ahead and when he got to the house, he found everything as he had left it. He denied when asked that he had assisted Joseph remove any clothing and maintained that he had not seen any blood. He added that the deceased had asked him to put the lamp in his room, which he did before he left. After Thomas saw that his brother was dead, they returned to the Fraser's.

Dr Hayden from Foster examined the deceased and concluded he had died from blood loss resulting from a gunshot wound to the abdomen. He notes in his statement that the bullet had travelled in a downward direction damaging the lumbar spine. He concluded that the deceased would have been paralysed from the waist down after receiving such an injury. He states:

"...after this wound was inflicted, I do not think the deceased would live many minutes. It is uncertain though. He would grow weaker and weaker from the loss of blood. I do not think it possible that the deceased after receiving the wound could walk with assistance about 10 yards, then place himself on the bed, remove his coat, waistcoat, belt and trousers."

He further notes that there was no exit wound and that there would have been very little external bleeding at first. It is quite possible that Hannan would not have noticed any blood.

The magistrate found that the deceased had met his death by gunshot wound accidentally inflicted by the deceased himself. Thomas Radcliffe and James Hannan were released. It is not clear how the discrepancies in the evidence, such as which gun went off and hit Joseph and the respective timing of Thomas's and Hannan's arrival at the Fraser's, were reconciled.

Joseph was buried on Tuesday 21st August 1895 in the Foster cemetery. Unfortunately, the headstone (if any) has disappeared and information about the location of the grave was lost in a fire in 1935. Thomas most likely moved away from the area and married Julia Coburn in Melbourne in 1899. He died in 1932 aged 61. The lease payments for the farm went into arrears and it was eventually sold. It isn't clear what became of James Hannan.

References:

1. Leader (Melbourne, Vic) Sat 24 Aug 1895 Page 24 "The Waratah Tragedy"
2. The Portland Guardian Fri 23 Aug 1895 Page 3 "The Waratah Tragedy".
3. The Snowy River Mail and Tambo and Croajingolong Gazette (Orbost, Vic) Sat 24 Aug 1895 Page 2
4. Various files from the Public Record Office of Victoria including the record of the Coronial Inquiry.