

1571  
September 23<sup>rd</sup> 1870

PROCEEDINGS of INQUEST  
held upon the body of

James Lusher

at

Sunderby

Received at the Crown Law Offices,  
October 11<sup>th</sup> 1870

R. W. M. D.  
12/11/70

W. Lusher  
Coroner.

PROCEEDINGS BEFORE CORONERS.

No. 64.  
[Stereo.]

Colony Victoria INQUISITION.  
District of Bunbury

TO WIT.

AN Inquisition for our Sovereign Lady Queen Victoria, taken at

*Sunbury* in  
the *District* of *Bunbury* aforesaid,  
the *twenty third* day of *September* A.D. 1870, in  
the *thirty third* year of the Reign of our said Lady the Queen,  
before me *Samuel Curtis Candler*

\* City, Town, County, or District,  
as the case may be.

Gentleman, a Coroner of our Lady the Queen for the \* *District* of  
*Bunbury* aforesaid, upon the  
view of the body of *Jacob Locher* then

† Jurors' Christian and Surname  
in full.

and there lying dead, upon the oaths of †

- Herman Smith*
- Robert Alfred Bengley*
- Joseph Smith*
- Nathan Rogers*
- Lindsay Austin*
- Daniel Mc Mahon*
- Thomas Orr*
- Edward Hägeli*
- Alexander Rop*
- Patrick Sweeney*
- Alexander Grant*
- James Nolan*

good and lawful men of *Sunbury* in the  
said *District* who being duly sworn and charged to

inquire, upon the part of our Lady the Queen, when, where, how, and by what means the  
said *Jacob Locher* came

by † his death, do say upon their oath that § *on the 20<sup>th</sup> of September*  
*1870 he was found drowned in Beckman*  
*Creek near Sunbury without any marks*  
*of violence on his body.*

† His or her.  
§ Here state cause of death, if  
known; if unknown, doubtful,  
or no evidence, state the fact  
accordingly, using the words of  
the Verdict of the Jury.  
It is desirable that the Jury should  
find expressly, whether there are  
or are not marks of external  
violence on the body of deceased.

In witness whereof as well the aforesaid Coroner as the Jurors aforesaid, have to this Inquisition put their hands and seals, on the day and year, and at the place above mentioned.

*C. Cantley*

(S.)

Coroner.

Here let each Juror sign his own name, or make his own mark, and affix or acknowledge his seal. \*

*Hermon Smith* (S.)  
*R. Alfred Douglas* (S.)  
*Joseph Smith* (S.)  
*Jonathan Rogers* (S.)  
*Henry Barnes* (L.S.)  
*Levi Jay Austin* (L.S.)  
*Francis McMahon* (S.)  
*Thomas Orr* (L.S.)  
*Edward Muegeli* (S.)  
*John Alexander Peck* (S.)  
*Patrick Sweeney* (S.)  
*James Nolan* (S.)

CORONER'S INQUEST.

COLONY OF VICTORIA,

This Deponent\*

*Andrew Shields*

TO WIT.

on his oath saith, I am a

*legally qualified medical practitioner*

residing at

*Sunbury.*

\*Christian and Surname in full.

I have made a post mortem examination of the deceased *Jacob Locker*. Externally the body was fresh. There were no marks of violence. The lungs were rather collapsed. They were in their natural state, not congested. In the upper part of the windpipe there was a kind of plug of vegetable matter about the size of a bean, but not plugging the air tube. It corresponded to some vegetable matter in the stomach. The heart was healthy. The blood dark colored and very slightly coagulated. The right side of the heart was distended with blood I believe. There were a few clots in the left side.

The stomach contained some meat and vegetable matter only slightly digested. There was a vinous smell in the stomach. There were one or two small patches of congestion but no signs of poison. The other internal organs were healthy.

The Brain was healthy but very much congested with dark blood. There was no sign of any injury whatever to the

Taken and Sworn before me, the \_\_\_\_\_ day  
 of \_\_\_\_\_, 18\_\_\_\_, at \_\_\_\_\_  
 \_\_\_\_\_  
 Coroner.

# CORONER'S INQUEST.

COLONY OF VICTORIA, )

This Deponent\* Andrew Shields

TO WIT.

on h oath saith, I am a \_\_\_\_\_

\*Christian and Surname in full.

residing at \_\_\_\_\_

to the scalp or head. The hair was covered with sand and smelly matter. The beard and face also. The body had the signs of having been immersed in water.

I should say the deceased may have been dead about three or four days.

The cause of the death of the deceased is somewhat obscure. I am of opinion it was caused <sup>probably</sup> by drowning.

A. Shields M.D.

Taken and Sworn before me, the 23<sup>rd</sup> day  
of September, 1870, at Sunbury  
C. Campbell  
Coroner.

CORONER'S INQUEST.

[No. 60. Stereo.]

COLONY OF VICTORIA,

This Deponent\*

William Bowie

TO WIT.

On his oath saith, I am a Vine grower

residing at Jackson's Creek

\*Christian and Surname in full.

The deceased Jacob Locker aged between 40 and 50 years was in my employ for about 7 weeks. Duscher now present is in my employ. I heard nothing of Duscher or deceased on Sunday night. I returned home about half past twelve. I cannot say at what time Duscher came home. Locker and he slept in the house. There was no one else in the house. I do not think deceased had any money beyond a few shillings but I do not think he even had that. It was a very dark night. On Monday before 6 o'clock I heard Duscher getting up. I got up at 7.30. After breakfast Duscher told me deceased had not been home all night and that he had been to look for him. He told me he had left him at the slip-panel of the new fence. That deceased would not come any further and that he lay down and went to sleep. I thought nothing of it at first but in the afternoon I made enquiries. Duscher is a quiet inoffensive man. I tracked a single foot man going through the bushes of the creek. There were also pieces of bottles along the track. The pieces of bottles found on deceased appear to correspond with those found in the pockets of

Taken and Sworn before me, the 23<sup>rd</sup> day  
of September, 1870, at Sunbury  
C. Canale Coroner.

found on deceased appear to correspond with those found in the pockets of

CORONER'S INQUEST.

[No. 60.  
Stereo.

COLONY OF VICTORIA,

This Deponent\*

William Waters

TO WIT.

on his oath saith, I am a

Mounted Constable

\*Christian and Surname in full.

residing at

Station at Sunbury

On Wednesday morning at  
between 6 and 7 o'clock, I removed the body  
of the deceased Jacob Lockyer from Jacksons  
Creek below Sunbury. The body had been  
stopped in the current by a piece of tea tree.  
I have examined the clothes of the deceased.  
There was no money on him. There were some  
pieces of broken glass in his pocket. There  
were no signs of any violence about his  
clothes. The spot where deceased is said  
to have had his company on Sunday last  
with Rudolph Duschek is between a quarter  
and half a mile from where the body was  
found.

William Waters

Constable 2296

Taken and Sworn before me, the 23<sup>rd</sup> day  
of September, 1870, at Sunbury  
C. Canfield }  
Coroner.

CORONER'S INQUEST.

[No. 60. Stereo.]

COLONY OF VICTORIA, )

This Deponent\*

Walter Bowie

TO WIT.

on his oath saith, I am a


Vineyard Owner

residing at

The Bald Hill near Sunbury

\*Christian and Surname in full.

I first saw the deceased on Sunday last. He was then at my brother's place on Jackson's Creek. I last saw the deceased at between 9 and 10 that evening at Bubeck's Vineyard on the Bald Hill. He was with the man now present Duschet, a vigneron. Duschet left Bubeck's first and young Bubeck called him back and asked him to take the deceased with him. The deceased then left with Bubeck and ~~then~~ he said Duschet was going to take deceased home. I left the house in about 5 minutes and when I got to my own place I heard Duschet and deceased talking. They were going toward Jackson's Creek by my brother's place. There was no quarrelling between them. Deceased was not perfectly sober and that was the reason why Bubeck asked Duschet to take him. He was a stranger also. Duschet was perfectly sober.

Walter Bowie  


Taken and Sworn before me, the 23<sup>rd</sup> day  
of September, 1870, at Sunbury  
C. Cantler  
Coroner.

# CORONER'S INQUEST.

COLONY OF VICTORIA,

This Deponent\*

John McCre

TO WIT.

on his oath saith, I am a

Carpenter

\*Christian and Surname in full.

residing at

Sanbury

On Monday the boy Puckham told me he had seen a man in the creek and described the spot. Between 5 and 6 o'clock that evening I went with a man named Litchell to the spot and in the place described I saw the body. I informed Mr. Bowie and the body was taken out in my presence.

*John McCre*

Taken and Sworn before me, the 27<sup>th</sup> day  
of September, 1870, at Sanbury  
C. Canfield }  
Coroner.

CORONER'S INQUEST.

[No. 60. Stereo.]

COLONY OF VICTORIA,

This Deponent\*

*Alfred Peckman*

TO WIT.

on his oath saith, I am a

*the son of Henry Peckman*

residing at

*Melbourne*

\*Christian and Surname in full.

*On Tuesday the 20<sup>th</sup> instant at one o'clock I was coming by the side of Jackson's Creek and I saw a man lying in the creek. I told Mr. Mc-Aree who went to the place. The deceased's hand was caught by a bush which apparently prevented his being carried down by the stream.*

*Alfred. Peckman*

Taken and Sworn before me, the *23<sup>rd</sup>* day  
of *September*, 18*70*, at *Saunbury*  
*C. Canfield* }  
Coroner.

CORONER'S INQUEST.

[No. 60.  
Stereo.]

COLONY OF VICTORIA, )

This Deponent\*

*Joseph Bubek*

TO WIT.

on his oath saith, I am a

*Vine grower*

residing at

*near Sunbury*

\*Christian and Surname in full.

*I know Discher now present. I had not seen the deceased Locher until last Sunday night. I was at Mr. Bubek's at half past 7 o'clock that evening and found the two men there. There was no quarrelling between them.*

*Joseph Bubek*

Taken and Sworn before me, the *23<sup>rd</sup>* day  
of *September*, 18*70*, at *Sunbury*  
*C. C. [Signature]* }  
Coroner.