

**Shiny Paper/Plastic
Covered Document(s)**

PROCEEDINGS of INQUEST

held upon the body of

Henry Pierney

at

Proctor

Received at the Crown Law Offices,

1905

1354

05

The Seal of the Coroner.

[Handwritten signature]

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VERY FADED DOCUMENT

GLUED DOCUMENT

6098

V 5979

[56.]

PROCEEDINGS BEFORE CORONERS.

INQUISITION.

VICTORIA,
TO WIT.

AN Inquisition for our Sovereign ~~Lady Queen Victoria~~ ^{Lord the King Edward VII}, taken at *Mechanics*
Wall Gore in
Victoria, the *thirteenth and fourteenth* day of *July*
A.D. *1905* in the *fourth and fifth* year of the Reign
of our said ~~Lady the Queen~~ ^{Lord the King} before me *Thomas Jelbart* a Justice of the
Peace for the Western Circuit in the state of Victoria who has been
requested by Robert James Bunowes Gentleman, a Coroner of our Lady the Queen
for Victoria, upon the view of the body of *Mary Turner*

(1) Jurors' Christian
and surnames in full.

then and there lying dead, upon the oaths of¹

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Hans Johannes Wilhelm Block
Oliver Leopold Bedford.
Francis Weddercombe
William Henry Knight
Thomas Richard Buffham
George Henry Hawkins

good and lawful men of *Gore* in Victoria,
who being duly sworn and charged to inquire, upon the part of our ~~Lady the~~ ^{Lord the}
~~Queen~~ ^{King}, when, where, how, and by what means the said *Mary Turner*

(2) His or her.

came by² *her* death, do say upon their

(3) Here state cause
of death if known;
if unknown, doubt-
ful, or no evidence,
state the fact accord-
ingly, using the
words of the verdict
of the Jury.

oath that³ *Mary Turner* died on the *20th May 1905*
at Spring Bank from asphyxia by poisoning and
we further say that some person or persons
unknown to us did feloniously wilfully and of
malice aforethought kill and murder the
said Mary Turner on the day year and place
last aforesaid.

Rider

We are also of the opinion that sufficient
care was not taken in reference to the price
of tart which was taken to Waternut as we
think that William Luning should have seen
that Dr Bud got the price of tart in question
and that Dr Bud should also have seen
that he got it without delay

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Justice of the Peace

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.

J. J. Jellman

Coroner.

(1) Here let each
Juror sign his own
name, or make his
own mark, and affix
or acknowledge his
seal.

1. Johns Johannes Wilhelm Block
Oliver Joseph Besford

(L.S.)

(L.S.)

(L.S.)

Francis Reddickombe

(L.S.)

William Henry Knight

(L.S.)

Thomas Richard Buffham

(L.S.)

George Henry Hawkins

(L.S.)

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Oliver Leopold Besford

(L.S.)

(L.S.)

(L.S.)

Francis Reddickombe

(L.S.)

William Henry Knight

(L.S.)

Thomas Richard Buffham

(L.S.)

George Henry Hawkins

(L.S.)

From

THE CLERK OF COURTS,

Conshaw

To

J. B. Lincoln Esq.
Melbourne

18a.

No.

Re Inquest Mary Jemmy deceased.

Will Mr Lincoln kindly attach the enclosed documents to the evidence which was taken by him at Gorok last week.

Kind regards

Harry J. Paul

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19.7.

1905

Clerk of Courts.

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K A T E B E R T R A M on her oath saith:-

To the Coroner - I was at Gymbowen in the hotel on the night of the so-
cial. I was in the room set apart for the ladies with my sister. My
sister was there when I got there. When I saw her she was doing her
hair. I did not see a grey jacket belonging to her. She had on a
white blouse and a white muslin skirt, that had a spray on it. It
had been washed and boiled several times. It was almost perfectly
white. She did not have a hat on.

To the Jury - It was between Eight and Nine o'clock when I saw her. She
was in the room set aside for the ladies to dress in. I never saw
her in Miss Meehan's room. The room is opposite Miss Meehan's room. ✓

To Mr. Power - When I went to the room there was a party of ladies
there. There were two of my cousins, Ivy and Pearl Bertram, another
cousin, Ada Mc Clure, Miss Sherrington. There may have been more. I
think there were two or three Miss Breens there. We all left toge-
ther and walked down to the parlour as a party. My sister was with
me, and in the parlour with me. We remained in the parlour between ten
minutes and a quarter of an hour. We then left to go to the hall.
We were waiting for the men to get to the hall. My sister was with
me all the time, I am sure of that. My sister was with the party
that walked across. She walked into the hall. I was a yard or two
behind her.

a cloak

To Mr. Garnett - I did not see the ~~clock~~ of any description. I was not
there when she arrived. I should think it was between Eight and
Nine o'clock when we arrived.

To Mr. Power - My sister has a white crash jacket: it is a costume jack-
et. I remember when my sister went to keep house for Mr. Tierney: I

do not know exactly the date. I think another sister went with my
sister. I was not at home at the time but I know she was there. I
was at home part of the time when my sister was at Mr. Tierney's.
102

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C H A R L E S R E E V E S on his oath saith:-

To the Coroner - I am a labourer at Gymbowen.

To Mr. Power - I remember the evening of the dance. We left Mr. Tierney's place about a quarter past Seven, ^{*The sun set*} ~~that is sunset~~ that evening about seven minutes past Seven, and we left shortly after sun-set. We had about three miles or three miles and a half to drive. We drove straight into the yard. Mr. Tierney helped me out with the horses. I do not remember what Miss Bertram did. She got out of the buggy at the stables. I did not see her sisters or any friends speaking to her in the yard. I could not say how she was dressed. I think she had a grey jacket on, and a light skirt on. I would not be surprised to hear she had on a white crash jacket, and a white skirt, but I think she had a grey jacket on. I do not think it was white. I think she had a grey jacket over a white skirt.

To the Jury - I went over to my own place and cleaned myself, and went to the dance. I did not go into the hotel then: after I cleaned myself I did. That would be about half-past Eight. That was the first time I went in. There was no one in the bar when I went in, and I think I had a drink with Mr. Maybery. Miss Bertram may have had a white skirt on under the grey jacket.

To the Coroner - I think it would ^{take} ~~be~~ about half an hour to drive in, or forty minutes to drive in from Springbank.

(signed) Charles Reeves.

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Taken and sworn before me at Goroke
on Friday the Fourteenth day, 1905.

V 5979

William Turney on his oath saith
I am a farmer residing at Spring Bank.

To Mr. Garnett - I know Miss Mary Bertram. She came to reside with me

about the 14th. of October last year. At that time my mother was very ill, and the nurse, Breen, and my married sister were there. ^{My} ~~My~~ sister being ill, I had no housekeeper except mother, ~~my~~ ^{my} sister came and nurse Breen came, and Mr. Bertram drove Miss Bertram over, and asked if she would be of any use during my mother's illness, and he would leave her if she was. She came to live with us then: that was the 14th. of October. Mr. Reeves, a labourer, was there and mother and nurse Breen, and the married sister, and myself were there. My sister's name is Boland. The man slept in a part of the kitchen ^{building}. The kitchen was subdivided into five rooms. The room that Reeves slept in adjoined the part that was used as a kitchen. It was separated from it by a wall about eight feet high. It did not go to the ceiling; there was no ceiling; it was an iron roof. There are eight rooms in the main building. My mother became worse, and I took her to the hospital at Horsham. That would be about the 19th. of October. It was a Monday. She died in the hospital about a week or ten days afterwards. When I took my mother to Horsham Miss Bertram ^{and} ~~and~~ ^{the labourer} waited behind and cleaned up the house, and ~~a neighbour~~ took her home on the following day. I came back from Horsham on the Wednesday. I got a wire on the following Monday that ^{for my mother} ~~she~~ was worse, and I returned to Horsham, and stayed there until she died. I came back from Horsham on the 27th. of October. Miss Mary Bertram was then living at Springbank. She came back about four days after she went home. She remained on housekeeping. There was then Miss Bertram, Reeves and myself in the house. Reeves lived in the kitchen part. There was only the three of us on the premises. That state of affairs ...

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affairs continued until the 24th. of February. I was engaged to Miss Mary Meehan. I had been engaged to her about four years. I remember a social at Gymbowen on the 24th. of February. Miss Bertram and Reeves and I went in to that. It was given to enable Miss Meehan to give prizes to the children as she was leaving; to leave the money to the next teacher to give prizes. She was going to be married to me on the following Wednesday. Miss Meehan was at the social, and Miss Mary Bertram. Miss Meehan did not complain during the evening to my knowledge. I cannot say where I met her that evening, but I met her either at the hotel verandah or at the hall door. We talked a little while. I was not dancing at the time. My mother only died a few months before, and I did not take a part in the dancing. She had another young boy selling tickets in the room. He was fond of dancing, and I told her I would take his place and count the tickets, and let him go in and dance. I was not at the hotel with Miss Meehan after that until about Three o'clock next morning. There was nothing wrong with her then to my knowledge. I was married on the first of March. Miss Bertram continued to reside with us after we were married. Reeves continued with us for about a couple of days, and then he left. On the 10th. of April following I got Russell Bertram in his place. That was the brother of Miss Mary Bertram. Soon after my marriage my wife's sister came to stay with us, Eleanor Meehan. She came with us in the buggy after the marriage from Horsham. She stayed with us nearly a month. She was the only other person stopping in the house except the three of us, myself, my wife, and Miss Bertram. She did not speak to me about Mary Bertram being up at night. Miss Bertram left us on the 13th of April. She stayed on after my marriage because I thought it was only fair. I did not want my wife to go to work at once. Miss Bertram was in my service. I asked her to stay on. I arranged with the wife that Mary Bertram was to stop on and do the

work. She left on the 13th. of April because we did not want her any longer. We parted splendid friends. She came back again on a visit on the 13th. of May. I saw her at a distance on that day, but did not speak to her. There was service here at the church, and we were in to it. I did not speak to her. I just saluted her. I spoke to my wife about her, going home. We had left Goroke, and were on our way home. There was some conversation about Mary Bertram, and my wife asked me if I was speaking to ~~Mary~~ Mary. I said ~~No~~ No. I was not. I asked if she was. She said "Yes, I was. I spoke to her two or three times and Mrs. Bertram. Mrs Bertram was complaining to Mary about not putting on a jacket". She had a new costume, and she was complaining about not putting the jacket over this new dress. I asked my wife when was Mary coming down, and she said "I never thought of asking her". That is what she told me. I think I said to my wife "Why did you not ask the poor girl down". but I will not swear I did. She said she had not asked her. She expected to see her later on. Mary Bertram came down to Springbank on that day, and stayed with us. I saw her when she arrived. I could not remember exactly what she said, but she said she knew there was three of us in the buggy when we came to Goroke; that is why she came down with her father and walked across the paddock, about two miles. She said "I thought I would be here before you". She had a brown paper parcel with her. I did not ask her how long she was going to stay.; I did not ask her. I understood from the wife during the week that she was going to stay with us until the following Thursday, from the Saturday. During the week the wife asked her to wait until the following Sunday as we were going to Mr. Breen's, and we would take her home.

To the Coroner - I did not ask her to come, and the wife said she never thought of asking her. When she left we always told her she would be welcome to come and visit at any time.. She had a general invita-

invitation.

To Mr. Garnett - We meant it. We were pleased to see her at any time.

This was the first time she had come.

To the Coroner - I did not regard it as being out of place at all.

To Mr. Garnett - Some friends came to see us on the Thursday the 18th.,

Mr. Meeson and Mr. Riley came and had tea with us. We had tea about

Seven o'clock I think. We had one tart at tea. I only remember

there being one tart on the table. We ate part of it. I had none, but

Mr. Neeson had some. It was a brown tart. It was far browner than

any other tarts that I saw afterwards. . The party broke up about

Ten o'clock I think. I went to bed about half-past Ten. My wife

went with me. Miss Bertram was in her room at the time. I know my

sister-in-law was ~~not~~ not stopping with us at the time. My wife

left her room after she had gone to it, to soak some peas for the

following day's dinner. The peas were in the kitchen. I saw them

next morning in the kitchen. I was not in the kitchen that night

after I went to my room, until next morning about Seven o'clock. When

I went in the kitchen next morning there was no one there. I had

my breakfast. I knew Russell had had his breakfast before me. A

portion of the table was laid from the night before for ^{whoever} ~~whoever~~ was

up first. I did not cook my breakfast; it was ready for me. I made

tea for myself. It was all right. No one came in before I went away.

I went away just after I had my breakfast. Russell was hitching up

the horses and I went out to show him his work; ~~as~~ he was going

to plough a little paddock and I went to show him. I returned to

the kitchen about Nine that morning. I was away about an hour and

a half. I returned to milk the cow. I went into the kitchen. The

wife was just sitting there going to have her breakfast. She was

sitting at the table just starting her breakfast. I was sitting at

the fire and noticed she was making faces. I asked her what the

faces were for. She said "The tart has a horrid bitter vile taste"

(4)

She said "You ought to taste it". It was an apple tart. There was a crust with apples in between. It was part of the brown tart that she was eating. I tasted the tart: it was bitter. It was portion of the brown tart that had been eaten the night before. I had often ~~tast~~ tasted the taste before, but I could not recollect what it was. It was very bitter, as bitter as ever I ~~tast~~ tasted. I have never tasted ~~strychnine~~ -- strychnine in small quantities. I do not know that I have tasted it in medicine. I said it was very bitter. I said "You must have put something in it. It must have alum or acid or something in it". I thought it was some accidental thing that had made it bitter. The wife said to me I ^{hope it} ~~think it~~ did not taste like this last night. Mr. Neeson did not taste it like this". I said "Nobody would eat it if it tasted like that". I did not notice Mary Bertram in the kitchen at that time.

To the Jury - I could not say if my wife had any of the tart for tea the night before.

To Mr. Garnett - I remained in the kitchen perhaps five ~~minutes~~, seven, or ten minutes after tasting the tart. Then I went back to my work. I saw my wife again about an hour, or a little more, after that.

To the Coroner - When I left the kitchen I went and asked Russell Bertram if he had eaten any of the tart. I did not go to the paddock for that purpose. I went back to my work, and when I met him I asked him and he said "No, Mr. Tierney, I have not." He seemed to be confused. I said "It was a good job you had not, because it was very bitter". Then he told me about the doors, ^{and} ~~at~~ the place being open.

To Mr. Garnett - He said "Mr. Tierney, when I got up this morning the kitchen door and the two safe doors were open, and the two tarts were on the floor, and the jug broken, and I heard somebody in the kitchen". He said he thought it was me. I said I was not ^{down} ~~there~~.

To the Jury - I did not see the tarts on the floor. The tart on the table

table that Mrs. Tierney ate was in a couple of pieces.

To Mr. Garnett - The tart I saw on the table had not been knocked about,

There was only a couple of pieces, and they were in good order, not damaged. I do not remember seeing any tart on the table when I came

in to breakfast. I did not have any tart. My wife and Miss Mary Bertram came out to me in the paddock about an hour and a quarter *Present*

afterwards. Russell Bertram was there, and the wife walked up to me

V.J. and asked me was I sowing potatoes. I said No, I was ^{picking} ~~pitting~~ them.

I was picking the losse ones up. She said "My word your ground will plough nice here. It is a pity all the paddock is not like that".

At that time the ground was very hard. There was some conversa-

tion, and then she said "Will, was not that tart horrid bitter this morning". I said "Yes it was terrible bitter altogether". She

said "We had some tea since, and that was bitter too". I said "You are making yourself frightened because of the bitter tart. You are

making yourself believe everything is bitter and you will make ^{after} yourself sick". She said "Do you know ~~if~~ the tea was bitter, We

left the big ^{house,} ~~ones~~ and got the little silver teapot, and other cups, and made some tea in ~~these~~ this teapot, and that was all right". ~~Sh~~

She said "I might account for the other tea being bitter. Some of the water ~~from~~ the plate of tarts was washed in might have got in- to the other cups. There were two lots of cups". I do not know

whether Miss Bertram had some tea too. My wife said "We". They did not say whether they drank the tea. They said the next one was all

right. Mary Bertram heard this conversation. She did not say any- thing. They were talking for a few minutes. Then they went for a

walk round some marram grass I had sown. Then they walked in the direction of the house. I heard them laugh as they got near the

house; what it was about I do not know, but I heard it was that

one of them said "We knew that Will would say that when we told

him". I came in at about Twelve o'clock and I saw my wife as I was ⁶ ~~passing~~

passing by the kitchen, going towards the shed where the horses are kept. She was cleaning some potatoes. I came back in a few minutes, and I found her in the middle of the kitchen floor, making towards a chair at the end of the kitchen. She fell helpless into the chair and she said "Oh, Will, I am all smashed up, falling to pieces". She asked me to come and sit alongside her. I said "What in the world has happened to you". I thought she might have had an accident at the fire. She never answered, just then; she seemed too weak to answer, but when she answered she said did I know that Mary was sick too. She seemed got on pretty well then, and was speaking nicely. I said "Where is Mary?". She said "She is up in the house somewhere". She said "I feel a lot better now Will". I said "I will see where Mary is". I went and called "Where are you Mary". She answered from her room "I am here". I said "What is the matter with you". She said "I have been feeling sick, but I am getting better now".

To the Jury - This all happened in about ten minutes.

To Mr. Garnett - Mary slept in the room looking on to the back verandah. It opened onto the ^{passage} ~~verandah~~. When I came back I turned in to the wife, and I met her at the kitchen door coming out slowly. I wanted to help her up into the house. She said "No, Will I would sooner try and ^{walk} ~~walk~~ by myself to see if I can walk". She walked onto the back verandah. That would be about 15 yards. She leaned against a post for a minute or so, and she said "You can help me into my room now Will". so she took my arm, and I helped her into the room. She sat on the side of the bed for a while, and presently got a twitching. She said "Oh, Will" and grabbed me. That continued for perhaps ten or fifteen minutes, getting twitches and getting ease in between. She sat on my knee after a couple of twitches. It was much easier for her. Mary Bertram came in when she heard her. She

was

A

was screaming out when she got the pain, so Mary Bertram came in, and the wife said "Go away Mary". Mary said "I came in to help you Mrs. Tiney". She said "Will will stay with me". Mary said "I came in to try to help you". She said "Mary, you are sick yourself. You go away". She went away at the time, but came back again soon after. I ordered the pony to be got ready. I asked her would she like to go to the doctor, or would I wire for the doctor. She said she would sooner ~~we~~ drive, so I ordered the pony to be got in at once. The boy got the pony ready as soon as he could. I did not speak to Mary Bertram about tarts that morning. I asked her for a piece of tart when we were going to Natimuk. I said "Do you know where that tart is Mary. We will take a piece of the tart to show the doctor". She went to the kitchen and brought out a plate ~~and~~ of pieces of tart. I took a piece of tart, and wrapped it in paper. It was a pale tart. It looked like a tart that had been cut up in pieces. It ~~was~~ not the tart I tasted before. I took a piece of tart off the plate. Mary Bertram threw the rest into the pigs' bucket. ~~She said~~ I saw her ^{put} ~~throw~~ them in. She asked me what I would do with them. I said "Throw them into the pigs' bucket". She said "They might interfere with the pigs if there is anything wrong with them". I said "That is a good thing. We will know if there is anything wrong with them". Nothing happened to the pigs. She said it might poison the pigs, or something of that sort. She said "What will I do with those tarts". I said "Chuck them in to the pigs". She said "They might hurt" or "kill the pigs" or something of that sort. I said "That will be a good job, because we will know if there is anything wrong with it," and the pigs were not hurt. I took the piece of tart to Natimuk. My wife and I and Mary Bertram set out for Natimuk at a little past One o'clock. We saw the doctor ~~at~~ at Natimuk. I brought the tart home with me. I never saw the tart from the time I put it into the buggy. It was wrapped up in newspaper.

(8)

I enquired for the tart after the wife died. We saw the doctor at Natimuk that same day, about half-past Four. I put up at Rosel's hotel. There was a show meeting, and the doctor came across, and I met him at the door, and told him what was the matter. I told him the wife had been ill. I told him the sensation she had had, and about bringing down this piece of tart. I thought there was something wrong. I did not say anything about the tea then. This was on the verandah of the hotel. He started to go in to see the wife. I told him the wife was very well then. He turned back and said "I cannot go in. I have not got a certain thing". I do not know what it was, but he had to go home. He said he would be back in a short time and examine her. He did so. I suppose that would be about Five o'clock. I was not present when he examined my wife. After he examined her he came to me, and told me the wife was all right, it had all passed over: she might have had a touch of Ptomaine poisoning, but it had all passed over, and she was all right. He told me to come up after tea, and he would give me some medicine. When I first spoke to him about the tart he said "I would like to see that tart". I do not think he told me to bring it up. I went after tea for the medicine, and had a talk with him at his house. He asked how the wife was. I said she was very well. I did not bring up the tart in the morning. I forgot it, and we were so well. I left the tart in the buggy, in the bottom of the buggy, rolled up in paper under my feet. It was about a helping of tart, about the size of a hand. The whole tart would be a plateful. I never saw the piece of tart any more. I went to the doctor next morning, and the housekeeper told me the doctor was away in the country. She did not know when he would be back. We left Natimuk about Ten o'clock, and we got back about One o'clock. I saw Mrs. Mc Can but I just saluted her. I knew she was in the same parlour as the wife. We had dinner when we got back. It was a cold dinner. We had cold meat. It had been cooked on the Thursday.

9

day

Thursday. It was kept in the safe in the kitchen. We had other things as well, such as cake and biscuits and so on. This meat had not been touched by the cat or dog or anything else that I know of. It was kept in the safe where the tarts were. I did not feel any the ^{more} ~~was~~ for what I had at dinner. After dinner I went out to work in the paddock. Russell Bertram was with me. I next saw my wife close on half-past Five. I went out to a paddock about two miles from the house. During the time I was away at Natimuk I wanted to go down and plough some fallowed ground. I got everything ready for the Monday morning, and knocked off about an hour earlier than the usual time, because a ewe died there. I told Russell Bertram to skin the ewe, ^{so} ~~as~~ we returned a little earlier than usual. I met Mr. Marshall on the way home. He told me he thought he had a ^{sheep} ~~pipe~~ belonging to me. I went to see the sheep. It was not my sheep, and I returned across the paddock. I went past the kitchen and saw the wife, and ^k ~~asked~~ her for a particular butcher's knife. That was about half past Five. She told me she did not know where it was, I had it last myself. I said I knew, but I mislaid it. I said "It does not matter though. I have got others". I went down to the shed, and gave Russell the other butcher's knife, and he went away to skin the sheep. I went then to feed the horses. The wife came down about five minutes later, and brought me the butcher's knife that I asked for first. She said "Here Will is the knife you were looking for". I said "I do not want it now". The pair of ponies were standing at the gate. I said "As you are there, just open the gate and let the ponies in". She did so, and passed a remark about a young filly, I had, a favourite filly of her's. Then she turned away and walked in the direction of the house. I was not surprised at that. I do not know for what reason she should.

To the Coroner - She made a remark about the filly being indecently fat,

I said "Yes: but you should not blame the filly for that". She was in good spirits. It was about ten minutes after that that I saw her again. I had not finished feeding the horses when Mary Bertram called me, saying the wife was unwell again. I went straight up to the house. My wife was in her room. After I married I occupied a different room to the one I occupied ~~before~~ before I married. The room I was occupying after I married was on the front verandah. I went into the room, and my wife was lying across the foot of the bed. I went up to her and said "What is the matter with you" She said "Oh Will, I do feel weak". I said "Yes, but we know there is nothing the matter now, because Dr. Bird says there is nothing the matter. You will soon be all right". She said "I would sooner be lying down now Will than sitting up" ^{the} ~~The~~ day before she had been wanting to sit up. ~~She sat up and got worse~~ but she had ^{hardly} ~~apparently~~ been lying down ^{than} ~~than~~ she wanted to sit up. She sat up and got worse and worse, and got those twitchings again. I helped her up. She was getting worse. I sent Mary Bertram for some whiskey, and she drank it right off. She seemed to get worse ^{quicker} ~~quicker~~ than ever, and got into a convulsion. She pulled me back on the bed. I went ~~back~~ and Mary Bertram came, and we helped her out on the floor, and she had another convulsion. Soon after then I carried her on to the front verandah a second time. Then she died in a minute or so. Mary Bertram and myself ~~with~~ ^X were her. It was twelve or fifteen minutes from the time I came into the room. I did not send Mary Bertram for anybody. She wanted to go over to Bailey's herself, but I said to call for Russell. He should have been about home then from skinning the sheep. She left the room, and the Baileys came very soon after. Three of them came, Mr. and Mrs. Bailey and the daughter. They were not present when my wife died. It was just dark when she died. Joe Tierney and his wife, and a cousin of mine, and George Bertram

and his wife, that is Mary Bertram's father, also came over to see me. Another Tierney, Jeremiah, also came later on. When Mr. Bailey came Mary Bertram seemed to fall on the verandah. I was lying with the wife. I saw Mary fall. I did not see how it happened. I was not paying any attention. I think George Bailey was there when she fell. Mrs. Bailey came a few minutes afterwards. I do not know whether Miss Bailey was there when she was recovering. I enquired for the tart in the buggy, and Mary Bertram said the wife had done away with all the tart during the Saturday evening, and that the piece in the buggy was buried in the sand down at the shed. She did not say how the wife had done away with it. The sand at the stable was a piece of sand I had carted near the stable in the winter time. I looked for the tart next morning, the Sunday morning. Mr. Neeson was with me at the time. We could not find it. We made a thorough search for it. I think we must have found it if it was there. Mary Bertram did not tell me that Mrs. Tierney had told her she had thrown the tart anywhere. After we looked for the tart in the sand we came to the kitchen, and Mary Bertram told me she knew where there was some tart, that the wife had chucked off the plate, and Mr. Neeson and I went and found a piece of tart about half the size of my hand with apple on. It was a pale tart. We brought it in and I rolled it up in a piece of paper. I cannot swear to the colour of the paper. It was a newspaper I know. I did not put any more tart in the paper at that time. I put it in my own room. I did not add any to it until Mr. ^{Jelbart} ~~Jerbert~~ and Constable ⁿ ~~Dunham~~ ² came. He gave me a tart, and I put it in the paper with the other piece. I put the parcel back in the same place on the dressing-table near the door. That was on the Sunday after Four o'clock, as near as I can remember. I afterwards missed that tart, ^{when} I gave my statement to Mr. Dunham about 8.30 or 9 o'clock on the Sunday night. On the Sunday I searched for tarts about the place. Mr. ^{Jelbart} ~~Halbait~~ and Mr.

Dunham and I searched, and Mr. Neeson and I searched. We looked in the garden where we found the first piece. I searched in the garden to the south of my room. I searched right round to the hedge thoroughly as well as I could. That would be about Four o'clock on Sunday. I cannot fix the time accurately. Mrs. Buffham showed me the spot where she picked up a piece of tart. We walked over that particular spot. It was on the foot-path. I had examined that spot before Mrs. Buffham picked up the piece of tart. I can swear there was nothing there then. There could not have been anything in that spot such as the tart that was afterwards found there, without my seeing it. On the Monday I spoke to Mrs. Buffham. In consequence of that she went out to look for the piece of tart she had seen lying there. She afterwards brought in a piece of tart. She came to the room door where Dr. Bird was, and handed the tart to me, and then to Dr. Bird. I could not swear whether that piece of tart was like the piece I wrapped in the paper. It was about the same size. It was a pale piece of tart. There was apple on it. There was apple on the piece I left on the toilet-table. She handed it to Mrs. Widdicombe: he handed it to me, and I handed it to Dr. Bird. That was about Eight o'clock on Monday. They were ^{all} ~~there~~ in the room together at the time. When we were coming home in the trap I did not hear my wife say it would be a good thing if either of them died from poison, now that they had seen the doctor. If it had been said while I was in the trap I must have heard it. I was not in the trap all the time going home. I got out at the sheepwash sand. I was out for about 20 chains on the heavy road. I was a little distance away from the trap. It would have been possible for it to have been ^{then, coming when coming home say} said on coming home in the trap, my wife said that Mary Bertram had said I would laugh at them for coming over about the tart. We were speaking about the tart the day before. (The wife said "Mary said when

when I went over that you would laugh at us about the tart". That was referring to the time they went to the potato patch to see me. Nothing more ~~was said that I can remember.~~ ^{Said} My wife told me that she told Mary that she would tell it in such a way that I would not laugh at her. ^(X) I could not say what clothes Mary Bertram wore when she went in to the social. I think she always wears a jacket when she goes out driving. I think she wears a grey jacket. She generally wears the one she had on this morning ^{on the Inquiry}.

To the Coroner - ^(*) I did not take the tart to Dr. Bird's on the Saturday morning because I forgot it ^{instance,} in the first ~~sentence~~ and when I found the doctor was away there was no one to take the tart. Another reason was we felt so well: there was nothing the matter with any of us.

But in
To Mr. Garnett - Miss Mary Bertram ^{and I were} ~~has been~~ living alone in the house nearly six months. We were very seldom alone. I occupied a room on the west of the verandah. It would be the north-west end. The plan produced ("A") is a fair representation of the house. It is a verandah-room facing the garden, looking towards the kitchen. The room ^{About half-way, the passage opens on to the verandah.} I occupied opens onto the verandah. Miss Mary Bertram's room was the first on the left, as you turn into the passage. That would be about 30 feet ^{room} from my verandah. The only other person on the place was the man-servant who lived in a room off the kitchen. His window and door do not face the verandah. I was never improperly intimate with Miss Mary Bertram. My conduct towards her was not such that she would think I was attached to her. I have known her since she was a child.)

S. J.
To Mr. Power - As to the second visit of Miss Bertram, I understood from my wife that she expected Mary to come to the house soon. She never told me when she expected her. I was not surprised to find Miss Mary Bertram there when I got home. It was quite in the order of things.

things for Mary to be there .On the Friday morning,when my wife came out and talked about the tea, Mary was there. Mary was listening. The wife spoke to me and I answered the wife. Mary was standing alongside the wife. I did not hear her speak. When my wife was sick, and Mary came to help, the wife said "Mary you are sick yourself, you go away"; there was no ordering of her away.

To Mr. Grano - I had spoken to Russell about the bitter tart, and he had told me about the doors being open, and the tarts being on the floor. When my wife came to speak to me, I told my wife what Russell had said. I was engaged to Miss Meehan for several years before I was married. During that time ^{she} I was in the habit of coming to my house. She and Miss Bertram were friends, ^{and they remained friends,} as far as I know, until my wife's death. The social of the 24th. of February was not their first acquaintance.

To Mr. Garnett - As far as I know Miss Mary Bertram received no invitation at that time. She had a general invitation, that we would be glad to see her at any time. That was the only one that I was aware of. We were not at all surprised to see her on that occasion. I did not say to my wife, or my wife to me, that it was strange she had come. I do not remember telling inspector Dungey of a conversation with my wife, to the effect that it was strange she should come on that occasion. I could not swear whether the jacket produced is Miss Bertram's jacket: it is one like it.

To the Jury - ~~Dr. Bird~~ - I did not know one tart from the other, which was wrong and which was right. I simply took a piece of tart to Dr. Bird .It was afterwards that I found out it was the brown tart that I had tasted. I thought at the time all the tart was alike.

To the Coroner - It was afterwards that I remembered the tart I tasted was so brown. I saw the brown tart on the ~~Tuesday~~ Thursday night and the Friday morning.

To the Jury - I do not remember what became of any ^{tart} ~~tart~~ except the one ^{that}

(15)

that I saw going into the pig's bucket.

To Mr. Garnett - I saw the brown tart on Friday morning at breakfast. I never saw it any more. After the wife had baked them she said one tart was browner than the others, and she always liked a brown tart. I knew one tart was brown and the others were pale, on Thursday night. I thought all the tart was affected in the same way, and in the hurry I just took a piece of tart that was handed me, and rolled it up in a piece of paper. I just took a piece of tart off the plate.

To Mr. Grano - I did not advert to the difference in the tarts until after my wife had died. I knew then the tart I had tasted.

William Tierney

Taken and sworn before me at Goroke

on Thursday the thirteenth day of July 1905.

J. Jellard



WILLIAM TIERNEY on his oath further saith :-

To Mr. Garnett - The bottle produced (exhibit "L") is similar to one

I had on my premises. I kept it in a case in my own room, the room that I occupied when I was a bachelor. It was in a book-case. The book-case was not locked. I do not know if Miss Bertram knew where it was, or whether I had it. It was there at the time of the Gymbow-en social. It was there until I gave it to Mr. Dungey; I could not say the date. I could not swear whether the same quantity is in it now. I last used it about five weeks before the wife's death. I cannot say whether any has been taken out since. I used it for poisoning rabbits and mice. I used to lay poison about the kitchen for mice. When I last used it I put it under the house, and the kitchen, on little bits of bread and dripping. I put it carefully under ^{in the cracks of the floor} the floor. I exercised every care in doing it. There was none left lying about. I get a plate, turn it upside down, and get a knife and grind it up on the back of the plate, and dissolve it with hot vinegar. I take the plate and other things away, and wash them carefully, and put them away. I am perfectly certain there is no poison left on them.

To Mr. Power - When I went for the strychnine to give it to a-dinge---

Dungey I found it, as far as I know, exactly in the same state as I left it. .

To Mr. Garnett - There might have been some taken out without my noticing it.

To Mr. Grano - I kept the bottle in a corner of the book-shelf. When I gave it to Mr. Dungey I took it from the same place as it was previously kept. It is a box that I keep books in. There are no doors to the box. There is a screen. It is open to anybody.

To Mr. Garnett - Miss Mary Bertram used to clean my room out.

Taken and sworn before me at Goroke
on Thursday the Thirteenth day of July 1905.

J. J. Jellcoat

(25)

William Tierney
JP

WILLIAM TIERNEY on his oath further saith:-

To the Jury - I did not send the messenger to Dr. Bird with the intention of asking for a certificate. I merely sent the messenger down to report to Dr. Bird what had happened. I did not take any steps to get a certificate. The deceased never said a word to me about the poisoning at Gymbowen, or what had occurred that night. Mr. Neeson and I searched in the sand outside the stable for the tart that Mary Bertram told me my wife had trodden underfoot in the garden. We could not find it. Later on I was in company with Inspector Dungey when Mary Bertram pointed out the spot where she said the deceased buried the tart. I had searched that spot myself before with Mr. Neeson. I did not examine the identical spot. We probed all round the place, not any one particular place more than another in the sand. Mary Bertram did not point out any particular place in the sand to me. We examined an area of ground about the size of the table. Afterwards the particular spot was pointed out to Inspector Dungey, and we turned it over with a shovel. We had examined that place before, and could not find anything.

To Mr. Power - Miss Bertram pointed out this particular spot to us. I suppose she would be about two chains away when she saw my wife treading in something into the sand.

To Mr. Garnett - Miss Bertram said that Mrs. Tierney said she would not like to have ^{Tierney} ~~Tiney~~ or the fowls get it.

To the Coroner - I have no pigs running about. I have fowls running about. They might have scratched up anything.

To the Jury - There were about two cartloads of sand in all, and that was spread about two inches deep.

To Mr. Garnett It was weeks afterwards when Miss Bertram pointed out the spot to Dungey and myself. On the Sunday morning, I did not notice any scratching by fowls, but I know we did not find any tart.

Taken and sworn before me at Goroké
on Thursday the Thirteenth day of July 1905.

William Tierney
J. J. Jellcoat - J.P.
37