

•29

I obtained ~~the twentieth~~ of a grain from three-quarters of the stomach. Strychnine is absorbed into the system. It would be found in the blood, liver, kidneys and muscular system. I could not say how much strychnine would be contained in the whole body. Assuming the even distribution of the poison had been known after ~~communication~~ it would represent four-tenths of a grain for the whole stomach. A considerable portion, which I cannot estimate, would probably be absorbed into the other parts of the body. From one-half to one grain and a half of strychnine would be a fatal dose.

To the Coroner I could not say whether the balance of the half-grain was distributed through the body: that is impossible to say.

To Mr. Garnett - I did not find any trace of Epsom salts in the ~~intestines~~. I made no special examination for it. The quantity was very small to work on. The strychnine in the bottle is pure strychnine. I believe it is usually coloured. I believe there is some requirement under the Poisons Act to that effect.

(signed) W. Percy Wilkinson.

sworn before me at Goroke
Taken and sworn

on Thursday the Thirteenth day of July 1905.

V. Jellart J.P.

(24)

Eliza
Eliza Budget Brew on her oath saith:
I am a certified nurse and resided
with my parents at Marcony.

To Mr. Garnett - I knew the deceased for a long time. She had a kind
cheerful disposition. I have known Mr. Tierney for a long time. I
never saw them while they were ^a married. Before that they seemed
much attached to each other. I went to Mr. Tierney's house on Sat-
urday the 20th. of May. I was not there before Mrs. Tierney died. I
arrived between Nine and Ten o'clock. I saw the body in the bed-
room. It had been laid out. It looked quite natural. Mary Bertram de-
scribed the case. I asked all particulars about it, and she describ-
ed to me from the morning that Mrs. Tierney took the tart. She
said in the morning Mrs. Tierney came down to breakfast. She had
some tart, and it tasted very bitter. She asked Mary Bertram and
Mr. Tierney to taste it. They tasted it, and it tasted bitter. Af-
ter that they felt nervous, as I understood from her description. ^{MS}

Miss Bertram and Mrs. Tierney did not like to be in the house, and
they went out. I do not remember how long they were out. When they
came back they took half a packet of salts each, and shortly after
and the loss of power of her limbs,
Miss Bertram complained of a giddiness, and she vomited. She said
Mrs. Tierney came to her assistance, and she appeared to get sick
at the time when she came to attend to her. I do not recollect her
saying anything else. During some conversation she said she usual-
ly vomited after taking warm salts. I do not recollect whether it
was at that time. I understood that they had taken warm salts that
day. I do not remember whether she said so. Miss Bertram remarked
that they had been talking of my own case. I was fish poisoned at
one time. She was describing the symptoms to Mrs. Tierney as I
understood. I understood they were nervous. I do not remember how

the conversation went on. There was no reference made to tea. At ~~h~~ that conversation she said she thought it was a good thing that she vomited. On Saturday the 20th. I was in the kitchen with Mrs. Grace and Miss Bertram. It was late on Saturday night, or early on Sunday morning: we were having a cup of tea. Miss Bertram prepared it. The remark was made was it advisable or safe to take the tea: I cannot remember the words exactly, but it was to that effect. I do not know what the person meant. We sat down to have the cup of tea at the fire, another lady and I, and Miss Bertram. ~~were there~~ were three cups of tea. Miss Bertram brought her cup of tea to the fire, and started crying. She was crying bitterly, and I tried to soothe her, but it seemed to have no effect. I do not remember her saying anything as to what caused her crying. We sat ~~there~~ for a short time, and she did not cease crying, so I took her up to her room in the big house. I had to assist her up. She seemed to have ~~power~~ lost the ~~power~~ of her limbs to a certain extent. She complained of a frightful headache, and a feeling of pins and needles in her feet. I gave her a hot stimulant: I do not know whether it was brandy or whiskey. She appeared to be cold and shivering. She said she was afraid she was getting like she was before. I understood her to mean the time after they had taken the ~~first~~ packet of ~~slats~~. I do not remember exactly what she said. She described walking as sliding along. She told me that before. She was bad about 20 minutes on the Saturday night. She expressed a wish to go into the big room. She was on the bed in one of the rooms. She said she was all right again. I think she said it was nervousness and that she was getting all right. She seemed distressed, and very weak, and very much upset. When she got to the big room I put her on a chair close to the fire with her feet ~~with her feet~~ ^{raised} rested up for a time. Then she lay down on the couch. She said she felt all right, if

(65)

if not at that time shortly after. I remember being with her in the pantry
verandah either late on the Saturday night, or Sunday morning. I
went with her to find the Epsom salts tin, to see if there was any
salts left in the tin. I have no idea who suggested it. We went in-
to the kitchen first. We did not look for the tin in the kitchen.
We went straight to the pantry. Mary Bertram went in before me. I
followed her. From appearances, she seemed to be looking for the
tin, and remarked at the same time how nice the tins were labelled,
how nice Mrs. Tierney kept everything. I looked along the tins. I
saw no label. I saw the white that I understood to be the label,
but I read no writing on the label. I just glanced along and took
no notice of what was in them. There was a light from the kitchen. A
door opened from the kitchen into the pantry. I did not look for
trusted the Epsom salts: the Epsom salts might have been there. I suggested
to her to find them. The tins were on a shelf in the pantry on
the right hand side as you go in. I did not notice any other shelf. I
cannot say how many tins were on the shelf: I should imagine there
were twelve, but it is a very rough guess. Those were the only
things I saw on the shelf. There could be other things on the
shelf. Miss Bertram went straight up to the shelf. She remarked
how nicely Mrs. Tierney kept everything, and about the labels be-
ing on the tins. She seemed to be looking for a tin, and said "I do
not see it". I said "Never mind Mary". I do not know how long she
was looking before she made the remark to me: it may have been a
few minutes.

To the Coroner - I do not think it would be five minutes. We went into
the pantry, and we went towards the shelf on the right hand side
as we went in. Mary Bertram went a little ahead of me. I stood for
a little just inside the door, and Mary Bertram passed the remark,
She seemed to be looking for a tin when she made the remark how nice
I just looked along the tins
nice Mrs. Tierney had kept everything, and with that Mary Bertram
said

said " I do not see it. This is where it was usually kept". I said "Never mind Mary: we will find it some other time" or words to that effect. I do not think it would occupy much longer than the time I have taken to tell it..

To the Jury - I suppose we went to look for the salts because of their making Mary Bertram sick before.

To Mr. Garnett - I do not know what the salts were wanted for. I think it was that we wanted to see if there was any salts in the tin.

To the Coroner - The last thing Mrs. Tierney had taken before she died was half a packet of salts, and that was the reason why I wanted to see the salts.

To the Jury - I do not think there is any difference between taking salts in warm or cold water. I do not know whether the warm salts would make anyone vomit. Salt and water does not have the same effect upon everybody. Speaking generally, I do not think Epsom salts would make people vomit. In the hospital the salts are ~~usu-~~ ^{usu-}ally prepared: it is not the usual salts. I have known Epsom salts ~~to~~ ^{to} ~~make~~ ^{to} make people sick.

To Mr. Garnett - Miss Bertram mentioned that they had dinner after returning from Natimuk. She said she had a light dinner. She mentioned they had afternoon-tea. She said the doctor gave Mrs. Tierney some ^{her} medicine, and told ^{her} when she got home to take ~~some~~ an aperient. I do not know whether any special aperient was prescribed, and according to orders, Mrs. Tierney took half a packet of salts. She mentioned that they looked for castor oil, and could not find any, so she decided to take the half packet of salts. She said Mrs. Tierney remarked when she was about ^{to} prepare the salts, how level it was ~~got~~ ^{cut}, you would wonder how anything could ~~fly~~ ⁶⁰ off. I understood her to say it was a half ~~packet~~ ⁶⁰ packet of salts that was left, that she had at Gymbowen, some of which had got into the water.

To the Coroner - Miss Bertram told me that night about the Gymbowen aff-
air.

To Mr. Garnett - She told me Mrs. Tierney told her there were crystals found in her water-bottle, in her room at Gymbowen on the night of the social, and that the water tasted very bitter, and there was half a packet of salts on the table at the time. On the Saturday she said to Mary Bertram that she had taken some should take some too, and Mary made the remark there was no use dividing the half packet of salts, it would be no good to either of them, and then Mrs. Tierney took the whole of the half packet. I understood Mary Bertram that it was twenty minutes to half an hour elapsed after the taking of the salts. I cannot say it whether it was before she felt the symptoms, or before she died. I might have remarked that the cause of death might be heart failure or hemorrhage of the brain. I think I did say so. I do not know whether it was to Miss Bertram or not. I do not remember Miss Bertram saying anything to me about the cause of death. I understood she met Mrs. Tierney on the way up from the stable, and helped her ^{up} on to the verandah. I had very little conversation with Mr. Tierney. I do not remember anything particular being said. He was there before Mrs. Tierney died. Miss Bertram told me she called for him. I understood he was down near the stable, or on his way up, I am not sure.

To the Coroner - I do not remember whether Mary Bertram told me whether she or Mrs. Tierney prepared the salts.

To Mr. Power - Miss Bertram and Mrs. Tierney were close friends I understand. I was not surprised to see Miss Bertram in a state of nervousness she was in that evening: it was only what I would expect. There was a row of tins on the shelf. The shelf would be perhaps the height of my eyes or perhaps not so high. The only light in the pantry was that which came in from the kitchen. (signed) Elena Breen.

Taken and sworn before me at Coroke
on Friday the fourteenth day of July 1905.

Arthur Eggerton Dungey on his oath
saith: I am a Sub Inspector of Police
and stationed at Horsham.

To Mr. Garnett - On the 27th. of May last I came to Goroke and commenced
an investigation into the circumstances connected with the death
of the late Mary Tierney. On that evening I saw Mary Bertram at
William Tierney's house at Springbank. I saw her the next day. I com-
menced ; a statement which I took down in writing on the 27th. and
continued it on ~~the~~ on subsequent dates which are given in the
statement which I now read and which is as follows:-

On the 27th. of May when taking her statement I asked Mary Bertram
(Miss Meehanis)

whether she had been in her room. She said "No". I said "Did you
see anyone else there or did you hear any rumour of any other ~~per-~~
son having been seen there that night". She said "No I never did"

On the 28th. when we came to that part of the statement where the
deceased is alleged to have said, in taking that half ~~packet~~ of salts
that was the remainder of the salts she had taken at Gymbowen, I ~~ask~~
asked Mary Bertram when she had discussed this matter, and she re-
plied that the deceased had told her on one occasion, in the pre-
sence of Miss Eleanor Meehan during the time that she was staying
with the Tierney's after the marriage. I said "Did the deceased
speak to you about it on any other occasion, discuss the Gymbowen
occasion." She said "No, she never did". I said "Did any other
person ever discuss the matter with you, or tell you about it". She
said "No. That was the only occasion on which I ever heard anything

about the matter of the poisoning at Gymbowen, until the deceased
was taking that half packet of salts on Saturday afternoon". She
subsequently gave reasons for not having told me that. That is in
the statement. ~~You~~ ^{She} said "I did not tell you this before". I ques-
tioned her about William Tierney. I said "Has there ever been any
affection between you. Have you ever been more than ordinary
friends". She said "No" she never had. I said "Have you ever been
improperly intimate with him" She said "No". I said "You thoroughly
understand what I mean. Have you ever cohabited with him?" She said
"No, I have not". I said "Or with any other person". She said "No
""Or with any other person?" She said "No, I never did". I said
I never did". I said "Not with anybody". She said "No". She said,

to the best of my belief, that she saw Mrs. Tierney throw some of

~~salt~~ ^{toad} the poisoned ~~salt~~ out into the garden near the hedge, and said "We
must be careful. We must not let any ~~eat~~ ^{the} ~~thin~~ ^{thin} ~~is~~ ^{is} ~~labou~~ ^{WILLIAM}
of the things about get it. Something might get poisoned" and it

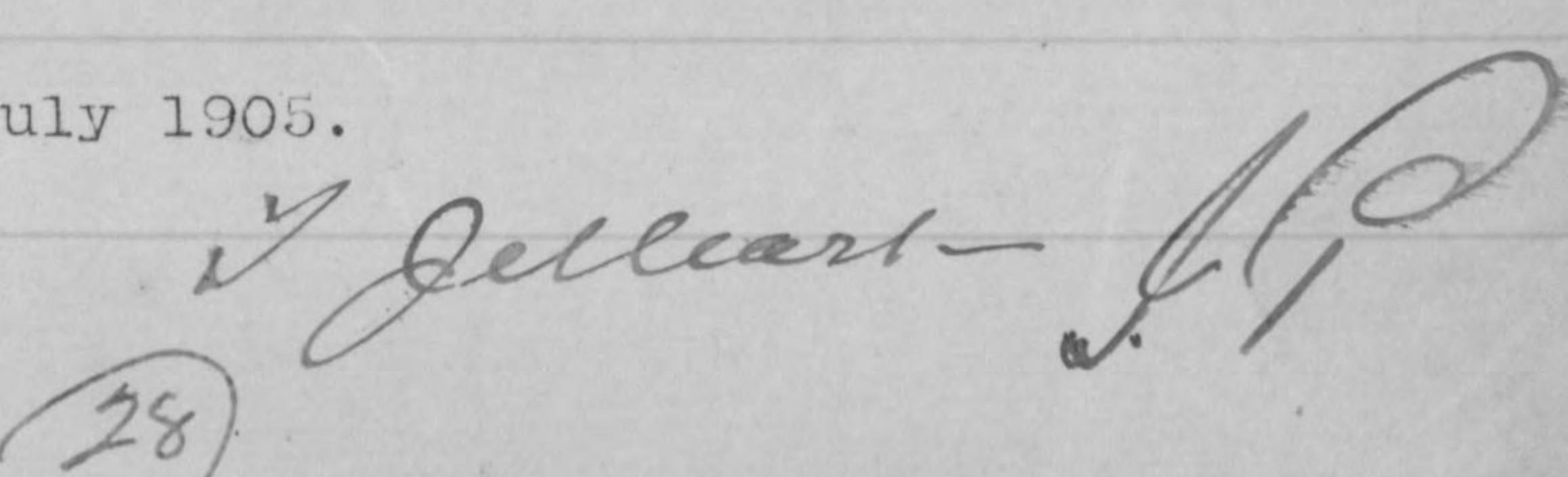
was thrown into the garden, and towards the tank, towards the south-west corner. The tank is opposite the kitchen. It was thrown between the tank and the opposite fence. The tank was between where it lay and the kitchen. On the 3rd. of June William Tierney handed me this bottle and contents (exhibit L.) It was in an open box, ^{on his} ~~Theravina~~ dresser in his bachelor's room. I sealed it up, and William Tierney signed one side, and constable Dunham the other. I kept it in my possession. The seals have never been broken. I believe it was the next day I saw some tea leaves out in the grass, beyond the tank, a little towards the back end of the yard. They had the appearance of having been there for sometime. I put them in a bottle, sealed them up, and delivered both the salts, and that bottle, and two aprons, that I received from the Miss Meehans (K), ["] to an assistant of Mr. Wilkinson. There were some stains on the aprons. They had only been half-washed, and I thought it possible that during the time they were sick, something might have come up, and be on the aprons. Nothing was found on the aprons. No one indicated to me where I would find the tea leaves. I just happened on them there, and I took them. I do not know whether they were used on that Friday or not.

To Mr. Power - Mrs. Buffham found the salt-i- tart in the hedge. That ~~was~~ was found near the kitchen door. It was early in the week when the tart was found. I did not appear on the scene until the 27th.



Taken and sworn before me at Goroke

on Thursday the Thirteenth day of July 1905.



(28)

Patrick Rockford on his oath saith:-
I saw a farmer residing at Kooriuk Kooriuk

To Mr. Garnett - I recollect Friday the 19th. of May. I called at Mr.

Tierney's house on that day. Mary Bertram gave me my dinner that

*I had dinner
pay back
got it ready*
day. I put my horse in the stable, and went to the house. I had a

conversation with Mary Bertram. She supplied me with my dinner.

That was about the drift of the conversation. She did not say a word about ~~Wall~~ Tierney was. I asked her where Tierney and Russell

were: she said they were out with the ponies. I said were they going

out for a drive. She said she did not know. Tierney came into

the kitchen after awhile. He said his wife was not so well as she

was the day ~~before~~ when I called there. He did not tell me what

was the matter with her. I said "She must have got a cold". He

it

said he did not look like it, that she was twitching or something

to that effect. He said something like "snapping" or something like

that. I saw her, at the time she was going away to the doctor, get-

ting into the buggy. I did not help her in. Mr. Tierney helped her

in to the buggy. I held the reins while he went to get a rug. She

was not able to get into the trap by herself. After he went for the

buggy rug she said "Is it not extraordinary what happened to me"

I said "Yes. Have you any pain". She said "No but I seem like paral-

ysed from the knees down". She said she had no pain. I saw them

start off for Natimuk.

To the Jury - Mary Bertram was not by when I held the horses. After a

time she came out to get into the buggy, to go away with them. She

did not mention anything about going to Natimuk. When ~~I~~ was having

my dinner I said something about going for a drive. She said she

did not know. She did not say a word about the illness. She seem-

ed in her usual health.

To Mr. Grano - Tierney made some remark that his wife was twitching or something like that. I understood from what he said that he mentioned snapping, I mean a sort of convulsion.

John Tierney

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

John Tierney J.P.

Norman Russell Bertram on his oath
saith: I am a labourer on the employ of
William Tierney at Spring Bank

To Mr. Garnett - I lived with Mr. Tierney this year. I do not know when I went to live there: it was sometime in April I think. He was married at that time. Besides Mr. and Mrs. Tierney my sister Mary was living there. There was no one else there. I occupied a room off the kitchen. It was separated from the kitchen by a partition seven or eight feet high. I remember Thursday evening the 18th. of May. There were some friends came to see Mr. Tierney that night. There were Mr. Neeson and Mr. Riley. They had supper that night. I think it was a moonlight night. I slept in my own room that night. I went to bed about Ten o'clock. I did not go into the kitchen before I went to bed. I awakened in the middle of the night. A row in the kitchen woke me. It was a noise like some crockery falling. I looked at the clock to see what time it was. I struck a match. I did not try to find out what caused the noise. I thought it was a cat or something. I told Mr. Tierney what I heard in the night. I told him I heard a row, and I did not know what it was. I thought he might have been down in the night or something. I thought it was someone from the house, and it might have been him coming down for something. I got up at Five o'clock. I went down and fed my horses. I had breakfast after I had fed the horses. I went into the kitchen as soon as I fed the horses. The kitchen door was open.

To the Coroner - The bedroom does not open into the kitchen: it opens into the outside.

To Mr. Garnett - The partition was not low enough for me to look over.

The bed was up against the partition. I would have to climb up. It is eight feet high. It is an unusual thing for the kitchen door to

be open. I never knew it to be open before. When I went into the kitchen I saw two tarts on the floor, and a jug with the handle broken off, and a piece out of the side. It was a white jug. There was no wet on the floor. I did not notice whether the jug was close to the tarts. The tarts were not broken. I did not notice whether they were right side up or not. They were covered up turn-overs. I would not know the right side from the wrong side. There is a cupboard there. There are four doors to it. There are either two or three shelves, I am not sure which. I do not know how high the bottom shelf ~~is~~ is from the ground: I should think it was about two feet. There are two sets of folding doors. When I went in all the doors were wide open. I put the tarts and the jug back into the cupboard. The jug was not badly broken. The handle was broken off and a piece out of the side. I did not notice anything disarranged in the cupboard. The other things appeared all right. I think there was some meat in the cupboard, but I cannot say positively. I had breakfast then. The jug and tarts were about a yard away from the cupboard. There is a dog about the place. He was not at home that night. I do not know where he was. I do not know when he came back. I saw him two days after that. My breakfast was ready ~~and~~ laid ~~for~~ for me. I had not to get anything out of the cupboard. No one came down to the kitchen while I was there. After I had had breakfast I harnessed my plough horses. I saw Mr. Tierney that morning a little before sunrise, or about sunrise. He came down to where I was fixing the chains on the plough, to go to work, at the stable. He remained there while I was putting the horses in the plough. We then went down to a little paddock to plough. He left me about Nine o'clock. He did not say where he was going. He went towards the house. He was not away long. He came back between Ten and Eleven.

When he came back he asked me did I eat any tarts, did I have any tarts for my breakfast. I said "No". He said it was bitter. I never told

D told him I heard the row until dinner time. I did not tell him any
thing then. I do not remember what I said when he said the tart was
bitter. I remember seeing Mrs. Tierney and Mary Bertram that morning
down the paddock while I was ploughing. Mr. Tierney was there. We
were all together. I did not hear them say anything. I just said how
cold it was. They did not remain long talking to Mr. Tierney. They
went down to look at a patch of grass that was growing in the pad-
dock. I next saw them at dinner time about Twelve o'clock. I had din-
ner by myself. I saw them after I had my dinner. Mrs. Tierney came
out to go to Natimuk. The ponies were in the trap before I saw Mrs.
Tierney. I went out to get the ponies. I went by myself. Mrs. Tier-
ney did not appear well. She could hardly walk to the buggy. I was
not there when she got into the trap. Mr. Tierney came in when I
went into dinner. He said "Our cooks are bad". He said "I do not
know what is wrong with them". He told me to have my dinner. He
said they had some tarts, and when he came in I do not know whe-
ther he said Mrs. Tierney or "they" were eating some tarts, and she
said "Oh ~~they~~ Will, they are terrible bitter". He said he tasted them
and they were terrible bitter. He told me to get the ponies, and if
they were not better he would ~~not~~ drive them to Natimuk. I saw them
drive away, Mr. Tierney and Mrs. Tierney, and my sister Mary were
in the trap. They came back about One o'clock. They appeared well
then. They were just the same as they always were. I was joking
with them that they only wanted a holiday going to Natimuk, that
they were only gammoning to be sick. Mrs. Tierney said she was wor-
rying when she was away whether I would eat the tarts or not. I had
some tea when they were away. I made it myself. It was all right; ~~there~~
there was nothing wrong with it. I did not take any of the tarts. We
all dined together on Saturday. We had cold meat, some cake and
bread and butter for dinner. We were none the worse for that. After
dinner

dinner I went out to plough. Mr. Tierney went with me. We went out about two miles. We came back about Five o'clock or half-past Five. I did not see either Mrs. Tierney or Miss Mary Bertram when I came back. Mr. Tierney did not come back with me: he went across the paddock. I saw him when I came home, at the stable. He ~~told~~ gave me a knife to go and skin a sheep, dead up the paddock. He said he would look after the horses. I went, and came back just about scundown, or a little before dusk. When I was passing the house I heard Mrs. Tierney say "Oh Will hold my feet together". The voice came out of the big house. I hung up the skin of the sheep, and went to my own room. I had a wash. I saw my sister. She came round and told me to run for Bailey, that Mrs. Tierney was dying. That would be just before dusk. I went to the Bailey's. I saw Mr. and Mrs. Bailey, and Mary Bailey. They came over. I came with Mr. and Mrs. Bailey. I went up to the house on ~~to~~ the vernadah. I saw Mrs. Tierney. I could not say whether she was dead: I think she was: she looked to be dead. My sister was there. She was standing crying.

To the Jury - I caught the ponies by myself, but my sister stopped one from

N.J. ~~ef-them-~~ galloping away. I put them in the buggy by myself.

To the Coroner When I saw the jug on the floor I had the lamp alight.

I never noticed whether the tarts were right side up, or wrong side up. They were covered over with pastry. There was pastry on both sides. The fruit was in between the pastry. They were not on the plates.

N.J. To the Jury - I did not hear any ~~fisticuffs~~ footsteps when I heard the noise in the kitchen. I did not remain awake long after I struck the light.

Norman Russell Bertram

Taken and sworn before me at Goroke on

Thursday the Thirteenth day of July 1905.

46 *V. Jellear, J.P.*

James Neeson on his oath saith: I am
a ^{farmer} ~~Georgian~~ residing at Nareen

To Mr. Garnett - I knew the deceased Mrs. Tierney. I recollect Saturday the 18th. of May. I went to Tierney's to tea. There were some tarts at tea. I ate two pieces of tart. There was only one tart on the table. That I could swear to. It was a brown tart, a crispy colour, and had jam in between the paste on each side. Mrs. Tierney had some from the same tart. The tart was good and sound. I did not feel any the worse for it. I left somewhere between Nine and Ten o'clock that night. Mr. Riley went with me.

To the Coroner - It could be possible for the tarts to fall out of the safe without breaking. I tried it myself, and it did not break. It just shook it a little. I could tell the top from the bottom of one of those tarts in daylight if they were lying on the floor. I ~~and~~ could tell the top from the bottom if it was light enough.

James Neeson

Taken and sworn before me at Goroake on

Thursday the Thirteenth day of July 1905.

J. Bellart J.P.

Hannah Maria Bailey on her oath saith.
I am the wife of George Bailey and reside
with him at Spring Bank.

To Mr. Garnett - I knew the deceased. I had known her for many years. She
had a very kind ~~charitable~~ ^{cheerful} disposition. She was a general favourite. She lived about a quarter of a mile from our place. I recollect Saturday the 20th. of May. I know Norman Russell Bertram. He came to my place on that evening about Seven o'clock. He said "Mrs. Bailey". I said "What, Russell". He said "Come quickly, Mrs. Tierney is dying". My husband and I went over. My daughter did not go over then: she came over afterwards. We saw Mrs. Tierney lying on the verandah. She was dead. Mr. Tierney and Miss Bertram were on the verandah. Mr. Tierney had hold of Mrs. Tierney. He was down on the verandah with his arm underneath her head. She was lying full length on the verandah. She was lying perfectly straight. She looked a bit stiff. Her hands were not straight like her legs were. They were slightly clenched. Miss Bertram was standing ~~up~~ crying. I helped to carry Mrs. Tierney into the bedroom ^a ~~in~~ short time after. Miss Bertram was able to help lift her into the room. I could not say whether she fainted. I was not paying much attention to her. I was doing what I could for Mrs. Tierney. I could not think she was dead, and I was loosening her clothes, and doing what I could. I do not remember whether Miss Bertram came into the room where Mrs. Tierney was. My husband remarked that Mary was fainting, or something like that. He caught hold of her and held her. That is all I saw. Mr. Tierney appeared very much put out. When my husband was going away to fetch nurse Ryan to send away telegrams, I asked what about sending a wire for the doctor. Mr. Tierney said "Yes" and then afterwards he said no there was no occasion for sending for the doctor.

doctor. He did not give any reason. I said I did not mean for the doctor, but to let the doctor know Mrs. Tierney was dead. I do not remember his making any answer to that. My husband went away to get nurse Ryan. She came back with him. He was also going to send telegrams to Mr. Tierney's relatives. I heard that mentioned at the time. I was at the social at Gymbowen on the 24th. of February. I saw Mary Bertram there, and the deceased. I was speaking to the deceased. She came up towards me and said "There has something happened to me. I think I am poisoned". I should think that would be about Nine o'clock. I said "What do you mean". She said "I went across to my room and picked up the water bottle to take a drink out of it. I would not bother to put it into a tumbler, and as soon as I tasted it it tasted bitter and I spat it out, and Mrs. Maybery said it tasted bitter too". She said it tasted bitter, and she held the bottle up, and she said "I could see white things like salt floating on the top". I asked her what she did with the contents of the bottle. I do not know whether she said "We" or "I" tumbled it out. I was not at the hotel at Gymbowen that night. I recollect Friday the 19th. of May. About Ten o'clock in the morning I saw Mary Bertram and Mrs. Tierney talking to Mr. Tierney and Russell Bertram in one of the paddocks. Shortly after I saw deceased and Mary Bertram looking at some marram grass in Tierney's place. I saw Tierney and Russell going home at Twelve o'clock. That night I saw Russell Bertram in my kitchen about Eight o'clock. He said that Mrs. Tierney was sick and had gone to Natimuk to the doctor. I said "Sick and gone to the doctor: what is wrong, Russell". He said he did not know what was wrong. I was in Tierney's place on Saturday evening the 20th. of May. I saw Mary Bertram there. I was talking to her about Mrs. Tierney. I asked her what had happened to her, what was the cause of it. She spoke about ^{how} she complained. She said she threw herself across the bed and said "Oh Mary I am dying. Before that I said

said "Whatever could have happened for I saw you and Mrs. Tierney walking across the paddock this morning talking to Mr. Tierney, and then up to the marram grass". Miss Mary Bertram said "Yes, we were both sick then" and they came out for fresh air, to see if it would do them any good, and to tell Mr. Tierney that they were sick. She said when they were going home Mrs. Tierney said "We are not walking only creeping home", and Miss Bertram showed me how they went. She did not say anything about their having no power in their legs. She said when they got home they felt as if they could hardly step up onto the verandah. When Mrs. Tierney said "I am dying" Mary said she would go for Mr. Tierney, and Mrs. Tierney said "Do not leave me Mary. Miss Bertram said she ~~would not~~^{went} and called Mr. Tierney, because she felt how dreadful it would be to be alone with her when she died. Mr. Tierney came. When he arrived, Miss Tierney said Bertram said Mr. Tierney said "I am so glad I am with you". She said "Oh yes Will. You are always with me when I want you. She recovered a little after Mr. Tierney arrived, and said "Do not be alarmed when I call out or scream out for I am not so bad as you think I am". I said "What did she say then Mary. Did she say any more" She ~~said~~^{said} "She said 'Oh God have mercy on me'" and asked to be taken out into the fresh air. I took her out onto the verandah and that was the last words that Mrs. Tierney spoke."

Hannah Barley,

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

I Jeelhart - J.P.

Mary Maria Bailey on her oath saith:-
I am the daughter of George Bailey and
reside with him at Springbank.

To Mr. Garnett - I recollect the 19th. of May. Russell Bertram came to our place. I was speaking to him. He said in the kitchen, when my brothers and I were there, that he was all alone. I said "Where are the others". He said "Mrs. Tierney is sick and gone to the doctor". I said "What is the matter with her" He said "I do not know". With that I opened the door adjoining the kitchen, and said "Mother Mrs. Tierney is sick and gone to the doctor". On Saturday evening I went thereafter father and mother had gone. Mrs. Tierney was lying on the verandah, dead. Mr. Tierney was lying down with his arm ^{had} under Mrs. Tierney's head, and ~~had~~ hold of her by the hand. Mother was also there ~~then~~ on her knees, and holding her other hand. Mr. Tierney was very distressed. Miss Bertram seemed very distressed too. She was standing crying. I helped to carry the deceased into the bedroom. I held the pillow under her head.

To the Jury - I asked Miss Bertram was there anything I could do. She said "No, Mary" I asked her what had come over Mrs. Tierney. She said she did not know. and she said "She was so jolly to-day". I did not stay very long, because my younger brothers were at home.

Taken and sworn before me at Goroke on

M. M. Bailey

Thursday the Thirteenth day of July 1905.

Jellears P.D.

George Bailey on his oath saith: -
I am a farmer residing at Springbank.

To Mr. Garnett - I knew the deceased well. She was a very cheerful and kind to everybody, not depressed. I remember Russell Bertram coming to my place on the 20th. of May. He said to my wife and daughter in the kitchen that Mrs. Tierney was dying. I went over at once; I ran all the way. That would be about Six o'clock. I live about a quarter of a mile from Tierney. I am his nearest neighbour. When I went there I saw the deceased lying on the front verandah. Mr. Tierney was one side and Miss Bertram on the other. I said "What is the matter". He said "My poor wife is dead". I said "Never". He said "Yes, she ~~has~~ been dead about three minutes". He had one arm under her head supporting it, holding her hand. Then I said to Miss Bertram "Get up Mary". She said "I cannot. I have not the use of my legs". I lifted her up, and she fainted in my arms. She was two or three minutes in the faint. When she came to she seemed all right then, and able to walk about. This inability to stand seemed to arise from the feeling of faintness. She seemed to me all right afterwards. I said to Mr. Tierney "You will have to get ~~some~~body to come into the house" as I did not think my wife was strong enough. I said to Mr. Tierney "What about sending to the doctor to let him know she is dead". He said "I do not think there is any occasion for that. We only came from there this morning". He said he wanted to send two wires away, one to Happy Valley to deceased's mother, and the other to Harrow to the deceased's sister. I went down to Mr. Knight and told him, and he sent them. He is the postmaster.

B *dictated* — To the Jury That was about Seven or a quarter ^{to} past Seven.

To Mr. Garnett - The only words Miss Bertram said were that she did not feel the use of her ~~legs~~ limbs. I saw her later on in the evening. She seemed to be greatly distressed, at times crying. Tierney

told me his wife was down helping to put the ponies through the gate. He was feeding the horses, and when he was sent for she was dying. When she was at the stables he said she went up to the house. He did not say who went with her. No mention was made of Mary Bertram. I know Tierney well. He used to be backwards and forwards to my house. I never said anything to him about paying too much attention to my daughter. I was at Gymbowen on the night of the social. I was in the bar of the Gymbowen Hotel. I was not in any other part of the hotel that night. I know now where the deceased's room was, I did not go into that room that night. I was never near any part of the building except the bar. I did not have my hand on the handle of the door, attempting to go in. I am not called "Mac" by the public, only by one man in the district: that is Mr. Reeves, the man who was working for Mr. Tierney. If anyone said the deceased saw me at her door on the night of the social, it is a deliberate lie. ~~the~~ There is no truth in it at all. I am sure the deceased would not say that. It is false to say that she said so.

To Mr. Power - I was doorkeeper at the hall on the night of the social. The hall is about a chain, or a chain and a half, from the hotel. I only went to the bar twice that night after I left the door. If anybody said I had been outside the door of the room in the hotel that night, and turned the handle it is a deliberate lie. Mr. Dungey told me that somebody was going to say that. He told me that Miss Bertram said Mr. Tierney had told her I was up the hotel passage ~~the~~ that night. I told him straight out it was a deliberate lie. I know I was not there. Dungey told me distinctly Mary Bertram said I was at the door of the deceased's room that night, that the deceased saw me at her door. The door opens on to the passage. I know about the talk about poisoning the water bottle that night. Either after we got home that night, or next morning, my wife told me about it, I would

would not swear which I could not say when I first heard about the deceased saying I was there. I never heard about it until Mr. Dun-
gey told me. I will say distinctly that I was never further into the hotel than the bar. I am certain of that. I have known Mr. ^{Koonie} Tierney about 20 years. I knew him when he lived at ^{Koonie} Koonie. I have been living in the same place all the time. He was then about one mile, or a mile and a quarter from me. I have a grown-up daughter-
she is 19 years old. I have not heard it discussed as to what girl ^{is} Billy Tierney was going after now. I have heard it discussed as to who he was going to marry, that he was going to marry the deceased. I first heard that about two years ago. It has been common property through the neighbourhood that Tierney was courting Miss Meehan, I know Miss Bertram. I never heard a word about her having anybody. I never heard that she had a boy of her own. Tierney and Miss Meehan were recognised publicly as an engaged couple. I never saw any indications of an attachment on Miss Bertram's part to Tierney. Mrs. Tierney and Mary Bertram seemed always to be the best of friends. On the evening of Mrs. Tierney's death Miss Bertram fainted in my arms.

George Bailey

Taken and sworn before me on ⁷⁷ at Goroake on Friday the Fourteenth day of July 1905.

J. Delcart P.D.

(54)

Amelia Maybery on her oath saith
I am a married woman, residing with
~~Franklin Thompson Marshall~~
my husband.
~~Franklin~~

To Mr. Garnett - I am the licensee of the Gymbowen Hotel. I recollect Friday the 24th. of February last. There was a social at Gymbowen. I saw the deceased that day. She boarded with me. She came to me in the kitchen and said "Oh, Mrs. Maybery I am poisoned!". That was about half-past Eight in the evening. I was sitting down, and I jumped up and said "Nonsense Miss Meehan: you cannot be poisoned". She asked my daughter if she had filled the water bottle that day, and she replied "No". The deceased was in the habit of filling her own water bottle, as she would get the water fresh herself when she wanted it. She went and brought the water bottle, and asked me to taste it. I did so, and it was very bitter. Olive, my daughter tasted it also. She did not make any remark. I suggested she might have spilled tooth-powder or salts into it. She had half a packet of salts alongside of it. She had been taking salts on the previous Monday. The salts had been there three or four days. I had seen it there. I had not seen it there before Monday. She had taken half the packet on Monday, and left the remainder there. It had been lying on the wash-stand ever since. She said no she had not upset the salts. There was something white floating in the water in the bottle. I noticed it when she brought the bottle out. The white stuff looked something like a powder. The water was the bitterest thing I ever tasted. She was in the habit of taking salts once a month.

To the Jury - I think the water was a lot bitterer than salts. Soon after I went into my own room and got some salts and tasted it.

To Mr. Garnett - I do not know what she kept the salts in. I did not see any there. She had some salts on the dressing-table in a paper bag in a packet. She never took more than half a packet at a time

time to my knowledge .I could not say what the powder on the top of the water looked like.I suggested it might be tooth-powder or salts.

To the Jury - Mrs. Tierney always mixed the salts for herself.

To Mr. Garnett - She knew it was not tooth-powder, that she did not use it. She used tooth-paste. She gave the half packet of salts that was on the table to my daughter on the Monday morning. She brought them out and put them on the kitchen table and I threw them in the fire. I did not see Miss Bertram at the hotel that night.

To the Jury - I do not know the appearance of strychnine. I think I would know it from salts if I saw it. The bottle and glass produced are the ones (10).

To Mr. Power - There was a social that evening in Gymbowen. I think they started about Nine o'clock. The matter of the water bottle happened about half-past Eight. I did not see Miss Bertram at all in the house that night. I do not remember when Tierney came down. I did not see him. I could not say whether Miss Meehan told me about the water bottle before Tierney and Miss Bertram came to the house. I do not remember Mr. Tierney asking me that. Miss Meehan was backwards and forwards all the evening between the hall and the hotel.

Amelia Mayhew

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

V. Jellman A. M. P.

(56)