

95 - 1 - 272  
190 2

PROCEEDINGS of INQUEST  
held upon the body of

Robert Swan

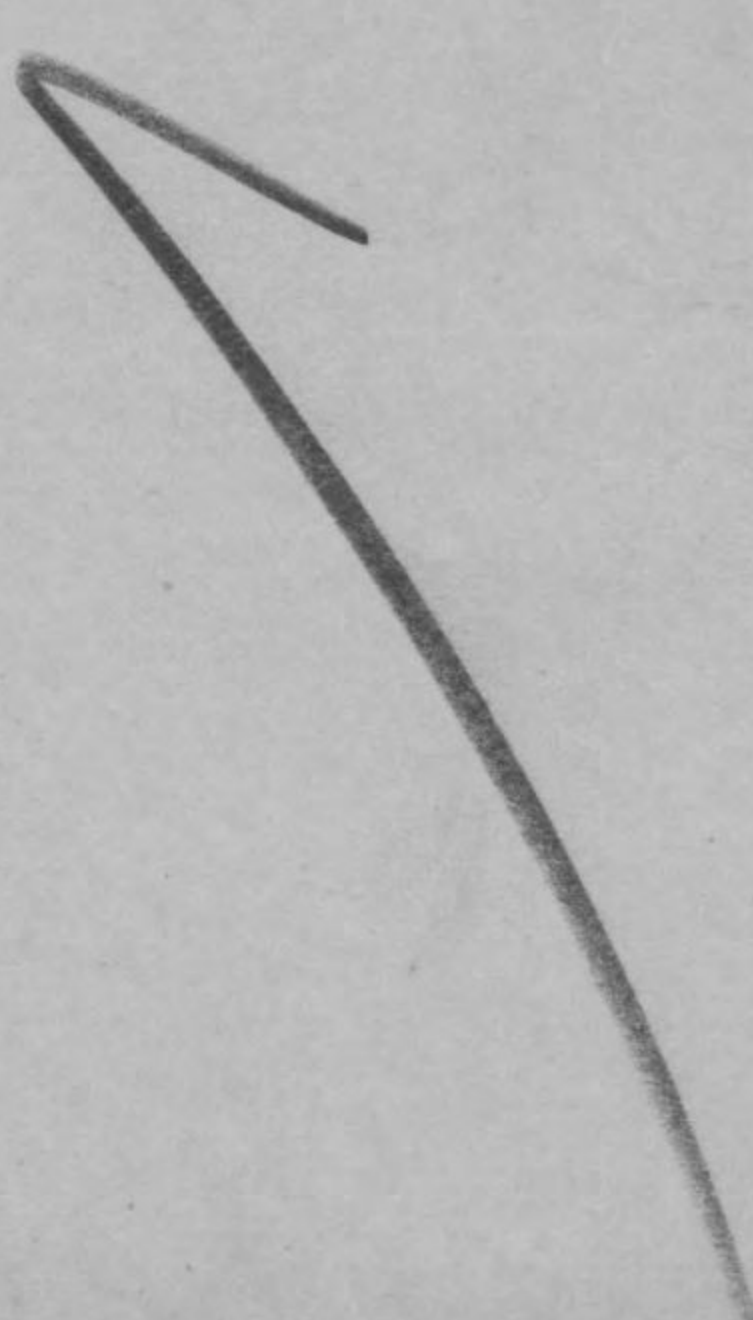
and

at Henry Birch

Barra

Received at the Crown Law Offices,

31 1 190 6



A. E. Warner  
Promoter.

## MAGISTERIAL INQUIRY.

VICTORIA,  
*Eastern* BAILLWICK,  
 To wit.

*Lord the King*

A MAGISTERIAL INQUIRY on behalf of Our Sovereign ~~Lady the Queen~~  
 taken at *Toora* in the *Eastern*  
 Bailiwick of Victoria, this *25<sup>th</sup>* day of *January*  
*nine hundred and six*  
 in the year of our Lord One thousand ~~eight hundred and ninety-~~ before  
 the undersigned *William Edward Warner* Esquire, one of  
~~His~~ Her Majesty's Justices of the Peace in and for the said Bailiwick, upon view of  
 the bodies of *Robert Swan and Henry Crisp*  
 then and there lying dead.

Having duly inquired when, where, how, and by what means the said  
*Robert Swan and Henry Crisp* came by ~~their~~  
 death, I say that the said *Robert Swan and Henry Crisp*  
 died at *Woorarra* in the said  
*Eastern* Bailiwick on the *23<sup>rd</sup>* day of *January* 189*6*  
 from *Suffocation*

As witness my hand this *25<sup>th</sup>*  
 day of *January* 189*6*  
*W. E. Warner J.P.*

CORONER'S INQUEST.

VICTORIA, TO WIT.

This Deponent\*

Ernest Henry Burr

on his oath saith, I am a

Labourer

residing at

Woodarra

\* Christian and Surname in full

I remember the 24<sup>th</sup> inst. I last saw the two Deceased alive on the 23<sup>rd</sup> inst. I viewed both bodies and identify them as Henry Crisp and Robert Swan. I was working with them cutting scrub for Mr. Hans Peterson. Swan had a contract from Peterson cutting scrub I was working for Swan. A Bush fire started at 11 a.m. coming from the West. Mr. Peterson left us and went to Charlie Reddicks to tell him the fire was coming towards them. I went to assist Swan and Crisp to save Swans house about 200 yards distant. I said it is very foolish to try and save the house it is too risky they both said they would go. Crisp said "I will stick to you". The last words Swan said we will die together if the fire should overtake us. I went saw no more of them that night. Next morning James Messner and I went to look for Swan & Crisp at 6 a.m. I found both Swan and Crisp lying Swan face downwards and Crisp on his back about one yard apart. I then went to Charlie Reddicks and told him. I said the best thing to do is to come in to Toora and

Taken and Sworn before me the 25<sup>th</sup> day

of January 1906

at Toora

W. E. Warner J.P.

Coroner.

Ernest Henry Burr

*Continued*

CORONER'S INQUEST.

VICTORIA, TO WIT.

This Deponent\* *Ernest Henry Burr*

on his oath saith, I am a *Labourer*

residing at *Woorarra*

\* Christian and Surname in full

and inform the Police "I did so". In my opinion they both died from heat and suffocation with the Bush fires. Both Swan and Crisp were in good health, the day of the fire. I was working with <sup>them</sup> that day. I was working for Swan cutting scrub on Hans Petersens land at *£7* per day, and I have about *£5* coming to me from Swan. I have received no money since I started work.

*Ernest Henry Burr*

Taken and Sworn before me the *25<sup>th</sup>* day  
of *January* 190*6* at *Toosa*  
*W. E. Warner J.P.*  
Coroner.

CORONER'S INQUEST.

VICTORIA, TO WIT.

This Deponent\*

James Messney

on h<sup>is</sup> oath saith, I am a

Labourer

residing at

Woorarra

\* Christian and Surname in full

I remember the 24<sup>th</sup> inst. I was with Mr Ernest Burr. I said I cant see Swan and Crisp where are they. He said there they are pointing to where they were lying dead. We went to Mr Charles Reddicks house, I then left Burr and went to Mr Petersons, and from there I went and put sheets over the dead men and waited to see what could be done, Mr Selzer came up and asked me to assist <sup>him</sup> to carry the men to Toora. I assisted him and conveyed the bodies to Toora and arrived at 7.30pm. and informed the Police. The two deceased were in good health I was talking to Swan on the 22<sup>nd</sup> inst. In my opinion both were suffocated in the fire and smoke. There was no hope whatever of them escaping through the fire. Swan had a contract from Hans Peterson scrub cutting. for £45. the job would be completed in 4 days. Mr Peterson told me last week that he paid £30 into the Bank at Toora for Mr Swan, Mr Swan ~~is~~ owes me no money and I am a disinterested party.

Taken and Sworn before me the 25<sup>th</sup> day

of January 1906 at Toora

W. L. Warner J.P.

Coroner.

James Messney

CORONER'S INQUEST.

VICTORIA, TO WIT.

This Deponent\* Hans Petersen

on his oath saith, I am a Crazier

residing at Woorarra

\* Christian and Surname in full

I remember the 24<sup>th</sup> inst I was at Woorarra. Robert Swan and Henry Crisp were scrub cutting for me they had a contract, I last saw them alive at about 11 a.m. on the 23<sup>rd</sup> inst. I said we will go to Charlie Reddicks to see if they were safe, as they were adjoining our scrub. I went to Reddicks and found everything safe. Before I came back to my house I found my scrub on fire, next morning the 24<sup>th</sup> inst I sent Messerey and Burr to look for Swan and Crisp. They found the two bodies they said both were dead I sent Burr to Toora to inform the police. I assisted to carry the bodies to the road. They were there conveyed to Toora. In my opinion they were both suffocated in the fire and smoke. They were strong healthy men. In my opinion no man could get out alive. Swan had a contract from me cutting scrub - £40. for the lot about 50 acres. He Swan has drawn £35 - 3 - 11 on the contract I paid Swan £35 3 11 in cheques altogether. I thought Swan and Crisp was burnt when I sent Burr and Messerey to look for them.

Taken and Sworn before me the 25<sup>th</sup> day

of January 1906 at Toora

W. E. Warner J.P.  
Coroner.

Hans Petersen

CORONER'S INQUEST.

VICTORIA, TO WIT.

This Deponent\*

Thomas Cappill

on his oath saith, I am a Labourer

residing at Woorarra

\* Christian and Surname in full

I remember the 24<sup>th</sup> inst I was at Woorarra. I am working for William Cope at Woorarra, on the 24<sup>th</sup> I went to Herbert Reddicks and I saw Mrs Reddick and said Swan and Crisp are burnt in the bush fires at Hans Petersons, I went to Petersons and carried two stretchers to convey the Bodies to Toora, Messner and Selzer assisted me also Hans Petersons assisted and conveyed them to Toora. When we got to the bodies of Swan and Crisp we found them covered with salvanized iron and a sheet. In my opinion there was no hope of any man escaping through the fire and smoke as there was 50 acres of cut scrub all round Henry Crisp is my Brother in Law his age is about 26 years. He was working on wages for Robert Swan on Hans Petersons Land.

Thomas Cappill

Taken and Sworn before me the 25<sup>th</sup> day  
of January 1906 at Toora  
W. E. Warner J.P.  
Coroner.

## CORONER'S INQUEST.

VICTORIA, TO WIT.

\* Christian and  
Surname in  
full

This Deponent\* Francis Joseph Arthur Selzer  
 on his oath saith, I am a Labourer  
 residing at Woorarra

I remember the 24<sup>th</sup> inst. I viewed the  
 bodies and identify them as the bodies  
 of Robert Swan and Henry Crisp  
~~I last saw them alive.~~ I came to  
 Toora on the 24<sup>th</sup> inst I met Ernest  
 Henry Burr on the road and he told  
 me he could "not see," and asked me to  
 convey the bodies of Swan and Crisp  
 to Toora. I did so, at about 11.30  
 a.m. I saw the bush fire raving  
 coming from the West towards  
 Hans Petersons. It swept through  
 Petersons to Binjivarrri a of  
 5 miles. When I found Bob Swan  
 he was lying face downwards  
 and Henry Crisp on his back, they  
 were both dead. In my opinion  
 no man could get out alive  
 as there was cut scrub and  
 fire and smoke all round.  
 I know both Burr and Messney they  
 are both hard working and respectable  
 men.

Francis Joseph Arthur  
 Selzer

Taken and Sworn before me the 25<sup>th</sup> day  
 of January 1906 at Toora  
W. E. Warner J.P.  
 Coroner.

Name of Witness.

Statement.

John Hall  
M.C. 279.

On his Oath Saith I am a mounted  
Constable stationed at Toora I remember  
the 24<sup>th</sup> January Ernest Newry Burr  
came to Toora and reported that  
Robert Swan & Henry Crisp had been  
buried in a bush fire at <sup>Woorarra</sup> ~~Benin~~  
and that they were being conveyed  
to Toora. I examined the bodies  
and found them charred, and  
assisted to coffin them. They were  
both suffocated in a bush fire

John Hall M.C. 279

Taken and sworn before me  
the 25<sup>th</sup> day of January 1906  
at Toora.

W. G. Warner: J.P. Coroner