

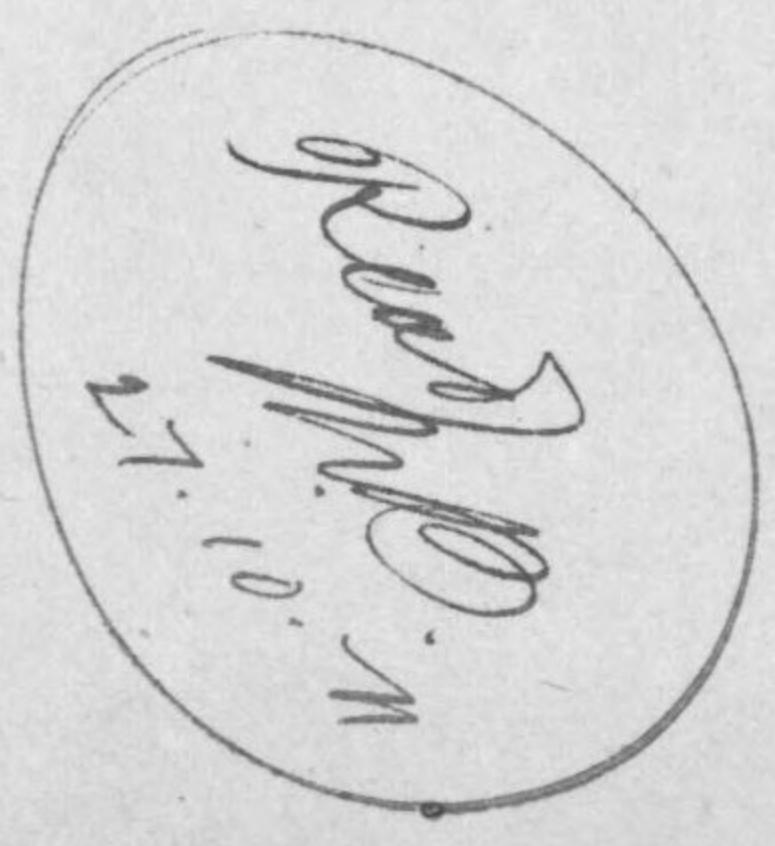
555
Killen October 24 1871

PROCEEDINGS of INQUEST
held upon the body of

Martin Fitzpatrick

at
Rutherford

Received at the Crown Law Offices,
October 24th 1871



R. J. Parker

Deputy Coroner.

PROCEEDINGS BEFORE CORONERS.

No. 64.
[Stereo.]

INQUISITION.

TO WIT. {

A N Inquisition for our Sovereign Lady Queen Victoria, taken at Rutherglen
at the Jury Hotel — in
the Colony of Victoria — aforesaid,
the Twenty-fourth day of October A.D. 1861, in
the Thirtieth year of the Reign of our said Lady the Queen,
before me Benjamin Jackson Dally

* City, Town, County, or District, Gentleman, a Coroner of our Lady the Queen for the * District of
as the case may be. Chilham aforesaid, upon the
view of the body of Martin Fitzpatrick then

Jurors' Christian and Surname and there lying dead, upon the oaths of †

Robert Holman Foreman of Jury
William Baker
Thomas Keene
Thomas Turnbull
Thomas Rooney
Peter McGuire
John Connell
Richard Burgess
William Brown
Samuel Williams
William Meehan
Duncan Logan

good and lawful men of Rutherglen in the
said Colony of Victoria who being duly sworn and charged to
inquire, upon the part of our Lady the Queen, when, where, how, and by what means the
said Martin Fitzpatrick came
by † his death, do say upon their oath that §

† His or her.

§ Here state cause of death, if known; if unknown, doubtful, or no evidence, state the fact accordingly, using the words of the Verdict of the Jury.

It is desirable that the Jury should find expressly, whether there are or are not marks of external violence on the body of deceased.

(B.113)

That Martin Fitzpatrick met his death by drowning
from accidentally falling off a stage, whilst employed
at the erection of a bridge over the Black Dog Creek
near Wyse's farm Parish of Norong on Monday
morning the 23rd inst

into the Water

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.

B. J. Bartley
Deputy

Coroner.

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

Robert Holman
Wm. Barker
Thomas Keece
James Turnbull
Thoma [unclear]
Peter Maggs
John Land
Richard Farmer
William Brown
Samuel Williams
William Keece
Duncar [unclear]

✓ Telegram of Ten Words can be sent to any Station in Victoria for One Shilling.

P.T. NO. 2.
500,000-6 | 71.

BY ELECTRIC



TELEGRAPH.

NO FEES TO BE PAID UNLESS STAMPED HEREON.

OTM

Dated Wednesday Oct 23 187

The following despatch has been received for delivery, subject to the Regulations and Conditions under which Telegraphic Messages are authorized to be transmitted in Victoria.

Telegram for *Police*

*Man drowned Black Dog
Creek today, body here
awaiting inquest*

*Mortimer Kirby
Sc*

** For Regulations and Conditions see other side.

REGULATIONS AND CONDITIONS

UNDER WHICH

Telegraphic Messages are authorised to be Transmitted in Victoria.

1. To lessen as much as possible any liability to error in the transmission of Messages from defective manuscript, it is desirable that the use of FIGURES SHOULD BE AVOIDED, and that WORDS AT LENGTH be substituted; and the public, in using the Electric Telegraph, are requested to be particular in GIVING A FULL AND CORRECT ADDRESS to every Message, so that the least possible delay in delivery may occur.
2. Messages will be transmitted in the order of their reception, and no precedence will be allowed, except for special despatches on the service of the Government, the arrest of criminals, and in cases of pressing emergency, sickness, or death.
3. All Messages will be held *strictly confidential*.
4. PAYMENT OF CHARGES IN ADVANCE will be required, except for Replies to Interrogatory Messages on which the sender may have written the words "Reply will be paid for," but special arrangements may be made for the receipt of Messages payable by the receiver, either by depositing security at the receiving office or by furnishing written authority covering the cost of transmission.
5. No charge will be made for the date, address, or signature to any Message, *and it is particularly requested that the two latter may be as CLEAR and EXPLICIT as possible*.
6. Messages must be WRITTEN WITH INK, in a clear and legible manner, and bear a proper date, address, and genuine signature in the usual handwriting of the sender.
7. Messages will be delivered free of charge within one mile of the office; over that distance cab or omnibus fare will be charged, when incurred; and for Messages to be delivered on shipboard, an extra charge to cover the disbursement for boat expenses will be made.
8. Messages may be transmitted in CYPHER in the English language, on payment of AN ADDITIONAL CHARGE OF FIFTY PER CENT., but *Cypher Words must not average more than two syllables*.
9. On special occasions, when the communication may be kept open during the night, an additional charge equal to one-third of the ordinary rate will be required upon all Messages received for transmission later than 8 P.M.
10. Every reasonable exertion will be used, and precaution adopted, to secure the greatest promptness, accuracy, and despatch in conducting the business of the Telegraph, but no responsibility will be assumed for any errors, omissions, or delays in the transmission or non-transmission, delivery, or non-delivery of any Message, from whatever cause the same arise. In order, however, to afford the fullest security for the correctness of a transmitted Message, the sender may obtain a copy of the Message as repeated back from the Receiving Office, if within the bounds of this colony, upon payment of one-half the original charge upon such Message; *but in no case will any pecuniary responsibility be recognised beyond the extent of FIVE POUNDS*.
11. In the event of serious delay occurring to prevent the transmission of a Message within a reasonable time, or sufficient to destroy the value of the despatch, notice will be conveyed to the sender, should his address be known, and the Message, together with the amount paid thereon, be returned, if desired.
12. In cases where *immediate replies* are required, the messenger will be instructed to wait FIVE MINUTES after the delivery, provided the Message may contain the words "Reply by Telegraph immediately."
13. PRINTED FORMS upon which Messages should be written may be obtained upon application at the office; but all Messages, whether written upon the prescribed forms, or upon plain paper, will be considered as tendered for transmission, and transmitted to their destination under the several conditions and stipulations above detailed.
14. The offices will be kept open for the transmission of Messages by the public generally between the hours of 8.30 A.M. and 8 P.M. (Sundays excepted).

[STE.]

CORONER'S INQUEST.

COLONY OF VICTORIA,

TO WIT.

*Christian and
Surname in
full.

This Deponent*

George Baddeley

On his oath saith, I am a Labourer

residing at Chilfern

At about 8 o'clock yesterday morning the 23rd inst Martin Fitzpatrick and myself were engaged trying to plumb the piledriver in use at the erection of the Bridge over the Black dog creek near Mr Kilborn's farm parish of Korong, ~~where~~ the deceased was using a strong piece of timber as a lever whilst I was trying to put chocks underneath the pile driver, he seemed suddenly to overbalance himself and fell overboard, he immediately sank and came to the surface again when I tried to reach him to render assistance but could not, he made no exclamation when he rose to the surface, I could not swim but called out to my mates, who were about 100 yds distant getting a pile ready for driving, my mates came at once & John Brampton dived three times without recovering the body, the deceased rose a second time, but my mate had not arrived and I could render him no assistance my mate arrived about two minutes after the deceased fell into the water

Taken and Sworn before me, the Twenty fourth day
of October, 1871, at Rutherglen }
B. J. Baddeley, Deputy Coroner.

The deceased was quite sober at the time he fell into the water, I cannot say whether deceased was struck by the lever, or whether he struck any of the timber in falling, I noticed no marks on deceased prior to falling into the water except a small scratch on the top of the right eyelash, I never had any falling out with the deceased By a favor, there was about ten or twelve feet of water at the place where deceased fell in, the deceased fell off the stage into the creek deceased whilst bearing on the lever was hanging over the water and when the lever slipped he went right into the water, the deceased fell into the water on the upper side of the bridge

George Buddley

CORONER'S INQUEST.

COLONY OF VICTORIA,

This Deponent* John Brampton

TO WIT.

{ On h^{is} oath saith, I am an Engineer*Christian and
Surname in
full.residing at Chiltem

I was engaged with deceased and others at the erection of the Black Dog Creek bridge, three of those engaged left the bridge to mount and shoe a pile, whilst doing so heard an exclamation from the bridge Martins in the water or words to that effect on arriving on the stage I stripped and went into the water, I dived five times at the place pointed out as that where the deceased sank, John Offe then came up and asked if I could make a drag, I did so out of 4 seven inch spikes, John Offe then took the drag and discovered the body about eleven feet from where deceased was working By a Juror the deceased was found up the creek The deceased and George Baddley were on good terms and never had any falling out to my knowledge, James Murray was assisting John Offe to recover the body, four of us were engaged in assisting to drag deceased out of the water, about forty minutes elapsed between the giving the first alarm & the recovery of the body ~~water~~, we used our best endeavours to recover deceased but he was quite rigid

(B.M.B.) Taken and Sworn before me, the Twenty fourth dayof October, 1871, at Rutherford{ B. M. B. B.
Deputy Coroner.

I am not aware whether deceased has friends or not,
and do not know whether deceased is possessed of
property or not

John Brewerton

CORONER'S INQUEST.

[No. 60.
Stereo.]

COLONY OF VICTORIA,

TO WIT.

*Christian and
Surname in
full.

This Deponent* James Murray

on his oath saith, I am a Sawyer

residing at Th Black Dog Creek

(B 88)

I was engaged with last witness and others in shoening a pile preparatory to driving, I heard an alarm from the bridge, myself, ^{John} Brampton, George Haag immediately went down to the bridge whilst going down I saw something serious had occurred, and said to last witness skip whilst you are going down, when we got on the bridge Baddly said for God's sake make haste Martin is drowning, Brampton dives five times after the deceased and failed to get him, ^{John} Brampton then made a drag of spike (B 88) nails, and ^{John} Offer made use of the drag, and whilst doing so I got a frying pan handle bent at the end and lashed it to a piece of pine and with the assistance of the drag used by Offer we brought the body of deceased on to the pile of the old bridge, we brought the body out of the water close under where deceased was working, about three quarters of an hour elapsed between the giving of the alarm and recovery of the body. I never knew of any falling out between Baddly & deceased

James Murray

Taken and Sworn before me, the Twenty fourth day
of October, 1871, at Rutherford,
B. J. Barkley
Deputy Coroner.

CORONER'S INQUEST.

[No. 60.
Stereo.]

COLONY OF VICTORIA,

This Deponent*

James Pollock

TO WIT.

On h^{is} oath saith, I am a Constable

*Christian and
Surname in
full.

residing at

Rutherford

I received information of a man being drowned in the Black dog Creek, on arriving at the place I found that the body was recovered and lying on the Bank of the Creek, I removed it to a hut, I searched his pockets and found nothing, there was a slight scar near his right eye, I then had the body removed into Rutherford, a box was pointed out to me as belonging to deceased, and in it found a deposit receipt for fifty pounds on the Bank of Victoria at Wabgungyal, from letters I looked at I do not think deceased has friends in this colony, but has friends apparently in South Australia

James Pollock

Taken and Sworn before me, the Twenty fourth day
of October, 1871, at Rutherford
B J Barley
Deputy - Coroner.

CORONER'S INQUEST.

[No. 60.
Stereo.]

COLONY OF VICTORIA,

TO WIT.

*Christian and
Surname in
full.

This Deponent*

Michael Regan

On his oath saith, I am a *Labourer*
residing at *Corowa New South Wales*

I know the deceased and recognize the body
as that of Martin Fitzpatrick, I am not aware
that deceased has any friends in this colony
the Father, and Mother and family reside within
two miles of the Township of Kapunda at a
place called the Spring Brewery Hill, the
deceased left Adelaide at the same time and
in the same vessel as myself

Michael Regan

Taken and Sworn before me, the Twenty fourth day
of October, 1841, at Rutherford
B. H. Barlow
Deputy Coroner.

CORONER'S INQUEST.

COLONY OF VICTORIA,

TO WIT.

*Christian and
Surname in
full.

This Deponent*

Moyses Kelly
Son h^{is} oath saith, I am a Senior Constable
residing at Rutherglen

I have this day examined the body of deceased
Martin Fitzpatrick, I found a small scar on
the left side of the nose but think it is not
of recent date, I found no other marks on
the body of deceased

Moyses Kelly

Taken and Sworn before me, the Twenty fourth day
of October, 1871, at Rutherglen }
B. H. Barker }
Deputy Coroner.