

855.  
William Wether 24 1871

PROCEEDINGS of INQUEST  
held upon the body of

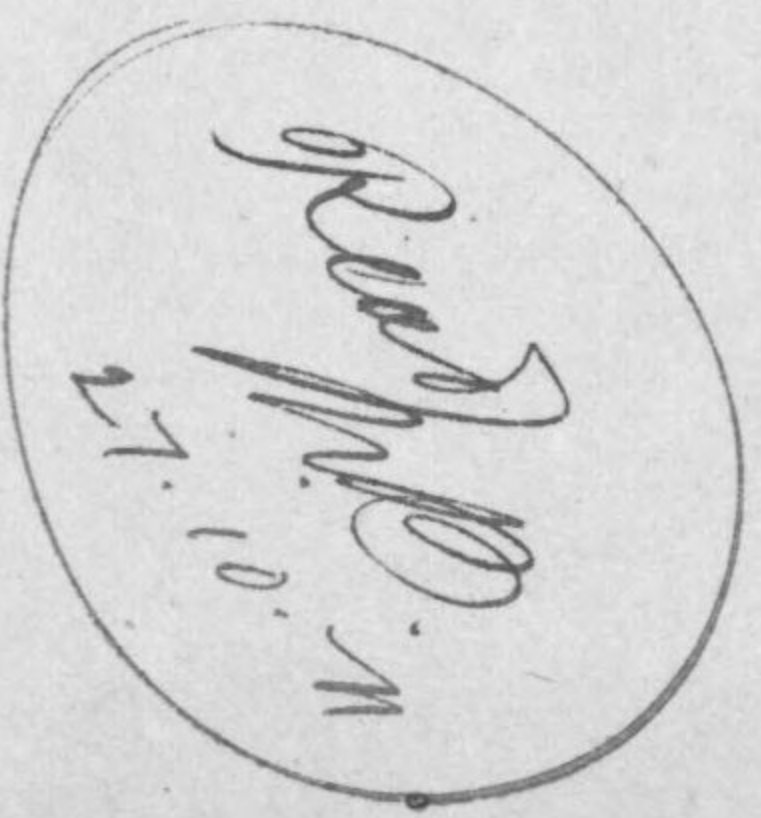
Martin Shipman

at

Rutherford

Received at the Crown Law Offices,

October 24th 1871



W. J. Wether

Deputy  
Coroner.



# PROCEEDINGS BEFORE CORONERS.

No. 64.  
[Stereo.]

## INQUISITION.

TO WIT.

AN Inquisition for our Sovereign Lady Queen Victoria, taken at *Rutherglen*  
at the *Surf Hotel* in  
the *Colony* of *Victoria* aforesaid,  
the *Twenty fourth* day of *October* A.D. 18*87*, in  
the *Thirty fifth* year of the Reign of our said Lady the Queen,  
before me *Benjamin Jackson Bailly*  
Gentleman, a Coroner of our Lady the Queen for the \* *District* of  
*Chillern* aforesaid, upon the  
view of the body of *Martin Fitzpatrick* then

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

Jurors' Christian and Surname  
in full.

and there lying dead, upon the oaths of †  
*Robert Holman Foreman of jury*  
*William Baker*  
*Thomas Keene*  
*Thomas Turnbull*  
*Thomas Looney*  
*Pety McGuire*  
*John Connell*  
*Richard Burgess*  
*William Brown*  
*Samuel Williams*  
*William Meghan*  
*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.213) That Martin Fitzpatrick met his death by drowning <sup>into the water</sup> from accidentally falling off a stage whilst employed at the erection of a bridge over the Black Day Creek near Nye's farm Parish of Norong on Monday morning the 23<sup>rd</sup> inst

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. Baker  
Thomas Keene  
Thomas Turner  
Thomas Dwyer  
John Maguire  
John Connell  
Richard Baynes  
William Brown  
James Williams  
William Keene  
Duncan Logan



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.

*OTTUS*

Dated

*Enthrupen 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 Kelly  
Sec*

\*\* 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,

This Deponent\*

TO WIT.

on his oath saith, I am a

\*Christian and  
Surname in  
full.

residing at

*George Baddley**Labourer**Chillern*

At about 8 o'clock yesterday morning the 23<sup>rd</sup> 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 drive, 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 mates arrived about two minutes after the  
 deceased fell into the water

Taken and Sworn before me, the

*Twenty fourth* day

of

*October*

, 18

*71*, at*Rutherglen**B. J. Barclay**Deputy*

Coroner.



The deceased was quite sober at the time he fell into the water, I cannot say whether the deceased was struck by the lever, or whether he struck any of the timbers 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 furor, 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 his oath saith, I am an *Engineer*

residing at

*Chiltern*\*Christian and  
Surname in  
full.

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 stopped and went into the water, I dived five times at the place pointed out as that where the deceased sank, John Offer then came up and asked if I could make a drag, I did so out of 4 seven inch spikes, John Offer then took the drag and discovered the body about eleven feet from where deceased was working By a Suroo 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 Offer 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 ~~next~~, we used our best endeavours to recover deceased but he was quite rigid

Taken and Sworn before me, the *Twenty fourth* day

of

*October*, 18*71*, at*Rutherglen**B. J. Barclay*

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 Brewington



# CORONER'S INQUEST.

[No. 60.  
Stereo.

COLONY OF VICTORIA,

TO WIT.

\*Christian and  
Surname in  
full.

This Deponent\*

on his oath saith, I am a

residing at

*James Murray*  
*Sawyer*  
*Sh Black Dog Creek*

(B8B)

(B8B)

I was engaged with last witness and others in shoeing a pile preparatory to driving, I heard an alarm from the bridge, myself, <sup>John</sup> Brampton, George Haag immediately went down to the bridge whilst going down I saw something serious had occurred, and said to last witness stop whilst you are going down, when we got on the bridge Baddy said for God's sake make haste Martin is drowning, Brampton dives five times after the deceased and failed to get him, ~~the~~ Brampton then made a drag of spike nails, and <sup>John</sup> 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 Baddy & deceased

*James Murray*

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



# CORONER'S INQUEST.

[No. 60.  
Stereo.]

COLONY OF VICTORIA,

This Deponent\*

*James Pollock*

TO WIT.

on his oath saith, I am a

*Constable*

residing at

*Rutherglen*

\*Christian and  
Surname in  
full.

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  
Rutherglen, 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 Wahgunyah,  
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*, 18 *71*, at *Rutherglen*  
*B. J. Barclay*  
Deputy - Coroner.



# CORONER'S INQUEST.

[No. 60.  
Stereo.]

COLONY OF VICTORIA,

This Deponent\*

*Michael Regan*

TO WIT.

on his oath saith, I am a

*Labourer*

\*Christian and  
Surname in  
full.

residing at

*Near 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*, 18*71*, at *Rutherglen*  
*B. L. Bartley*  
Deputy Coroner.



## CORONER'S INQUEST.

COLONY OF VICTORIA, )

This Deponent\*

TO WIT.

on his oath saith, I am a

residing at

*Mortimer Kelly*  
*Senior Constable*  
*Rutherglen*\*Christian and  
Surname in  
full.

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

*Mortimer Kelly*

Taken and Sworn before me, the *Twenty fourth* day  
of *October*, 18 *71*, at *Rutherglen*

*B. H. Bartley*  
Deputy

Coroner.