

23

1903

PROCEEDINGS of INQUIRY

held upon the body of

Benjamin Westcott

at

Demnick.

Received at the Crown Law Offices,

190

W. H. Melvin, Coroner.

VICTORIA POLICE. 47.

Berrwick

Station.

Bryrtho

Police District.

6th April

1903

Report of A.B. Steele No Const 3960

relative to Benjamin Muffett Killed on Rail
way line at Narre Warren on Saturday night-
the 4th of April 1903

I beg to report that a line repainer named Benjamin Muffett aged 42 years was found dead on the railway line near Narre Warren Railway Station at half past twelve o'clock on Sunday the 5th inst by William Asling. On the case being reported to me I proceeded to the spot at once and examined the body which was lying near the rails. There was a large cut above the right ear extending across the side of head where the train had apparently struck him. I made inquiries and found the deceased left his home at Narre Warren at a quarter to twelve o'clock on Saturday the 4th inst to catch the train ~~at~~ which leaves ~~Narre Warren~~ Narre Warren Railway Station at 12 1/4 pm to go to Dandenong, and he returned by the 8 pm train. He was seen by the assistant station master George Smith after the train left the platform and had a conversation with him he then left to go to his home along railway line at about 8.40 pm and was not seen again until he was found dead next morning by William Asling. He was worse of liquor when he left the platform to go home and was informed was addicted to drink. He had apparently sat down too near the rails and gone off to sleep and the ~~train~~ 9.14 pm up train struck him on the head and killed him.

I have made careful inquiries into the
Case and I feel assured there is no suspicious
Circumstances connected with the case.

From my own personal knowledge of
the man I have expected something of
this kind would occur sooner or later. This
as he was very much addicted to drink

AB Steele
No^o Const 3960

I have this day held a Magistrate's
Inquiry into the death of Benjamin
Muffett and beg to forward
Depositions herewith
attached

The Crown Solicitor
Crown Law Dept
Nellie

James Wilson Jr

MAGISTERIAL INQUIRY.

VICTORIA,
BAILIWICK,
To wit.

Lord King
A MAGISTERIAL INQUIRY on behalf of Our Sovereign ~~Lady~~ the Queen.
taken at *Benwick* in the *Central*
Bailiwick of Victoria, this *Seventh* day of *April*
nine *three*
in the year of our Lord One thousand ~~eight~~ hundred and ~~ninety~~ before
the undersigned *James Wilson* Esquire, one of
His Majesty's Justices of the Peace in and for the said Bailiwick, upon view of
the body of *Benjamin Muffett*
then and there lying dead.

Having duly inquired when, where, how, and by what means the said
Benjamin Muffett came by his
death, I say that the said *Benjamin Muffett*
died at *Warre Warren* in the said
Bailiwick on the *Fourth* day of *April* 1903 ¹⁸⁰³
from being accidentally struck on the Head
by passing Train and killed.

As witness my hand this *Seventh*
day of *April* 1903 ¹⁸⁰³ *in*
James Wilson ^{Esq}

CORONER'S INQUEST.

VICTORIA, TO WIT.

This Deponent*

on ~~h~~ ^{an} oath saith, I am aChristian and
Surname in
full.

residing at

Mary Jane Muffett
Marjorie Norman
Marie Warren

I recognise the body of deceased as my husband Benjamin Muffett a lime reparer. On Saturday the 10th inst my husband left home about quarter to twelve o'clock to catch the noon train to Wansden. He was then in good health. That was the last time I saw him alive. He was always in the habit of walking along the line when returning home from the Station. The deceased said when leaving home he would return by the 8 o'clock train, and when he did not return home at the usual hour I did not feel anxious as he had stayed in Wansden before and returned on Sunday on previous occasions. I reside inside the Railway fence about a quarter of mile from Railway Station on the Berwick side, and on the south side of line.

Mary Jane Muffett

Taken and sworn before me the Seventh day
of April 1903 at Berwick }
James Wilson JP
Justice of the Peace coroner.

CORONER'S INQUEST.

This Deponent*

William Thomas Hilt-

VICTORIA, TO WIT.

on his oath saith, I am a ~~Gradt Guard~~residing at Moona Pond*Christian and
Surname in
full.

On Saturday night the 4th inst. The Deceased got into
 the Tow of the Train ~~the~~ I was in Charge of at
 Wondernong. The 6.30 pm Train from Turton's Bridge
 arrived at Narre Warren 8.26 pm. The Deceased got
 out of the Tow there. The Deceased appeared to be
 slightly under the influence of Liquor but not what
^{I could call} drunk. He was able to talk and converse
 rationally. That was the last I saw the deceased
 alive. I identify the deceased body as the
 man who got out of the Tow on Saturday night.

William Thomas Hilt

Taken and sworn before me the Seventh day
 of April 1903 at Burnwick

James Wilson JP
 a Justice of the Peace

CORONER'S INQUEST.

VICTORIA, TO WIT.

This Deponent*

William Adlong

on his oath saith, I am a Sheriffresiding at Rowne Barron*Christian and
Surname in
full.

Verily on Sunday the ~~5th~~^{5th} instant at about 12 noon
 I was walking along railway line towards
 Rowne Barron Station. I saw the body
 of a man lying on the line apparently dead.
 I went straight on down to the Station
 and told Assistant Sheriff Master
 Smith to come back with me up the
 line. There is a Kasp lying on the line, in
 company with Smith we went to where
 the body was lying. I then recollect used
 the deceased as a lone repairman named Benjamin
 Miffett. I did not touch the body. The
 body was lying on his back with his feet towards
 the line on the south side of the line about 200 yards
 from the Station.

William Adlong

Taken and sworn before me the Seventh day
 of April 1903 at Berwick

James Wilson, Esq
 Justice of the Peace - coroner.

CORONER'S INQUEST.

This Deponent* George Adolphus Smith

VICTORIA, TO WIT.

on his oath saith, I am a Assistant Station Masterresiding at Newcastle*Christian and
Surname in
full.

I remember Saturday night, the 4th inst. I was on duty at Newcastle Railway Station. The deceased came into the office about three or four minutes after the ~~the~~ 6.30 train from Princes Bridge had left the platform for Keswick. It would be about half past eight o'clock. The deceased stayed in the office about ten minutes. Talking about his little boy being deaf. He appeared to be slightly under the influence of liquor but could talk quite naturally. I said to him 'Bew' you had better get home it is a dark night; before the passenger train is due. The deceased replied about a quarter of a mile from the Railway Station towards Keswick I have seen the deceased frequently walking along the line towards his home. The deceased ~~was~~ ^{was} an employee of the Railway Department. He would be aware of the rules under which all employees are to observe when walking on the permanent way. About twenty minutes to nine o'clock he said good night and left the office that was the last I saw of him alone. About a quarter past twelve ^{on} Monday the 5th inst a man named Asling called my attention to the deceased lying on the line. I went with Asling and recognised the body as that of deceased. The body was lying on the south side of the line about 200 yards from the Station.

Taken and sworn before me the Seventh day
of April 1903 at Keswick

Coroner.

(Continued over)

the feet laying towards the rails and the body and head lying at about an angle of 45 degrees with the rails. I then informed the police I did not touch the body. The deceased was a man
espoused on the permanent way and resided inside the railway fence boundary

Geo. A. Smith.

Taken & sworn before me
the seventh day of April
1903 at Berwick
James Wilson 210
Justice of the Peace

CORONER'S INQUEST.

This Deponent*

Albert Buchanan Steele

VICTORIA, TO WIT.

on his oath saith, I am a Police Constable

residing at Berwick

*Christian and Surname in full.

Herbert Cranston reported to me at 1 p.m. on Sunday the 5th of April 1903 that a Man was lying dead on the Railway line near the Nairn Warren Railway Station.

I proceeded to the spot at once and saw the body of a man lying dead alongside the Railway line. I recognised the body as that of a Man named Benjamin Kuffett a lime reviewer residing at Nairn Warren. The deceased was lying on his back on the south side of the line with his feet towards the rails and his head at right angles with the rails. I examined the body, and found the skull was cut from about an inch above the right ear to nearly the centre of forehead. The top of the skull was taken completely off and the brains scattered about. There was a large smear of axle grease along the wound. There were two small abrasions of the skin on left neck and one on left cheek. There was no other bruises of any kind on the body. There was a valise lying along side of deceased's left arm which he had been carrying and which contained two bottles of ale and one broken ^{old} bottle, also a long fish and puddings. I searched his pockets and found watch & chain the watch was still going and was ten minutes past three o'clock. 1 purse containing 3¹⁰ half a sovereign and two pence's were found in vest pocket. 1 knife and road pipe and pocket-handkerchief. I removed the body to Bain's Border Hotel Berwick, and reported case to coroner also to fiscal justice.

Taken and sworn before me the Seventh day
of April 1903 at Berwick

James Wilson JP
A Justice of the Peace coroner

(Continued over)

I was informed by the Loco Foremen Melbourne
that there was no marks of blood on any thing and
the Engine of the Passenger Train that passed through
Berwick at 9.18 pm The Driver Frederick
Beck did not feel any shock on anything struck
the Engine. The night was very dark and rained
heavily. I made careful inquiries about the
matter. There appears no suspicious circumstances
connected with the case. The deceased's wife Mary
Jane Muffett informed me that her Husband
left home about quarter to 12 o'clock on
Saturday to go to Dandenong thinking he would
be back by the 8 pm Train that was to last
from she saw him alive. He was then in
good health. He was seen by the George
Smith Assistant Station Master after the 8 pm
Train left the platform who spoke to him for a
few minutes. He then left to go home along the
line and was not seen again until he was found
dead about 12 noon on Sunday the 5th inst.

A. Steele

I John & Sonny before me
this seventh day of
April 1903 at Berwick
James Wilson 2nd
A Justice of the Peace