

To Wit

The information of Thomas Robjent, a convict who being sworn saith I hold a Ticket of Leave and have been in the service of Mr James and William Brumby and have resided at their Farms on the lake River for the last two years and a half, where I have been employed as a Blacksmith, and occasionally have been permitted to do jobs for their neighbours on my own account, a day or two after last Christmas day, Mr Richard Jordan of Norfolk Plains brought this Fowling piece to the shop where I work on Mr Brumby's Farm, he had brought the lock there about a week before, which wanted a new mainspring, which I could not conveniently make without having the Gun, Mr Jordan did not tell me that the Gun was loaded when he brought it to my shop, immediately he gave it to me I put it upon some tie beams in the shop as high as I could reach, I have worked and slept in that shop ever since, I saw not person remove the Gun from the situation in which I put it after Mr Jordan gave it me, until about a week after, when I took it down and put

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it under my bedstead, and a Box before it to hide it, lest some person should see it and take it away; I believe it remained there about a week, when I replaced it on the tiebeams, having then more constant work in the shop than I had before, I do not know that this Gun was removed from the tie beams by any person after I last placed it there until last Wednesday, except a day or two after I had replaced it, when Mr William Brumby came into the shop, took down the Gun and looked at it, he did not draw the ramrod or examine if it were loaded or not; he asked me whose it was, I told him, and he replaced it on the tie beams. I do not know that any other person touched the Gun whilst it was in my possession, except Mr William Brumby and myself; I never examined the Barrell whilst it was in my possession, many persons were in my shop at different times during the time the Gun was there, I have see Persons go in and out of the Shop when I have been on a different part of the Premises, I did not see Mr William Brumby in the Shop on last Tuesday or Wednesday until about three o'clock on Wednesday afternoon, when he came there with some lead in a ladle to cast some bullets, he cast about twenty

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Bullets /I am sure I saw more than ten/ whilst he was casting the Bulletts, two children named William and Ann Whyte, the former about seven the latter about fice years of age, and who reside in a Hut near my shop, came into the shop, and as Mr Brumby's Bulletts became cold the Boy took up one of them and ran away, the little girl took away two bullets, and also ran away, Mr Brumby ran after her and then retunred with two bullets in his hand, the Boy returned at that time close to the Place were I was sitting, on a stove, a yard or two from the shop door, and threw a Bullett close down by my feet, Mr Brumby said to the Boy, "where is the Ball" the Boy replied

pointing to it , “It is at Tom’s feet”, I pointed to it and said “there it is” Mr Brumby picked it up and went into the shop, Mr Brumby recommenced making Bulletts in the shop, and the children remained outside the door about twenty minutes, during which period Mr Brumby told the Children several times to go away, I remained witting on the stone near the door during this time, at the end of which I heard Myr Brumby say, “I will start them” and I saw him

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come to within a step of the door with the fowling piece in his left hand, and his Powder Flask in his right hand, and put some Powder upon the touchhole.

Mr Brumby after he had put some powder on the Touchhole of the Gun held it in his left hand, with the touchhole upwards and in front of him, upon a level with the lower part of his body, the muzzle of the Gun was pointed out at the middle of the door and towards William and Ann Whyte, who were standing in a Path about six yards from the door, he then set fire to the powder with this Piece of Iron, which had been lying in the fire of the forge,, where he had been casting his Bulletts, as he held the gun in his left hand he reached back with his right and took the iron off the forge, and immediately applied it to the touchhole, he took no deliberate aim, the Gun immediately went off, and William Whyte immediately fell upon his side, I went up to the child and saw one or two drops of Blood upon his shirt near his loins, between his Jacket and Trowsers, his shirt appeared torn in small holes as if with shot; immediately William Brumby had fired the Gun and the Child fallen, he exclaimed “my God! I have shot the Boy” I replied “My God the Boy is shot” William Brumby said call my mother and ran towards the House where she lives, * Mrs Elizabeth Brumby, about two

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hundred yards from my shop, I ran towards the Hut where the Child’s mother lived and called her, William Brumby’s Mother, the child’s mother, William Brumby and I went to where the child was lying, Mrs Eliabewth Brumby /William’s Mother / took the child up and said “Oh! William I hope this will be a warning to you, not to play with Gun again!” he made no reply she carried the child to the Hut where its mother lived, William Brumby sat down by the side of me near the shop about a quarter of an hour, when his mother came up to him, and he said, “how is the child? is it dead?” she said “yes it is dead” he made no answer, but looked very sorrowful, he seemed too much affected by Grief to speak, he did not speak to m from the time his mother took the child away until she came back, he sat with his head upon his hands and his elbows upon his knees.

He did not appear angry with the children before he fired off the Gun, but appeared as good humoured and as jocular as people do in general when playing with children; he told me as

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soon as the Gun went off, he had only put a little powder into her to squib her off and frighten the children, I said "My God then it must have been loaded before!" he did not reply; after William Whyte fell I measured the distance from the place where William Brumby stood to the spot where the child lay, it was six of my paces; his sister was close to him when he fell, after Mrs Brumby had carried the child away I picked up two small leaden shot that were lying on the ground exactly where the child had laid, they were small pigeon shot, I gave one of those shot to Mrs Brumby I do not know whom I gave the other, they appeared black as if they had lately come out of a Gun, they were not hot, after Mr William Brumby had fired off the Gun he set it down against the wall close by the door, and in the course of the evening I replaced it over the tie beams I am sure this is the same Gun; after Mr Brumby had fired off the Gun with this piece of Iron, he immediately laid it upon the forge where he had taken it from, I am certain this is the same piece of iron, I removed it on Wednesday evening from the Forge and put it on the tie beams close to the Gun

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and took it from there this morning; I never saw Mr William Brumby fire or Squib off his Gun to start or frighten children before Wednesday, I said nothing to Mr Brumby whilst he was putting some powder on the touchhole of the Gun, I supposed he was only going to frighten the children, I do not know that Mr William Brumby had any quarrel with the father or mother of those children. I never saw him beat either of the children, he appeared very fond of them, he used to take them about the farm with him; I did not hear the report of any other Gun or fire arms at the time that the Gun that Mr Brumby held was discharged. The children did not move when Mr Brumby pointed the Gun out of the door, I never told him that the Gun was or was not loaded, both the children ran in and out of the shop whilst Mr Brumby was casting bullets, I do not recollect if either of them went in after William Brumby ran after the Girl.

/signed/ Thos Robjeant

Sworn before me at Norfolk Plains this twentieth day of January 1826

PA Mulgrave Coroner

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Cornwall

Van Diemen's Land

To Wit

The information of Mr Richard Jordan, who being sworn saith, I am a settler and reside at Norfolk Plains, between three weeks and a month ago, I took this stock and Barrell of a fowling piece, my property, to the farm of Mr William Brumby on the Lake River, and delivered it to Thomas Robjeant for the purpose of fitting the lock to it, which I had previously left with him to repair, I told Robjeant to be careful of the Piece for it was loaded, I did not tell him what it was loaded with; I loaded it about two months ago with powder and small leaden shot; I did not see the Gun from the time I left it with Robjeant until this morning, the barrel and stock are worth five pounds; the shot now shewn me is of the same size and those with which

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I loaded the Gun before I delivered it to Robjeant.

/signed/ Richd Jordan (not actual signature)

Sworn before me at Norfolk Plains this twentieth day of January 1826

PA Mulgrave coroner

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Cornwall

Van Diemen's Land

To Wit

The information of Mrs Elizabeth Brumby who being sworn saith, I am the wife of James, and the mother of William Brumby, and live on the farm of the latter upon the Lake River behind Norfolk Plains, Thomas Robjeant is a Blacksmith employed by William Brumby, and has lived upon his farm about two years; Elizabeth Watson the mother of William Whyte, has lived in a Hut upon my son's farm for the last eight months, she had another child Ann Whyte, and an infant, who also lived with her; some time in the afternoon of last Wednesday my son William came to the back door and cried out "Oh! mother dear, I have shot William Whyte" he then turned from the door and ran

towards the Blacksmith's shop I ran to the Hut where Elizabeth Watson lived, supposing the child might be there, I saw Elizabeth Watson at the door tearing her hair, I went to her, saw no child there, and went immediately to the Blacksmith shop, William Brumby and Thomas Robjeant were close by the shop door, William Qhyte was lying, I do not know whether on his face, back or side, within two or three yards of the door; he was breathing, I took him in my arms and ran with him to his mother's Hut, I met her on the way, I took the child into the Hut, and laid him upon a table, I took off his clothes and saw the marks as if of a number of shot, more about his loins and left hip than any other part; the wounds bled very little; I took three small shot out of the waistband of his trowsers, they were of the same size as the shot now shewn me, I gave these shots to his mother; the child did not live more than two or three minutes after I took him into the House, I moistened his lips still he was dead; I did not take his clothes off till he was dead, my son William always expressed the greatest affection for William Whyte, and the child followed him wherever he went about the presmies, I never knew of any quarrel between

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Thomas Robjeant and Elizabeth Watson, I never heard Thomas Robjeant complain of Mrs Watson's children, or heard that he had beat them; I never knew that my son William was in the habit of firing off his Gun to frighten William Whyte, or any other Person.

Elizabeth X Brumby

her mark

Sworn before me at Norfolk Plains

this twentieth day of January 1826

PA Mulgrave coroner

p84 RALLFORD 1822 watermark

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Cornwall

Van Diemen's Land

To Wit

The information of Elizabeth Watson who being sworn saith I am the mother of the deceased William Whyte we had lived together upon the farm of Mr William Brumby upwards of six months, I know nothing of the cause of my child's death, I did not hear of it until Mrs Elizabeth Brumby came to my house last Wednesday, I had just before sent my children out to play, and had heard the report of a piece, I was standing at the Wash Tub at the time, I am sure Mr William Brumby was as fond of my child William Whyte as if he had been his won, I am sure he would not have intentionally hurt a hair on his head, he had frequently taken the child out of his bed to play with him, I never had any difference with Thomas Robjeant.

signed Elizabeth X Watson

her mark

Sworn before me at Norfolk Plains

this twentieth day of January 1826

PA Mulgrave coroner

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Mr John Smith being sworn saith, I am a Surgeon and reside in Norfolk Plain, I knew the deceased William Whyte, he was the son of Elizabeth Watson, he was between six and seven years of Age; I know he has resided on Mr William Brumby's farm for some months past with his mother, I have carefully examined his body and find between fifty and sixty wounds, apparently inflicted by small shot, upon his left side, in the abdomen, on the spine, and in the left breast, there is one shot wound upon the left breast, which is more than five inches deep, and directed towards the heart, which wound would of itself have been sufficient to have caused instant death, there are more than twenty similar wounds on the left side, most of which I have probed, but could not reach the shot, these together would also have occasioned instant death; I extracted one small leaden shot from the spine, which I delivered to the coroner, the wounds upon the left breast and side as well as those upon the loins appear to have been made by shot of a similar description. I have attended the Family of Mr William Brumby professionally for the last six months, I have frequently seen him exhibit marks of strong affection for the deceased William Whyte I have known Mr William Brumby for these last ten years and never saw him in a passion in my life.

'signed' John Smith

Surgeon

Sworn before me at Norfolk Plains

this twentieth day of January 1826

PA Mulgrave

coroner

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The voluntary statement of Mr William Brumby who saith, I was making some leaden Balls in a Blacksmith's Shop on my Farm last Wednesday afternoon, the deceased William Whyte, and his sister Ann Whyte, ran away with some of my Balls, I fetched the girl back and took two from her, I saw a Ball lying by Thomas Robjeant's feet who was sittign near the shop door, William Whyte pointed to that Ball and said something, I continued to make Balls for a few minutes afterwards, the little girl came into the shop again, I put a little gunpowder on the ground and put the end of this iron, which was hot, to it, the powder blazed and the little girl ran out of the shop, I returned the iron into the fire and took down this fowling piece from two tie beams in the Shop and sprinkled a few grains of gunpowder out of a powder flask into the Barrell, I then put a little Gunpowder upon the touch hole, at this time, Thomas Robjeant was sitting on a stone outside, and on the left side of the door, William and Ann Whyte were a few paces on the right from the door, I held the Gun in my left hand pointed it out at the door, and put the hot end of this iron to the powder on the touch hole, the Gun went off, and immediately saw William Whyte lying upon the ground, about three paces from where I had seen him stand before I put the iron to the touch hole, and nearer to the house where his mother and he live; I immediately sung out "my God I have shot the child", I went down to my house and told my mother what had happened, I then returned to where the child lay, my Mother come and immediately carried

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William Whyte to his mother's house. I never imagined the Gun was loaded, or gave it the least thought in the world; Thomas Robjeant was making a grindstone with a chisel and a hammer at the time the Gun I held went off.

'signed" Wm Brumby

Taken before me at Norfolk Plains

this twentieth day of January 1826

PA Mulgrave

Rex vs William Brumby

manslaughter

Informations of

Thomas Robjeant

Richard Jordan

Elizabeth Brumby

Elizabeth Watson and

John Smith also

examination of

William Brumby

delivered 21st January 1826

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Cornwall

Van Diemen's Land

To Wit

An inquisition indented taken at the House of Mr Edward Bailey at Norfolk Plains in the said County this twentieth day of January in the sixth year of the reign of our Sovereign Lord King George the Fourth before one Peter Archer Mulgrave Esq Coroner of Our Lord the King for the County aforesaid upon the view of the body of William Whyte an infant seven years of age then and there lying dead upon the oaths of Messrs Charles Brown Hardwicke, Charles Reid, Wickham Whitchurch, William Keating, James Davy, Edward Bailey, William Griffiths, John Bonney, John Herbert, Henry Wilkinson, John Cox and William Roche

good and lawful men of Norfolk Plains aforesaid in the aforesaid County who being sworn and charged to enquire on the part of our said Lord the King when where how and after what manner the said William Whyte came to his death, do say upon their oath that William Brumby of the lake Plains Gentleman on the Eighteenth day of January in the sixth year of the Reign aforesaid about the third hour in the afternoon of the same day, with force and arms, at the lake Plains in the county aforesaid in and upon the aforesaid William Whyte there further? being in the Peace of God and the said Lord the king did make as assault and that the aforesaid William Brumby then and there with part of a certain Gun or Fowling Piece said of the value of five pounds, part of a gun or fowling piece, loaded with gunpowder and shot which he the said William Brumby then and there held in his left hand, the aforesaid William Whyte [??] did shoot

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involuntarily and gave to the said William Whyte there and there with part of a Gun aforesaid in various parts of his Body, videlicet, upwards of fifty gunshot wounds in the left side, in the abdomen, in the spine, and in the left breast of the said William Whyte; that one of the said wounds in the left breast of the said William Whyte was upwards of four inches deep, and must have caused immediate death, and that more than twenty similar wounds were inflicted in the left side of the said William Whyte by the shooting aforesaid , of which said mortal wounds the aforesaid William Whyte then and there instantly died, the jurors aforesaid upon their oath aforesaid ado say that the said William Brumby then and there involuntarily killed and slew the said William Whyte against the Peace of our said Lord the King his Crown and Dignity.

And the jurors aforesaid upon their oath aforesaid further say that the said William Brumby by killing and slaying the said William Whyte in manner and form aforesaid committed the offence of manslaughter.

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In witness where of as well the aforesaid coroner as the jurors aforesaid have to this inquisition put their hands and seal the day and year and at the place first within mentioned

CH Hardwicke [signed]

Charles Reid [signed]

Wickham Whitchurch [signed]

Edward Bailey [signed]

William Griffiths [signed]

William Keating [signed]

John Cox [his x mark]

John Boney [his x mark]

William Roche [his x mark]

James Davey [his x mark]

Henry Wilkinson [his x mark]

John Herbert [his x mark]

PA Mulgrave

coroner

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Cornwall

Van Diemen's Land

To Wit

An inquisition indented taken at the House of Mr Edward Bailey at Norfolk Plains in the said County this twentieth day of January in the sixth year of the reign of our Sovereign Lord King George the Fourth before one Peter Archer Mulgrave Esq Coroner of Our Lord the King for the County aforesaid upon the view of the body of William Whyte an infant seven years of age then and there lying dead upon the oaths of Messrs Charles Brown Hardwicke, Charles Reid, Wickham Whitchurch, William Keating, James Davy, Edward Bailey, William Griffiths, John Bonney, John Herbert, Henry Wilkinson, John Cox and William Roche

good and lawful men of Norfolk Plains aforesaid in the aforesaid County who being sworn and charged to enquire on the part of our said Lord the King when where how and after what manner the said William Whyte came to his death, do say upon their oath that William Brumby of the lake Plains Gentleman on the Eighteenth day of January in the sixth year of the Reign aforesaid about the third hour in the afternoon of the same day, with force and arms, at the lake Plains in the county aforesaid in and upon the aforesaid William Whyte there being in the

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Peace of God and the said Lord the king did make as assault and that the aforesaid William Brumby then and there with part of a certain Gun or Fowling Piece said of the value of five pounds, part of a gun or fowling piece, loaded with gunpowder and shot which he the said William Brumby then and there held in his left hand, the aforesaid William Whyte [??] did shoot involuntarily and gave to the said William Whyte there and there with part of a Gun aforesaid in various parts of his Body, videlicet, upwards of fifty gunshot wounds in the left side, in the abdomen, in the spine, and in the left breast of the said William Whyte; that one of the said wounds in the left breast of the said William Whyte was upwards of four inches deep, and must have caused immediate death, and that more than twenty similar wounds were inflicted in the left side of the said William Whyte by the shooting aforesaid, of which said mortal wounds the aforesaid William Whyte then and there instantly died, the jurors aforesaid upon their oath aforesaid do say that the said William Brumby then and there involuntarily killed and slew the said William Whyte against the Peace of our said Lord the King his Crown and Dignity.

And the jurors aforesaid upon their oath aforesaid further say that the said William Brumby by killing

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and slaying the said William Whyte in manner and form aforesaid committed the offence of manslaughter.

In witness where of as well the aforesaid coroner as the jurors aforesaid have to this inquisition
put their hands and seal the day and year and at the place first within mentioned

CH Hardwicke [signed]

Charles Reid [signed]

Wickham Witchurch [signed]

Edward Bailey [signed]

William Griffiths [signed]

William Keating [signed]

John Cox [his x mark]

John Boney [his x mark]

William Roche [his x mark]

James Davey [his x mark]

Henry Wilkinson [his x mark]

John Herbert [his x mark]

PA Mulgrave

coroner

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Inquest on the body of William Whyte

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Cornwall

Van Diemen's Land