

The beginning of the statement by the Medical Examiner is missing.

DSC03701

Written at the bottom of the sheet : Alexander McDonald

DSC03702

Hector McDonald
Murder Case
1857

DSC03703

could not have been caused by it, - and it was the only one in the house -
It is quite impossible that the deceased could have died by his own hand -
All the injuries described in the report were in my opinion inflicted before death -
The abrasions on the throat could not have been caused by the friction of a towel in washing or drying the body after death.
Bodies in cases of death by strangulation retain warmth much longer than in cases of ordinary or natural death, - and injuries causing death by strangulation & producing extravasation of subcutaneous cellular tissue become more apparent externally as the body cools.

DSC03704

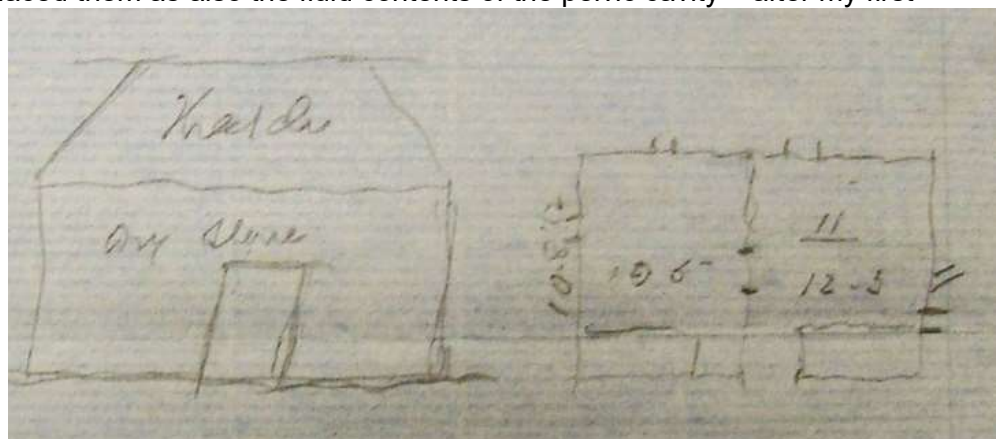
I am of opinion that the marks on the arms might not be detected by a supercial [sic] observer when the body was washed and warm shortly after death and become darker as the body cooled & ultimately present the appearance I have described, - and so also with reference to the injuries on the throat -
I made a second Postmortem examination of the Body in conjunction with Hector McColl surgeon on 20th February 1857
a report of which dated at Tobermory the 27th February 1857 - The result of that Examination confirmed me in the opinion that death was caused by manual strangulation - I

DSC03705

I put into a Glass bottle part of the heart, liver, kidneys & lungs which I have labelled & sealed and signed - In another Glass Bottle I put pieces cut from the stomach & Bowels, which I have also labelled & signed - I also put into a third bottle part of the contents of the stomach collected from the pelvic cavity where I had placed them as also the fluid contents of the pelvic cavity - after my first examination.

DSC03707

sketch



DSC03708

Tobermory 4 March 1857. Received from Henry Nisbet Esqre P.F. here the sum of three shillings Express from Laggan Ulva with plan in case of Hector Macdonald.
Donald McGillvray

DSC03709

Kirkapoll Tyree 20 July 1857
Received from the Pror. Fiscal Tobermory the sum of seven shillings & sixpence Stg for self & assistant exhuming body of Mrs Seaton or McDonald & afterwards re interring it.
Malcolm McLean

DSC03710

Scarnish 24 Feby 1857

Gaelic

Compeared Archibald Brown, Crofter at Balefuil Tyree in the United parish of Tyree & Coll aforesaid who says I am 37 years of age - I assisted Dugald McCallum constable to watch the accused while detained at Scarnish waiting the Packet for Tobermory - He talked constantly about his wife's death. He told me that he was sound asleep during night and that he was wakened by his wife & her mother speaking - That her mother had told him to take his wife to his bosom & Keep her warm, - That his wife had answered no, he hasn't taken any notice of me all night, tho she was very sick - That they were sleeping at opposite Ends of the bed & that he then had taken her feet and drew them close to his bosom - That after this she had risen three or four times to a tub in consequence of

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of a stitch of *[sic]* bowel complaint - That on her return to bed after rising the second time, she lay right above him, - That he then asked her to go under the clothes, - but then instead she rose in a hurry & again went to the tub - That he heard her fall between the partition and the tub, - that her mother called out 'who's that' - That he called in answer "Jane" & rose out of bed taking hold of her by the other the wrists or upper arm, *[sic]* - that he could not manage to lift her in that way and that he then got his hands under her armpits & lifted her on to his Knee - That at this time her mother came with a light and asked him to give her to herself, - that He answered he had more right to her than that - That they then - he and his mother in law - carried her

DSC03712

her to her mothers bed into which they put her. - That she then asked for water - That her mother gave it to her out of a large coffee cup, - That she asked for more water which was given out of the same dish, that she asked for water a third time saying 'give me [enough]' *in margin* That she got it - That he had stood by her bedside all this time, - and that she cried "Och och my dear children, - weak, - weak" - That she spoke no more & shortly afterward she died - He told me on another occasion that he did not assist his wife to her mothers bed, - that his child which was crying was taken charge of by him and that he sat on his own bed till after his wife died - I told him that there were marks on her throat - He said that he Knew nothing about them & God witnessed

DSC03713

witnessed he was innocent, - & calling on God to make it known who did it before he would depart this life - During the four days I watched him he was restless and unsettled.

I concur with Dugald McCallum in the Expression which he used on the morning of the day in which he left for Tobermory - He took almost no breakfast that day - adding that he had no room for it -

I produce and mark a shirt which the accused wore when he was apprehended - It is an old rag of a short & torn in several places, - but if can't say whether or not these tears are recent - I produce & have marked - He put it off the day before he left Tyree -

DSC03714

Island of Tyree
16th Febr 1857

Henry Nisbet Esqr
Sir

In compliance with a foot note attached to the Regulations for Registrars of Births Deaths &c I have to intimate that the Death of Jean MacDonald or Seaton – on Thursday the 12th inst. about 6h a.m. was registered to me here on the 16th inst. that the cause of her Death is unexplained & that it is suspected her death was caused by violence

I am Sir
Your most obedt Servt
Wm [McLeod?] Registrar

DSC03715

blank cover with 16th Febr written at top left hand corner

DSC03716

Henry Nisbet Esqr
Pror. Fiscal
Tobermory

DSC03717

Island House Tyree
13rd Feby 1857

Henry Nisbet Esq
Pror. fiscal
Toby

Dear Sir

I am sorry I have to report that a woman of the name of Jane Seaton wife of Hector McDonald Kirkapoll now forwarded to you in custody, was from all appearances cruelly murdered by her brutal husband, early yesterday morning. It was very late last night before I heard of her death which was merely reported as a sudden death, but after consulting with the Doctor, we were both of opinion the circumstances were suspicious and this forenoon we both proceeded to the house, and from the External appearance of the body the Doctor, as also myself had no doubt but her death was caused by external violence as it shews many evident marks of having been strangled, we left a Watch over the body tonight and tomorrow forenoon we [...nr.] to proceed with the internal examination, we consider it necessary

DSC03718

to have two parties present with the Doctor to help to strengthen his report, he being alone, and to delay the Post Mortem Examination would be injudicious from the state of the weather, as the body may be too far decomposed before another medical man can come - I think there will be no harm in giving you a digest of the statement made to me by the mother of the deceased, which ran as follows "On Wednesday night last Hector and my daughter (his wife) quarrelled when he Swore that he would "[pound] here we retired to bed at the usual time they slept in the one end of the house, my daughter "was then in her usual health and took a hearty supper. I was awoke about daylight by a loud noise, "as if a heavy body fell or was thumped on the floor in their end of the house, I listened and "immediately heard it again. I sprang out of bed and opened the partition door, and saw Hector & "Jane standing on

DSC03720

“the floor, in a position as if they were struggling. I pushed him violently away, and he lost or let go his hold of her. when she fell senseless on the floor, and quite powerless. I then with the assistance of my son & the husband removed her to my own bed, where she died in a few minutes, scarcely fifteen minutes elapsed from the time I got out of bed, till she was dead. when washing the body there were blue and red marks about the throat. I have no doubt she was murdered by her husband.”

I think Mr Sproat should take the prisoners statement and bring a copy of it, as it differs from that of the mother & son, and knowing both versions I think he will find it necessary to put questions to these witnesses, which will not other wise suggest themselves.

I shall have a plan of the House and a list of the Witnesses made out tomorrow.

I am Dear Sir

Yours truly

Lach. Macquarie

DSC03721

cover

Tyree 13 Feby 1857

Mr Lach McQuarie

Information in case

agt

Hector McDonald

1857

Recd 17 Feby 4 PM