



MAGISTRATES COURT of TASMANIA  
CORONIAL DIVISION



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## Record of Investigation into Death (Without Inquest)

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

***These findings have been partially de-identified in relation to the names of family of the deceased by direction of the Coroner pursuant to S.57(1)(c) of Coroners Act 1995***

I, Simon Cooper, Coroner, having re-investigated the death of Joyce Kathleen Maggie Baxter

**Find, pursuant to Section 28(1) of the *Coroners Act 1995*, that**

- a) The identity of the deceased is Joyce Kathleen Maggie Baxter;
- b) I am unable to determine the circumstances in which Ms Baxter died;
- c) I am unable to determine the cause of Ms Baxter's death; and
- d) Ms Baxter died on or after 15 May 1955 in Tasmania.

### **Introduction and Jurisdiction**

1. The investigation of deaths in Tasmania is governed by the *Coroners Act 1995*. Section 21(1) of the *Act* provides that “[a] coroner has jurisdiction to investigate a death if it appears to the coroner that the death is or may be a reportable death.” The term “death” is defined in section 3 of the *Act* as including a suspected death. ‘Reportable death’ is defined in the same section as meaning, *inter alia*, a death which occurred in Tasmania and was unexpected or the cause of which is unknown.
2. Thus if a coroner suspects (on reasonable grounds) that a person has died and the death meets the definition of a reportable death, then that coroner has jurisdiction to investigate. The fact of Ms Joyce Kathleen Baxter's suspected death was reported to the Coronial Division of the Magistrates Court of Tasmania in 2009. Her suspected death was duly investigated and a finding about it was made by a coroner. But for

reasons which will become apparent in this finding, I am satisfied that jurisdiction exists to re-investigate the disappearance of Ms Baxter.

### **Background and Original Investigation**

3. Ms Baxter (known as Maggie), born 29 December 1911, disappeared on or after 15 May 1955. She was reported missing by her guardian, Deaconess Yoland, on 16 May 1955. Contemporary evidence suggests that at about 10.45am on Sunday 15 May 1955 Ms Baxter left her place of residence at 262 Elizabeth Street Hobart where she was employed as domestic help and supervised by a Mrs Alice Sprent. She was seen to depart by Mrs Sprent who was left with the impression that Ms Baxter was on her way to church.
4. As at May 1955 Ms Baxter was 43 years of age (and would be 106 years of age if still alive). Material on the original file indicates that she was (to use the terminology of the time) a "defective... under the control of the Mental Deficiency Board". After her disappearance the Mental Deficiency Board wrote to the Commissioner of Police requesting that Ms Baxter be apprehended and escorted to St John's Park where she would be admitted. The author of the letter indicated that he understood that Ms Baxter was known "to Senior Policewoman Webberley".
5. It seems that Ms Baxter apparently suffered epilepsy. The original investigative file includes information from a variety of sources including the matron at St John's Hospital who apparently informed one of the investigating police that Ms Baxter was "man-mad and if she should be located [police] would be wasting [their] time returning her there as she would be off again within a few minutes". No doubt information of this type helped shape the approach of the investigators at the time.
6. Ms Baxter was the mother of a young girl born in the Royal Hobart Hospital in 1949. Her daughter was adopted in 1951.
7. After the matter was reported to police various enquiries were made but none proved successful in locating Ms Baxter. The contemporary investigation file records that Ms Baxter had been keeping company with a Mr Edward Denison Walmsley in the lead up to her disappearance. The file records that Mr Walmsley was an ex-serviceman, who had been awarded the Military Medal for Bravery at the Battle of Mons, Flanders in

1914 whilst serving in the British Army with the 3<sup>rd</sup> Battalion, the Duke of Wellington Regiment. This information is not correct. Mr Walmsley enlisted in that unit on 1 May 1913, but was discharged as medically unfit before the war broke out. He re-enlisted in the 3<sup>rd</sup> Battalion, the Cheshire Regiment, on 16 June 1915 (well after the Battle of Mons had ended). He fought on the Western Front with that unit, being gassed in May 1916. After a period of convalescence at a military hospital in Dundee, Scotland he returned to the Cheshire Regiment on 31 July 1916. On 15 January 1917 he transferred to the Royal Welsh Fusiliers and was discharged due to sickness later in the same year. At no stage was he awarded the Military Medal for Bravery.

8. At some stage after World War I Mr Walmsley moved to Australia. It is not clear when that was although he was certainly here by 3 June 1941 when he enlisted in the Australian Army. In his application to enlist he referred to his service with the Cheshire Regiment (but not the Duke of Wellington Regiment nor the Royal Welsh Fusiliers). His army career in this country was less than impressive. Within 14 days of enlistment his record shows him being dealt with for drunkenness. A month later his record shows him Absent Without Leave and two months into his service he was recorded as being Absent Without Leave again, this time permanently. He was administratively discharged by the Australian Army in 1947 never having been located by military authorities again.
9. The couple seem to have met at a dance at the City Hall in Hobart on 23 April 1955. Mr Walmsley and Ms Baxter appear to have held themselves out as a married couple and spent at least one night together on 3 May 1955 at a boarding house at 25 Waterworks Road, Dynnyrne. Some articles of clothing were left at that address by Ms Baxter.
10. The historic investigation file indicates that Ms Baxter withdrew the sum of £20 two days before her disappearance. I observe that the sum of £20 was a substantial amount of money in 1955. There is also a suggestion that Ms Baxter had recently "come into money".
11. By the standards of the time, Ms Baxter's disappearance was comprehensively investigated. Enquiries were conducted throughout Hobart, the rest of the state and interstate. The file includes a statement by a receptionist at an optician's shop in Elizabeth Street, Hobart in which she says, a few days after Ms Baxter was reported

missing, a man and woman (purporting to be man and wife) entered the optician shop. The receptionist positively identified the woman as Ms Baxter. In addition, another witness also positively identified Ms Baxter walking along Liverpool Street toward the city railway station on 17 May 1955 (i.e. two days after she was last seen by Mrs Sprent and the day after she was reported missing). Ultimately, and not unreasonably, the investigating officers appear to have concluded that the most likely scenario was that Ms Baxter had departed the state with Mr Walmsley, posing as man and wife, and headed to the mainland.

12. Importantly, the original investigative file indicates that Ms Baxter had 'disappeared' on a previous occasion before May 1955 and been located in the Fern Tree area.
13. Mr Walmsley died in New South Wales in 1961. Despite efforts to do so police were unable to locate him after Ms Baxter's disappearance and it appears he was never spoken to by police after she went missing. The file does indicate that enquiries revealed he had been employed as a house painter, but that employment was terminated on 30 June 1955 and that he had been evicted from his lodging at 38 Hamilton Street, West Hobart in mid-May 1955 because of his 'drinking habits'.
14. As has already been noted, the matter of Ms Baxter's suspected death was not reported to the Coronial Division until 2009. A coroner made a finding on 10 March 2010, without holding an inquest, in relation to Ms Baxter's death. I respectfully observe that the coroner does not appear to have actually given any reasons, at all, for finding that Ms Baxter was in fact dead. Although he made reference to the alleged sightings of Ms Baxter in Liverpool Street near the railway station and at the optician after her reported disappearance, the coroner did not explain whether, and if so why, he either accepted or rejected those accounts. Plainly, if either account (or both) was correct then Ms Baxter was alive after her disappearance and the "finding" that Ms Baxter "died on or about 15 May 1955" is wrong. Finally, despite finding that Ms Baxter was dead, the coroner expressly found that he could not discount the possibility that Ms Baxter had deliberately left her clothing and belongings at the Waterworks Road address with the intention of moving to the mainland with Mr Walmsley as husband and wife. In my respectful view it is impossible to reconcile both conclusions. Ms Baxter either went to the mainland with Mr Walmsley or she died on or about 15 May 1955.

15. In any event, on 20 December 2017 the Chief Magistrate's delegate, Coroner McTaggart, directed that the investigation into Ms Baxter's death be re-opened given fresh evidence which had come to light. She also directed me, pursuant to section 58(1)(d) of the *Coroners Act* 1995, to re-examine Ms Baxter's death.

### **The Fresh Evidence**

16. The fresh evidence is the positive identification of a skull and some bones found in 1972 on a track near the Organ Pipes on Mt Wellington as those of Ms Baxter. The skull and other bones had been in storage since their being handed in to police, after being found by some boys playing in the area. The remains were recently examined by a forensic anthropologist, Dr Anne-Marie Williams, at the request of the Coronial Division, which has been systematically reviewing a number of Long Term Missing Persons cases, dating from as early as 1950. Dr Williams duly examined the bones and expressed the opinion they were the remains of a middle to older aged woman and which had been *in situ* for at least 5 years prior to their discovery. Dr Williams observed the presence of clear signs of arthritis in both the neck and back bones. She also noted the fact that the skull had suffered significant *post mortem* damage and that several of the bones were extensively blackened and charred, likely attributable to bushfire. It is noted that the Mt Wellington area was significantly impacted upon by the Black Tuesday bushfires which devastated southern Tasmania in February 1967.
17. A 'usable' DNA sample was able to be extracted from the bones by scientists at the laboratory of Forensic Science Service Tasmania (FSST). The sample was then profiled by the Forensic and Analytical Science Service, NSW (FASS).
18. At the same time the extant records in this state relating to Long Term Missing Persons were carefully interrogated. Only three women were recorded as being missing during the time parameters identified by Dr Williams. By process of elimination the other two missing women, Eileen Adeline Stewart and Lucille Gaye Butterworth, were able to be excluded as possible sources of the remains. Ms Stewart, who went missing from Mount Nelson in 1958 was positively excluded as a result of DNA comparison of the sample extracted from the bones with a sample donated by a surviving daughter, resident in the United Kingdom.

19. Ms Butterworth, who went missing from a bus stop at Claremont on 25 August 1969, aged just 20, was able to be excluded as the source of the remains because of the presence of arthritis in the remains (a condition much more likely to be associated with an older woman) and the fact that she disappeared only 3 years before the bones were found.
20. Officers from Tasmania Police located Ms Baxter's daughter living in Launceston. With her consent a sample of saliva was taken for DNA comparison. The DNA sample taken from her was compared with the DNA extracted from the remains at FSST and profiled by FASS. Forensic Scientist with FSST, Dr Paul Holloway, expressed the opinion after comparison of the two profiles that 'the DNA profile from the skull is seventy-seven times more likely to be obtained if the DNA originated from Joyce Baxter than from another randomly chosen person within the population'. I accept Dr Holloway's expert opinion.

## **Conclusion**

21. I am satisfied, on the balance of probabilities, because of the forensic scientific evidence with respect to DNA comparison, the historic evidence with respect to the fact that Ms Baxter had disappeared before and been found in the Fern Tree area (not far from where the remains were discovered), and the evidence from the forensic anthropologist as to the gender and likely age of the bones, that they are the remains of Joyce Kathleen Maggie Baxter. It follows that I am satisfied that Ms Baxter is dead.
22. However, the evidence does not allow me to make any finding as to the cause, circumstances or place and time of her death, other than that already set out in this finding. As has already been noted, no clue as to the cause or manner of her death was able to be gleaned from the remains themselves. It may be that Ms Baxter wandered off to the Fern Tree area as she was reported to have done in the past, made her way from there up Mount Wellington and died as the result of an accident or natural causes. It may be that her death was the result of suicide, given that her remains were located near the Organ Pipes, very high cliffs on the eastern face of Mt Wellington. However, there is no evidence to suggest any suicidal ideation or suicide attempts in her history. It may be that she was the victim of homicide; perhaps motivated by the £20 she had reportedly withdrawn from her bank account shortly prior to her disappearance or perhaps the money she may have recently 'come into' or

related in some way to her relationship with Mr Walmsley. It is even possible that Ms Baxter may have been killed somewhere else and her body transported to the area where it was found years later. Unfortunately, the time that has passed since Ms Baxter's disappearance, and the discovery and identification of her remains, makes it inherently unlikely that the cause, manner and circumstances of her death will ever be determined.

### **Comments and Recommendations**

23. I extend my particular appreciation to Dr Paul Holloway of FSST and forensic anthropologist, Dr Anne-Marie Williams, for the crucial roles they played in the positive identification of the remains. I also extend my particular thanks to Mr Scott Flaving, archivist at the Duke of Wellington Regiment Museum, Halifax, West Yorkshire, United Kingdom for his assistance in unearthing Mr Walmsley's military service history.
22. The circumstances of Ms Baxter's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.
23. I convey my sincere condolences to Ms Baxter's daughter and hope that this finding brings some small measure of closure to her after all these years.

**Dated** 13 June 2018 at Hobart in Tasmania.

**Simon Cooper**  
**Coroner**