



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*

I, Simon Cooper, Coroner, having investigated the death of Eileen Adeline Stewart

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

- a) The identity of the deceased is Eileen Adeline Stewart;
- b) While satisfied Mrs Stewart is dead I am unable to determine the circumstances of her death;
- c) I am unable to determine the cause of Mrs Stewart's death; and
- d) Mrs Stewart died on or after 7 November 1958 in Tasmania at a location I am unable to determine.

### **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."
2. 'Death' is defined in section 3 of the Act as including a suspected death.
3. '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.
4. 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.
5. For reasons which will become apparent in this finding I am satisfied that jurisdiction exists to investigate the disappearance of Eileen Adeline Stewart.

### **Background**

6. Mrs Stewart was born at Lanivet near Bodmin in Cornwall, United Kingdom on 17 August 1932.

7. In 1948, aged just 16, she married Charles Bertram John Stewart, a warrant officer in the British Regular Army. Mr Stewart had been captured by the Japanese at the fall of Hong Kong at Christmas 1941. He spent the rest of the war as a prisoner of war. He was 15 years his wife's senior.
8. Mr and Mrs Stewart had 4 children together – Susan, Angela, Malcolm and Ian. In March 1958 the family arrived in Tasmania from the United Kingdom as assisted migrants. They settled initially at Low Head in the north of the state before Mr Stewart secured a position as a signalman at the Mt Nelson Signal Station, near Hobart. The position came with a cottage, into which the family moved.

### **Disappearance**

9. On Friday 7 November 1958 Mr Stewart contacted Tasmania Police and reported that his wife was missing. The original missing person report was completed at 8.00pm by a Constable De Soza no. 522 of the Hobart Information Bureau. It records that Mrs Stewart had left home at 10.30am the same day to 'do some shopping in town and [had] not returned'. The report goes on to record that Mrs Stewart had at least 40 pounds in her possession 'and her husbands [sic] bank book which has a considerable amount in it'.
10. Mr Stewart apparently expected his wife to return to Mt Nelson on the 1.00pm bus. She did not. By 4.00pm the same day he had placed his children in orphanages - the girls at St Joseph's and the boys at Savio College, Glenorchy. He then reported to police the fact that his wife was missing.
11. The Missing Person Report is accompanied in the original police file by a subject report, authored by Constable De Soza, which includes additional information that Mr Stewart had reported his wife came to the signal station that morning to say 'goodbye to him as she was going to town to do some shopping'.
12. No trace of Mrs Stewart, alive or dead, has been found since that day.

### **The initial investigation**

13. A subject report on the file authored by an unnamed Police Sergeant (no. 47) indicates that it was 'ascertained Mrs Stewart travelled on the 10.30am passenger bus from Mt Nelson to Hobart and was later seen in the city streets'. The basis for those conclusions are not indicated in the report, and no information exists on the file to indicate whether the conclusions are correct.

14. The original investigation file shows enquiries were conducted in various mainland states, but without unearthing any trace of Mrs Stewart. The file includes a suggestion that Mrs Stewart suffered from an unspecified nervous disorder and that there were concerns for her safety.
15. Enquiries were conducted with a previous work colleague, Mr Rodney Burton, a friend of Mrs Stewart, Ms Margaret Scott, and family friends from George Town, Mr and Mrs Schell. No information of assistance in locating Mrs Stewart was obtained as a result of these enquiries. Airline checks were conducted without success.
16. Media exposure was also utilised as part of the investigation.
17. On Christmas Eve 1958 the Tasmanian Commissioner of Police wrote to his counterpart at New Scotland Yard, London, requesting assistance. He asked in particular that contact be made with Mrs Stewart's mother in West London, to ascertain if she had any information which might assist with the investigation into her daughter's disappearance.
18. The next month the Assistant Commissioner of the Metropolitan Police, London, replied. He said that Mrs Stewart's mother had been interviewed but had not heard from her daughter since she disappeared. The Assistant Commissioner in his letter said that Mrs Stewart's mother was "of the opinion that her daughter has deliberately left her husband because of his treatment of her and that he may be exaggerating her nervous condition in an endeavour to get her back".
19. In July 1959 the matter of Mrs Stewart's disappearance was referred for enquiries to police in New Zealand when it was ascertained that she had a sister living in Auckland. Mrs Stewart's sister was duly interviewed by police in New Zealand. According to a report on the file the last contact she had had was a letter received from Mr Stewart in April 1958. The substance of the letter was that Mrs Stewart had arrived in Australia and was very happy. She was reportedly emphatic that she had neither seen nor heard of her sister since April 1958.
20. On 6 October 1960 Mr Stewart departed on a ship from Melbourne with his children to return to the United Kingdom. Before he left this country he advised Tasmania Police of his intention to return to the United Kingdom and where his address would be upon his arrival there.
21. In real terms it would appear that no further investigation was carried out for several decades. A media report from *The Mercury* of 9 March 1968 deals with Mrs Stewart's

disappearance. The report says “the bus driver did not remember her getting into the bus and the police still do not know how, or whether she left Mount Nelson”. The report indicates searches were also made in the Mount Nelson area both at the time of Mrs Stewart’s disappearance and after the 1967 bushfires but without result. The report is inconsistent with the subject report referred to above written by number 47 Police Sergeant wherein the author of that report indicates that it had been “ascertained” Mrs Stewart had travelled by bus to Hobart on 7 November 1958.

### **The investigation reopened**

22. In 2014, as part of the Coronial Division review of all long-term missing person cases in the state, the investigation into Mrs Stewart’s death was reactivated. Enquiries were conducted with Tasmania Prison Service, the electoral commission, the Department of Health and Human Services (housing and mental health), and various other agencies, including the Registry of Births, Deaths and Marriages as well as the 10 most commonly used financial institutions and all state and territory police jurisdiction information holdings for information in relation to Mrs Stewart. None was located. Enquiries were conducted in relation to an identified bodies records nationally, all national transport systems, with Centrelink (Social Security) nationally, and Medicare (health insurance) nationally. None of the agencies mentioned above had any record of Mrs Stewart. Records at the Coronial Division were interrogated and no information was gleaned which would assist in the location of Mrs Stewart. Enquiries were conducted via Interpol but without success.
23. Records were obtained from the national Department of Immigration with respect to Mr and Mrs Stewart. Nothing in those files assists in determining what became of Mrs Stewart.
24. Contact was made with the surviving members of Mrs Stewart’s family. It was ascertained that her husband was long since dead. Despite their best efforts no new information was able to be obtained from the family members.
25. Unidentified bones located on the slopes of Mount Wellington in the early 1970s, but stored for future identification, were examined by the State Forensic Pathologist and a forensic anthropologist. Whilst the bones were identified as having come from a Caucasian woman of an age similar to Mrs Stewart, DNA comparison conducted by Forensic Science Service Tasmania positively excluded them as being from Mrs Stewart. Police forensic and scientific officers conducted a further search of the area surrounding the Stewart family cottage on Mount Nelson and in particular excavated

what was thought to be potentially a grave. None of these enquiries revealed any information to assist in the investigation.

26. No person was identified living in the Mount Nelson area or in the state generally able to cast any light whatsoever upon Mrs Stewart's disappearance.
27. I am satisfied that whatever the deficiencies of the historic investigation there are no further enquiries that can reasonably be made which are likely to provide any information of assistance in relation to the investigation in to Mrs Stewart's disappearance.

### **Conclusion**

28. I am satisfied to the requisite legal standard that Mrs Stewart is dead. The evidence satisfies me she was still alive in the morning of 7 November 1958. She must have died either later the same day or at some subsequent, unidentified date. I am satisfied she is dead because there is absolutely no record of her being alive in this country. Further, and more importantly, I consider it a certainty that, had she been alive at any time after her disappearance, she would have made some contact with at least her mother, her children or one of her siblings. However, what became of her after her disappearance from the family cottage on Mount Nelson that morning approaching 60 years ago, is a question that cannot be answered. In short, the evidence does not allow of a conclusion as to when, where or how she died.
29. I consider it more likely than not that Mrs Stewart died in Tasmania. I have reached this view because the checks carried out at the time, whilst cursory by today's standards, are likely to have determined whether she left the state and there is no record she did.
30. I therefore return an open verdict. Any other conclusion would be nothing more than speculation.

### **Comments and Recommendations:**

31. I extend my appreciation to the investigating officer, Detective Senior Constable Andrew Peterson, for his investigation and report. I also extend my thanks to Tasmania Police Missing Persons Unit, the staff at Forensic Science Service Tasmania, the Tasmanian State Forensic Pathologist Dr Christopher Hamilton Lawrence, and forensic anthropologist Dr Anne-Marie Williams for their assistance in relation to this complicated matter.

32. The circumstances of Mrs Stewart's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act* 1995.

33. I convey my sincere condolences to the family and loved ones of Eileen Adeline Stewart.

**Dated** 28 November 2017 at Hobart in the State of Tasmania.

**Simon Cooper**

**Coroner**