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FAMOUS DETECTIVE STORIES

NEW SERIES NO. 2

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Publications, 350 George Street, Sydney.

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Wholly set up and printed in Australia by President Press, 60-70
Elizabeth St., Sydney, NSW, for the Publisher, Frank Johnson,
Pty. Ltd., 350 George St., Sydney. Distributed throughout
Australia by Gordon and Gotch (A/asia) Ltd.

Registered at the G.P.O. Sydney, for transmission by post as a book.

THE TASTE OF DEATH

By C. K. THOMPSON

George Chapman's methods for the removal of unwanted spouses was simpler than the divorce courts. When George was finished with a wife there was no question of troublesome alimony.

THE main trouble with Severin Klosowski, alias George Chapman, was that he spent more time chasing women than attending to legitimate business. But he was a weird type of Don Juan. Though he derived great pleasure from the company of women and from the favours they could bestow on him, he got his greatest satisfaction out of watching them die—and giving them a none-too-gentle hand in the expiring process.

It was proved beyond doubt that Mr. Chapman was one of the most inhuman monsters in the whole calendar of crime. What they could not prove against him was that he was identical with the notorious "Jack the Ripper," who between 1888 and 1892 knifed a long list of London prostitutes. They could not prove either that Mr. Chapman, during a temporary residence in the United States in 1891, perpetrated a series of ghastly crimes bearing all the hall-marks of the London Jack the Ripper murders. The police could never lay Jack the Ripper by the heels, but many of the

investigators and quite a few others firmly believed that Mr. George Chapman, formerly Mr. Severin Klosowski, of Poland, was responsible. Be that as it may, the police eventually fitted him with a series of woman-murders, quite as bad as the Ripper crimes, but not so messy. Chapman went in for the poison-bottle.

A glance at the man's background is interesting. He was born in the small village of Nargornak, southern Poland, on December 14, 1865. His father was a carpenter, and when the boy was born he threw a big wine-drinking party to wet the baby's head. All the local villagers rolled up in force to drink his health, averring that he was sure to make his name in the world, having been born so close to Christmas.

He made a name for himself, all right, though scarcely in a manner his parents would have approved of.

Mr. and Mrs. Klosowski decided to give the lad a good start in life, so when he was fifteen they apprenticed him to a surgeon. This didn't mean a great deal, because the type of doctor young Klosowski became offside to was a combination of barber, blood-letter, and hospital slushy. Though he was not a world-famous surgeon, young Severin decided to look the part, so accumulated a vast stock of important-looking medical tomes as well as a number of certificates which alleged that he was serious, zealous, respectable, honest, and undoubtedly skilful in his profession.

As he grew his personality grew with him. He was a large man with the body of an athlete. He sported a huge, thick moustache of the drooping handlebar variety and always kept his dark hair carefully trimmed. His outstanding characteristic, however, was a pair of enormous and powerful hands. A very flashy dresser, he had the gift of the gab, and women found his conversation and boasting of his wholly mythical adventures in the realms of medicine very fascinating. He also bragged a lot about his equally mythical adventures on land and sea.

During his residence in Poland he collected a wife, but apparently found her society boring, for when he decided to travel he forgot to take her with him.

Round about 1888 he landed in London and opened a barber's shop in High Street, Whitechapel, a very low neighbourhood. Dapper and debonair he did well, and became a leader of a group of Polish Catholics who lived in a colony in Whitechapel. Not

long after his arrival in the suburb, he met a Polish girl, one Lucy Baderski, and on the August Bank Holiday of 1889 he married her. Not long afterwards, the original Mrs. Klosowski turned up from Poland to claim her erring husband and found the rival Lucy installed.

Klosowski was not the least bit put out over this; in fact, he thought it funny. He told his two wives to work it out between them and he'd take the winner. Wife No. 1 didn't cotton to this idea at all. She said she was his only legal wife and No. 2 could get out. No. 2 refused and, as No. 1 did not want to return to Poland, Klosowski suggested that they make a threesome of it. Strangely enough, the wives agreed, and for a time they all lived together, Klosowski distributing his favours more or less equally. Then wife No. 1 got fed up with the business and departed.

Klosowski decided that London wasn't big enough for a man of his talents; so, with Lucy, he departed for the United States. This was in 1890. He opened a barber's shop in Jersey City. Twelve months later, Lucy was back among her friends in Whitechapel, London, loudly complaining that her husband was neglecting his business for the joy of chasing women. She had had enough of it, she said.

Klosowski himself got fed up with America a few years later, and in 1893 landed back in London. Soon after his arrival he picked up with a girl named Annie Chapman, and, as well as making her his mistress, he decided to adopt her name. He became Mr. George Chapman. Severin Klosowski and his responsibilities no longer existed.

Annie stuck it out with the roving-eyed George for a bare twelve months, and then dumped him—or he dumped her. The records are not very clear on that point.

Be that as it may, George allowed his eye to roam again, and it alighted upon Mrs. Mary Isabella Spink, wife of Mr. Shadrach Spink, a railway porter. Mrs. Spink was fat and blonde and had a son. Her main occupation was hitting the gin-bottle hard. Hardly attractive, but she happened to possess £600 in hard cash, a legacy from a dead grandfather. It was this cash that Mr. Chapman had his eye on.

At this stage of the game Mrs. Spink was living apart from her husband with the intriguing Christian name. Chapman proposed

that she should live with him and let him use her money to buy a barber's shop. She consented and they set up house together. She brought along Master Spink, junior; but Chapman banished him to live in the dirty cellar of the new barber-shop, which was located in Hastings.

The business prospered for a time, and probably would have continued to make money had not Mrs. Spink decided to lend a hand. Generally half-tanked on gin, she used to wander into the saloon and lather the protesting customers in the wrong places. She made an utter nuisance of herself, and so did George. Most barbers can talk, but George bored his customers stiff with his lying stories of American life.

Then he got a brainwave. He bought a piano and installed it in front of the shop. Mrs. Spink, taking a pull on the gin, used to squat at the piano and churn out the latest musical-comedy hits. George himself cut short his stories. The novelty caught on and the business picked up wonderfully—so much so that by 1897 he was able to retire from barbering and launch out as a hotel licensee. He took over the Prince of Wales beerhouse in St. Bartholomew Square, London.

This was right up Mrs. Spink's alley. She gave the grog a proper caning. Then she began to fade away in health. George told the customers that over-indulgence in drink was her trouble and he gave her quite a few beltings to teach her to behave. That, though, was only a front. Mrs. Spink's illness was not caused by booze.

As the days went by she got worse. She was continually vomiting and grew thinner and thinner. When a customer timidly suggested that she should have medical treatment, George became indignant.

"Listen," he exclaimed in his affected Yankee accent, "these damned doctors can't do anything for Mrs. Chapman. Of course, she's not doing so good; but I'm a former medical man myself and I know more about her than all the London quacks put together. You leave it to me. I'm working out a cure for the old gal."

George used to keep a row of medical text-books at the back of the bar to impress his customers, who treated him most respectfully.

Whenever George gave her a glass of brandy, Mrs. Spink's throat used to burn, and her skin became clammy and cold and had

eruptions on it. This is not surprising, because George used to lace the brandy with tartar emetic.

During his barber days at Hastings, George had made friends with one of his customers, who was a chemist. It was from this chemist that he got his supply of the poison. Now, the symptoms of tartar emetic poisoning were well known to the medical profession generally, but the cunning George, when he decided, for the look of the thing, to call in a doctor, dug up an ancient specimen named Rodgers, who was so antiquated in his knowledge that he hardly knew what day of the week it was.

Mrs. Spink died on December 26, 1897, aged 41, and ancient Dr. Rodgers made out a certificate that phthisis had laid her low. George, the master actor, put on a great show of grief for the customers that Christmas Day, but did not knock back the collection they took up for him to assuage his grief.

His favourite literature at this time was the popular Press accounts of murder, suicide and sudden death, and he read and re-read a book of reminiscences by a public hangman so often that he practically knew it off by heart. He enjoyed particularly the detailed accounts of the last moments of the hangman's victims dangling at the rope's end.

George stayed in "mourning" for a few months and then decided to acquire a new heart-throb. He advertised for a barmaid and, when he interviewed the applicants, picked on Bessie Taylor, a former cafe employee. Bessie was 36 years old, a fine-looking mature woman, and daughter of a local farmer. After a while he "married" Bessie and seemed devoted to her. But not for long. Gradually she began to lose weight and suffer from skin eruptions. George sold the Prince of Wales beerhouse and moved to the country, where he took over an inn. Bessie was in hospital for a short while and regained her health, because George and his tartar emetic were not handy.

In due course, Bessie being more or less in the pink again, George returned to London, where he took over the Monument Tavern, a far superior pub to the Prince of Wales. He laid off the tartar emetic, and Bessie, in good health, devoted her time to charitable works and riding around South London on one of those new-fangled bicycles.

But George of the roving eye was growing tired of Bessie. He

showed this by occasionally beating her up. And then he again started a course of tartar emetic. Bessie became ill and this alarmed her parents. They paid a visit to see what was wrong. George set himself out to be specially nice to them, and they fell for it. Having voted him the best possible husband for their darling Bessie, they slipped him £50 to give her as a present. George, of course, stuck to it.

George then set to work on her properly, gradually increasing the poison doses. Bessie became permanently bedridden and lost to the sight of her bosom friends. One of these, a Mrs. Painter, who lived in the West End, became quite concerned, so paid a visit to the Monument Tavern. In the bar she found George dishing out liquor to the thirsty customers.

"How is Bessie?" she asked, full of anxiety.

"Bessie?" asked George, as if the name were strange to him.

"Why, your friend Bessie is dead. Didn't you know?"

Throwing George a horrified glance, Mrs. Painter whizzed up the stairs, followed sedately by George himself. Bessie was not dead at all; but she was very sick.

"What is the trouble, Bessie?" asked Mrs. Painter.

"I'm always in pain," replied the stricken woman. "They come on worse after I eat or drink anything."

George came into the room and, instead of looking sad and sorrowful, improved the shining hour by making a pass at Mrs. Painter. That lady was somewhat embarrassed by his attentions, but Bessie was past caring. In spite of the amorous George, Mrs. Painter persisted in her endeavours to find out what the trouble was, and eventually consulted a local medical man, Dr. Stoker. That gentleman would never qualify as a world-renowned specialist. He thought Bessie was suffering from exhaustion and reckoned he could pull her round. A nurse was installed and Bessie did rally somewhat, even to the extent of getting up and thumping the piano; but George and his tartar emetic bottle were still around.

Thus it was on February 13, 1901, about 1.30 a.m., George entered his wife's room and proclaimed that she had passed away. He was right, too. Dr. Stoker was called and certified death as being due to exhaustion and a malignant growth.

George came all over poetical on the occasion of his wife's funeral, composing the following touching epitaph:

"Farewell, my friends, fond and dear,
Weep for me not one single tear;
For all that was done and could be done,
You plainly see my time was come."

With dear Bessie safely underground, George set about getting a new barmaid. Glancing through the advertising columns of a trade paper, he sighted, in the "Situations Wanted" column, a few lines, which announced that one Maud Eliza Marsh, of Croydon, was open to receive offers of work as a barmaid. George dropped her a note, and in due course she arrived, bringing with her her mother and father.

Now, Maud Eliza was a totally different proposition to all the other women in George Chapman's life. Hitherto he had dealt only with mature women. Maud Eliza was a very attractive young lass of only 18. She had been working as a barmaid at a pub in Croydon, but wanted something better. Her family was most respectable and of a superior type. They went with their daughter to interview Chapman just to see what class of place he owned and what sort of man he was personally.

George, of course, made much of them and turned on his charm full force. He threw in some of his American adventures and wound up by saying that, as his hotel was a most respectable place, he required a quiet, ladylike girl for a well-paid job.

"She would, of course, have to live on the premises," he said.

"Well, now, I don't know about that," said the dubious Mr. Marsh.

"Not quite the thing for our Maud," murmured Mrs. Marsh.

George Chapman laughed.

"Oh, goodness me! I'm not that kind of a man, although I am a bachelor," he said in winning tones. "There is a very respectable family who occupy the upper part of this house, and they will keep an eye on young Maud. Why, I shall treat her as if she were my own daughter!"

George Chapman had queer ideas on how a father should treat his daughter, as subsequent events proved; but Mr. and Mrs. Marsh were hoodwinked completely.

"What a charming gentleman!" murmured Mrs. Marsh to her

husband as they departed, leaving their ewe lamb in the clutches of the villain.

Mr. Marsh agreed. But it was not long before the parents had their first anxious moment. This was a letter from Maud, who told them that Chapman had made her a present of a marvellous gold watch and chain.

The first thought that struck them was that the present was the price of their daughter's capitulation to the older Chapman's blandishments. They felt that she had been ruined, and worried over it quite a lot. Actually, they were just anticipating—it was a case of coming events casting their shadows before; because the villain Chapman was out to seduce the girl, as a rather remarkable letter from Maud to her mother showed. This read:

“Dear Mother,—Just a line to say on the Q.T. Mr. has gone out; so now I write this to you to say that George says that if I do not let him have what he wants, he will give me £35 and send me home. What shall I do? It does worry me so. But, still, I am engaged, so it will not matter much; and if he does not marry me I can have breach of promise, can't I? I must close now, with love.”

The effect on Mrs. Marsh of such a letter readily may be understood. She sent a note to Maud ordering her to leave that place at once while she was in one piece. Maud duly arrived home, but she brought Chapman with her. Chapman told the Marshs that he was in love with their daughter and wanted to marry her. He then produced a document which he said was a will leaving all his property to Maud. He signed it in their presence with a dramatic flourish, and back to his hotel he went, taking the girl with him.

Maud's parents did nothing immediately. They were not sure of themselves. But they did not like the set-up one little bit. Then Marsh took ill and had to go to hospital. While he was there Maud visited him and he noticed a wedding ring on her finger.

When he demanded to know what it meant, the girl replied with a blush that she and Chapman had been married that day.

This was October 13. Not knowing anything, Mrs. Marsh that day decided to visit Maud. Some time before this she had sent

her other daughter, Nellie, to stay at the hotel as company for her sister and also as some kind of protection—not that a young girl would be of much use against a man like Chapman.

The first thing Mrs. Marsh noticed when she got to the Monument Tavern was large heaps of confetti all around the place.

"Somebody been getting married?" she asked Nellie.

"Yes," replied the girl. "Maud. She got married this morning."

At this point Maud herself turned up and greeted her mother very warmly.

"Where are the marriage lines?" demanded her mother.

"Oh, George has put them away with his other papers," said Maud as she kissed her suspicious mother soundly.

There was nothing Mrs. Marsh could do about the matter; so she returned home with the grim resolve to keep a strict eye on Chapman to see that there was no funny business.

George and his latest mistress—she was nothing more legally—spent their honeymoon at the Monument Tavern, and it was hardly over before the young bride took ill. This took the form of burning in the throat after eating and a feeling of nausea. When she did not get better she decided to go to hospital for an overhaul. She selected the famous Guy's Hospital, where the doctors made various and conflicting decisions, ranging from cancer to rheumatism. They could not make a definite diagnosis, but during her stay in hospital Maud lost the symptoms, and she returned home much better.

It was, of course, the worst thing she could have done; but she did not know that. George Chapman got busy again with his bottle of tartar emetic, and the unfortunate girl became very ill.

At this stage of his infamous career Chapman seemed to have taken leave of his senses, or at least became decidedly incautious and tactless—dangerous traits for a triple murderer. It might have been an air of bravado that caused him to call in Dr. Stoker to attend his stricken girl-wife, but it was arrant carelessness on his part to tell the doctor that Maud had the same symptoms as his previous wife. He repeated it several times to the doctor and laughed when he said it, but Dr. Stoker apparently did not attach any undue significance to the sinister statement.

Another exhibition of tactlessness on the part of Chapman lost him a lot of custom at his pub. The Boer War was on at the time, and, though he was a Pole by birth and an American by self-

proclamation, he should have kept his mouth shut about the war instead of siding with the Boers. The customers, patriotic Britons, did not like to hear him praising up the Boers and running down the British; so they indicated their disapproval by withdrawing their patronage. The result was that Chapman nearly went broke. He was forced to leave the Monument Tavern, so took over the licence of the Crown Hotel, which was a fair distance from the tavern.

Before he left, however, some imp of devilment or brain-fever caused him to stick a match to the Monument Tavern. He took the precaution of first removing his property before starting a fire in the cellars. It was a blatant attempt at arson and deceived nobody. The local newspaper, the *Morning Advertiser*, came straight out with a direct accusation. Chapman took umbrage and fired in a writ for libel, but when the insurance company made an investigation he forgot the writ and departed hastily.

Dr. Stoker installed a nurse named Mrs. Toon to care for Maud at the Crown Hotel. Chapman himself was quite happy. When he wasn't making passes at the local girls and trying to seduce them, he was down in the cellars of the hotel, sneaking around in rubber-soled shoes shooting rats with a revolver. He must have had a screw loose somewhere. This was proved by the fact that he was now openly boasting that no doctor could cure a woman to whom he had given his special "medicine."

A girl named Raynor whom Chapman was trying his best to seduce had some illuminating things to tell about him later. She related that she was in the hotel one day, when Chapman grabbed her, tried to kiss her, and made certain suggestions to her. He also asked her to clear out with him to America as "Mrs. Chapman."

When Miss Raynor retorted that there was a Mrs. Chapman already, the genial George replied: "Oh, I could give her something and she'd be no more Mrs. Chapman." He also declared, "I could give her a bit and fifty doctors could not find out." Miss Raynor took to her heels.

Chapman always insisted on personally preparing Maud's food, and one wonders what the girl's medical advisers were doing by letting him. Had Dr. Stoker suspected poison it might have been a different story, but Dr. Stoker was not very competent.

One day Maud's married sister visited her and got a shock.

"Mrs. Chapman" appeared to be dying. Her sister immediately sent for her parents. They arrived at the Crown on October 20, and were greatly distressed at their young daughter's condition.

"She is dying all right," said Chapman, quite unconcerned.

"Did your other wife go that way too?" asked Marsh.

"Just about the same way, just the same," said Chapman cheerily.

"You don't seem to be too distressed," said Marsh indignantly.

"What's the use?" asked Chapman. "Me crying around the place won't restore her to health."

"But what could have made her so bad?" asked Mrs. Marsh.

"Oh, I guess it was some rabbit we ate," said Chapman airily.

"I had some and it made me feel sick."

"Well, I don't like it. It is very suspicious," said Mrs. Marsh.

Chapman looked at her warily. Then he took Nurse Toon aside.

"Here, get that old hag off to bed out of everyone's way," he whispered to the nurse.

"Where are you going?" asked Mrs. Marsh as Chapman was leaving the room.

"Down to the cellar to kill a few more rats," he said grimly, and the old woman shuddered.

Marsh, who was very worried and very suspicious, went home to Croydon next day and consulted his family doctor, Dr. Grapel. The medical man immediately went to the Crown Hotel, where he found Chapman in the bar. He told him who he was and said he wanted to examine Mrs. Chapman.

"What for?" demanded George. There is a doctor already in attendance. Fifty doctors can do nothing for my wife."

"We will see about that," said Dr. Grapel.

Having examined the patient and had a consultation with Dr. Stoker, Dr. Grapel voiced the opinion that Maud had ptomaine poisoning. He then said that he would have to get back to his own patients at Croydon and left. On the way, however, he stopped off at a post office to send a telegram to Dr. Stoker. In this he stated that he suspected arsenic poison.

Chapman decided to finish Maud off that same night. He laced a bottle of brandy with his precious tartar emetic and carted it off to the sick-room. Mrs. Marsh gave Maud a tot of brandy and then, feeling in need of some stimulant herself, had a hearty swig of the doctored spirit. The result was that it nearly killed her on the spot.

Hearing noises of distress, Chapman lit a candle and rushed to the sick-room. Mrs. Marsh said later that his face was white and ghastly to look upon.

Realising what had happened, Chapman ran downstairs and awakened Nurse Toon.

"The damned old woman is bad now," he snorted.

Nurse Toon went to the sick-room, to find Mrs. Marsh partly recovered. She advised the old woman to go to bed; but Mrs. Marsh said she was going to stick it out, as her daughter was dying. So both women watched death creeping on to the stricken girl.

About 9 a.m. next day Maud had a fit of convulsions, but rallied and regained consciousness. Noticing and recognising Chapman, she whispered: "I'm going now, George."

"Where?" asked the callous murderer, with a hearty laugh. And then, in his supreme effrontery, he sighed deeply and tears gushed from his eyes. Oh, but he was a great actor, this Chapman! He tried to lay his head on Mrs. Marsh's shoulder, and called her "dear Mother."

With great loathing, Mrs. Marsh pushed him aside and, retiring to her own room, closed the door.

When Dr. Stoker turned up, Chapman immediately buttonholed him.

"What about a certificate, Doctor?" he asked.

"No; I'm not satisfied with the cause of death," said Dr. Stoker.

"Why, dammit, cause of death was exhaustion, brought on by the vomiting and diarrhoea!" said Chapman, alias "Dr." Severin Klosowski.

"Yes, but what caused that?" demanded Dr. Stoker grimly.

"Dunno," replied Chapman, and walked away. He looked up Nurse Toon and told her he wanted her to keep silent over certain little matters.

"Let's have a friendly little glass of rum and a nice chat," she suggested.

"Rum makes you talk too much," snorted Chapman. "You're not getting any rum."

There was no conversation.

Dr. Stoker, who may have been lax before, now got steam up. He had the body of Maud Marsh removed to the morgue, and

there, with the help of several other doctors, performed an entirely unauthorised post-mortem. The contents of the stomach were analysed, and the analyst reported the presence of arsenic. This was entirely incorrect, but it did not matter. The result was the desired one—the arrest of George Chapman. This was on October 25.

It now seemed clear that three crimes had been committed; so the bodies of Bessie Chapman and Mrs. Spink were exhumed. Antimonial poison was present in large quantities in both bodies.

As another sample of the callousness and hypocrisy of Mr. George Chapman, it might be mentioned in passing that at the funeral of Maud Marsh the largest and most beautiful wreath bore the ticket, "From a devoted friend, G.C."

Chapman duly appeared before Mr. Justice Grantham and a jury at the old London Central Criminal Court. The Crown was determined to fit him with the crimes, for the prosecution was in the hands of Sir Edward Carson, K.C., and Mr. Charles Mathews, K.C., two of England's most brilliant counsel. Chapman was represented by Mr. George Elliott, K.C., and Mr. Arthur Hutton, another brilliant pair.

At the outset, Chapman refused point blank to acknowledge that he was the former Severin Klosowski. He had never heard of the Pole. Asked to identify him, one witness said: "Yes, that is Klosowski sitting there. At Tottenham he had two wives. He was a la-de-da then, with his black coat, patent boots, and high hat. He has not changed a bit. Why, he hasn't got a grey hair in his head!"

What murderer Chapman thought of this testimonial is not on record.

Sir Edward Carson took the angle in the prosecution that Chapman had been dominated by lust. He painted a picture of Chapman as the great seducer of women, a monster with whom no woman was safe.

"Lust led him on, gentlemen," declaimed the great Irish barrister.

Chapman faced trial for the murder of Maud Marsh, and early in the piece it was argued at great length whether evidence concerning the deaths of Bessie Chapman and Mrs. Spink could be admitted. The Crown argued that in cases where the circumstances of death, cause and post-mortem appearance were similar, previous deaths could be produced as evidence.

Mr. Justice Grantham upheld the argument, and the evidence was admitted.

There was a lot of confusion over the medical evidence, particularly the conflict between arsenic and antimony poison, but the Crown called a succession of expert witnesses who had gone thoroughly into the matter. It was a good thing for the prosecution that this had been done; otherwise the case might have ended differently.

Defence counsel was fighting a losing battle from the start. There was no doubt in the mind of anyone that Chapman was as guilty as a man could be. The defence endeavoured to make capital out of the conflicting medical evidence, and even suggested that the antimony could have got into the medicine, food and brandy by error.

The other line the defence took was a straight-out appeal to the emotions of the jury. There was an element of doubt in the case, said counsel, and Chapman, as an alien, was, more than any other criminal, entitled to the benefit of that doubt.

"Don't let British justice suffer from any stigma in the eyes of an alien," trumpeted defence counsel.

It didn't do a bit of good for Mr. Chapman. Anyway, didn't he deny that he was Severin Klosowski?

Mr. Justice Grantham had a few scathing things to say about the various doctors involved in the case. They copped it right and left. Talking about symptoms of exhaustion and so on when it should have been plain that the women had been poisoned! Even Dr. Grapel had to take a judicial ear-bashing for not having returned to the Crown Hotel when he suspected arsenic poison, instead of sending a telegram as he had done.

It certainly made the doctors' ears burn red. It was a little hard on Grapel, however. After all, he had diagnosed poison after only one visit to the patient.

In his summing-up, Mr. Justice Grantham was all on the side of the Crown. Chapman never had a look-in. The jury took only ten minutes to find the man guilty.

From first to last, Chapman admitted nothing. In between his sentence and his last walk to the gallows, he insisted that he was innocent. His nerve, however, deserted him as the hour of

execution drew near, and all he could do was to sit in silence and shiver in his cell. In one letter he wrote:

"They can take my life, but they cannot kill my soul and take it from me. God is my judge, and I pray to have mercy on my soul for my sins which I have done during my life."

He also made a will in which he left £140 to Bessie Taylor's relatives and a ring and some clothes to the Marsh family.

George Chapman, alias Severin Klosowski, was hanged at Wandsworth Gaol on April 7, 1903.

SEE YOU IN CHURCH

By CHARLES KAY

Edward Smith Hall was not the man to take a back seat—even in church! The amazing story of a bitter feud between an editor and an Archdeacon over the matter of a family pew!

OVER the centuries there have been all kinds of criminal charges made against all sorts of persons, but it fell to Edward Smith Hall, editor of the early-day Sydney *Monitor* newspaper, to be liad up for trespassing in a church, breaking and entering a pew, and causing malicious damage to the said pew.

The brawl he had with Archdeacon Thomas Hobbes Scott, the bad-tempered incumbent of St. James' Church of England, Sydney, away back in 1828, caused, as one writer put it, "the biggest ecclesiastical scandal Australia has ever experienced."

It is as well to have a few personal details about the two antagonists to show what manner of men they were. In their own ways they were both as tough as old boots, and they had only one thing in common—each was a keen churchgoer. The Archdeacon had to be, anyway.

Hall landed in Sydney from England on October 25, 1812, and, after messing around a little with various jobs, founded, on

May 8, 1813, the Benevolent Society of New South Wales, and became its first secretary. He was genuinely interested in good works. Four years later he threw this up and became the first secretary and cashier of the Bank of New South Wales. He grew tired of this after twelve months of counting other people's cash, and in 1818 threw his hand in and decided to become a lawyer.

But when he applied to Governor Macquarie for permission to practise as an attorney in the local courts, he was refused because he had had absolutely no training in the law. Macquarie, however, appointed him a coroner.

Then he decided to become a journalist, and in May, 1826, brought out the first issue of the *Monitor*. Sir Ralph Darling was now Governor, and Hall did the right thing by praising him up in the first issue. Which naturally pleased his Excellency.

But a few months later Hall got stuck into the Governor properly in print, criticising everything he did. Darling was a bad-tempered cuss and immediately fired a writ for libel into Hall.

Hall pulled in his horns a trifle, and Darling dropped the prosecution. It was then that Hall had his famous fight with Archdeacon Scott.

Scott started life as a wine merchant in England; but on October 11, 1813, at the age of 40, he matriculated at Oxford and gained his M.A. degree in 1818. In the following year he was appointed secretary to Commissioner J. T. Bigge, who was sent out to Australia by the British Government to report upon the state of the colony. Scott was to take over from Bigge if the Commissioner died or became incapacitated. Bigge did neither; so in 1821 Scott took holy orders and on October 2, 1824, was appointed Archdeacon to New South Wales. He arrived in Sydney on May 7, 1825.

Now, his previous association in New South Wales with Bigge had made him as unpopular as the Commissioner himself. Added to that, he was, personally, a persistently quarrelsome man who collided continually with the powers that be, especially Governor Darling's predecessor, Governor Sir Thomas Brisbane.

There you have a brief picture of the two men, Hall and Scott.

In addition to owning the *Monitor*, Hall was the proud possessor of eight daughters. Being a widower, he looked after this brood himself and was careful to see that they received a strict religious upbringing. To this end he became possessed of the very best pew in St. James' Church. This cost him £4 a year to rent.

As editor of the *Monitor*, Hall had a powerful weapon to flog his enemies and those who were not. He dipped his pen in vitriol and scragged man, woman and child in print. But every Sunday he occupied the best pew in church, with his eight kids, looking as if butter would not melt in his mouth.

Archdeacon Scott was a favourite target. Hall did not like his sermons, and said so at great length in the *Monitor*. He even went so far as to say that Scott was "not a man of peace."

To the Archdeacon this was a dirty insult, so he decided to fix Hall in a manner which would hurt the most. He sat down and wrote a little note to the editor, who, when he received it, hit the roof in no uncertain manner. Scott calmly informed Hall that the whole subject of pew-letting in the church had been under review and it had been decided to reallocate them. This meant that Hall had to vacate his £4-a-year touch for another one.

But the editor was not going to give up his pet pew without a fight. He was madder than a wet hen, and when he found that his new pew was in a distant part of the church known as "Swampy Corner" he got madder and madder.

He called on the Archdeacon and told him straight that this funny business had to stop. He had paid for a certain pew and he was going to occupy it, come hell or high water. It would take more than a thousand archdeacons to keep him out of it.

"If you try anything illegal I shall place the matter in the hands of the police," said Scott frigidly.

"I'll be there next Sunday," said Hall darkly, and departed.

Archdeacon Scott wondered what the editor had in mind, but guessed that some species of dirty work was intended. He therefore arranged for two of his heftiest wardens or vergers to stand

on guard at the church entrance and keep the Hall brood out. Hall, of course, had his spies out that Sunday morning and knew what was what. He did not enter the church by the front door, but sneaked in round the back. The vergers did not know this, and when the service was about to start and they had not sighted Hall they breathed sighs of relief and entered the church themselves. They got a mighty shock to see Hall and his eight daughters sitting in their pew as usual. But how did they get in when the door was locked?

Investigation showed that the pew needed a new lock.

"You broke that lock, Mr. Hall," said one of them accusingly.

"Of course I did," replied Hall. "I am paying rent for this pew and, as I couldn't get into it without breaking the lock—well, of course I broke it."

"But our orders are to keep you out of that pew, Mr. Hall," complained a verger tearfully.

"You're too late. Now go away and let me hear the service," said the editor. And away they went.

Hall used to attend church every Sunday night as well as morning, as Archdeacon Scott knew; so the wily parson had every door except the main entrance securely bolted and barred. That would fix Mr. Hall, he told himself with great satisfaction.

But Mr. Hall was a wily man also, as events proved. He had anticipated some such move, and had the eight kids well drilled into what they should do.

The main entrance to the church faced the main aisle, and in the middle of this the two vergers planted themselves. When the Hall procession arrived, with Father at their head, the vergers spread out their arms and informed Hall that he couldn't come in. While he was arguing the toss with them, his eight daughters whizzed down the side aisle and clambered over seats and other pews to get to the £4-a-year touch. Hall followed close behind them, and, observing that his eldest daughter was still outside the pew, he vaulted into it, smashed the new lock defiantly, and bowed her inside with the air of the Prime Minister welcoming Royalty.

Archdeacon Scott said nothing, but he thought and planned a lot. The result of his strategy was apparent on the following Sunday when the Hall clan arrived at church. Every aisle was packed with vergers, beadles, churchwardens, and offiders. Hall could not move past the front entrance.

Gathering his family around him, he whispered instructions to them. Then the nine of them stood with sorrowful faces listening to the service. The vergers, wardens and offiders saw victory, and relaxed to listen to Archdeacon Scott in his pulpit. But the Hall family paid no attention to the service. The eight girls had their eyes fixed on Dad, waiting for the bugle-call.

Presently Hall saw his chance. With a cry of "Follow me, girls!" he charged down the aisle, scattering vergers, wardens and offiders right and left, and reached the treasured pew, with his girls at his heels.

But he had been stung. The pew was locked so tightly that he had no chance of getting it open without using great force and creating a disturbance. With all his faults, Hall was not the person to profane a church during a service in such a manner. So he and his brood stood erect in the aisle for the remainder of the service.

It was now honours even. Hall had succeeded in getting into church to take part in the service, while the Archdeacon had succeeded in keeping him out of his pet pew.

At the evening service there was practically a repetition of the morning episode, except that Hall brought along a stool with him and he sat on this outside the pew while the girls stood in a mass squad in the aisle. Actually, Hall had brought along with him a special tool to burst the lock on the pew door, but changed his mind at the last moment. Instead, he announced that he intended reporting Archdeacon Scott to the British Government and the Archbishop of Canterbury.

The Archdeacon got tired of the whole business and fetched up a gang of carpenters, who boarded in the pew top and sides until it looked like a box and was quite impregnable without an axe.

But Archdeacon Scott did not stop there. He fired in summonses against Hall, alleging trespass and libel. The trespass action set

forth that Hall, on July 1, 1828, did break and enter the pew against authority and did stay there for three hours; and that he did break the door to pieces and smash the lock thereon, doing damage to the extent of £100.

Hall was quite willing and eager to do legal battle with Scott. His defence to the trespass suit was that he was the legal lessee of the pew, for which he had paid a whole £4. He claimed that he had every right to enter it.

The Court found in favour of the Archdeacon, but did not award him the £100 he claimed. All he got was one shilling. And, of course, the pew.

Hall hit the roof and demanded a new trial, which he didn't get.

Then the libel suit came on. Scott claimed that Hall had grossly libelled him by stating that "he tended not to be a man of peace." Hall retorted that a man who carried on like Scott had done over the matter of a church pew definitely was not a man of peace. The Court thought otherwise. It found Hall guilty and fined him £1. That was peanuts; but it also ordered him to enter a bond of £500 to be of good behaviour, and to refrain from libelling people.

Hall did not mind the £1 fine so much, but he did object to the bond. It meant that if he libelled anyone in the *Monitor* again he had to find £500 or go to gaol; and, as he had never had £500 all at once in his whole lifetime, it was gaol for him without a doubt. The bond meant almost certain ruin for his newspaper, because it thrived on libels.

"I'll sell the paper," he announced. "I've got to, on account of my large family, who would be wholly unprotected in the case of my being imprisoned for libel."

But nobody would buy the *Monitor*. Hall bit the bullet and said he would continue to run it. He did.

Then it came to his ears that Archdeacon Scott was crowing over his victory. This drove Hall almost off his head, and he decided to fix Scott if it was the last act he performed on earth.

Disregarding the previous verdict of the Court on the trespass suit, Hall smacked the Archdeacon with an amazing writ which

alleged that Scott had been the trespasser, not Hall, because Hall had paid £4 to rent the pew.

This case went before a jury, and Archdeacon Scott went into the box to explain, as he had explained at the previous hearing, that Hall did not have a leg to stand on. He may have rented the pew for £4 and he might hold a receipt for it; but the whole point was that he, as Archdeacon, had the undoubted privilege of renting out the pews to whom he wished. If he wanted to cancel a certain pew and give it to somebody else, he had every right to do it. The church belonged to the Church of England, of which he was Archdeacon for the whole of New South Wales. He was, to put it plainly, the dictator, and could do as he wanted to in the church.

All very nice and tidy. But Mr. Hall had an amazing shot left in his magazine. It was his only one, but it scored a dead-centre bull's-eye. The Church of England did not own St. James' Church at all, and therefore Archdeacon Scott had no more right to let pews than the King of Siam.

"What's all this?" the startled Court wanted to know.

It was gently pointed out that the erection of St. James' Church had been authorised by Governor Lachlan Macquarie in the name of the King. A convict had prepared the plans and convicts had built the church. All done by servants of the King, and the church belonged to the Crown.

"Is that so?" breathed the Court. So! Archdeacon Scott was the villain of the piece, not innocent Mr. Hall. Very well. The Archdeacon copped a fine of £25, which amount was handed to Mr. Hall as damages to soothe his wounded feelings.

Archdeacon Hall threw the job in on November 14, 1828, and on October 18, 1829, returned to England, where he took over a church and settled down to preaching.

The triumphant Hall, looking round for fresh people to libel, decided to have another crack at Sir Ralph Darling. Now, the Governor was a chap who resented even the most tolerant and innocuous criticism. He made Hall the target for seven separate and distinct summonses for libel. All the cases went against Hall,

whose fines ran into hundreds of pounds and whose gaol sentences aggregated three years.

Hall was doing time when King William IV ascended the Throne in 1830 and Governor Darling, following the usual custom, released certain prisoners from gaol to mark the occasion. Hall was among them. The editor had had enough of public life. He gave up journalism and became the paid secretary of the Patriotic Society.

He died on September 18, 1860, aged 74. His old pal Arch-deacon Scott had passed over only eight months previously—on January 1, 1860—at the ripe old age of 87.

THE TORPEYS AND THE DIAMONDS

By RICHARD SINGER

What chance did jewel merchant Parkes have against the cunning planning of the Torpeys? The story of a crime that failed because of the curiosti^y of a London landlady.

IT was a fine midwinter afternoon, January 12, 1871, when a tall and handsome gentleman drove up in a hansom-cab to the fashionable jewellery establishment of Messrs. London and Ryder in New Bond Street in London. He walked into the shop and gave his name as Mr. Mark Tyrrell. He wished to be shown some fine diamond ornaments of exclusive design. Messrs. London and Ryder could not fail to produce what the most fastidious customer might require.

An experienced salesman attended to the distinguished-looking customer. His name was James Unett Parkes.

Mr. Tyrrell showed excellent taste. He selected two diamond necklaces, an opal and diamond pendant, and three diamond rings, of the total value of £2600.

Mr. Tyrrell told Parkes that he wished to make a present to his wife. He requested that an assortment of jewellery, including particularly the articles he had selected, should be sent to his

house, No. 4 Upper Berkeley Street, so that the lady might make the final choice herself.

Of course, that Mayfair residence was a fashionable and impeccable address, very near to the song-spot of the famous nightingale. The occupier of a house in that street would make a wholly desirable customer for Messrs. London and Ryder.

At half past five that afternoon Parkes went to No. 4 Upper Berkeley Street, carrying with him in a bag the choice selected articles and a number of his own choosing which he thought might be attractive to Mr. and Mrs. Tyrrell. The total value of the jewellery Parkes had in his bag was £6000.

The door of the house was opened by Mr. Tyrrell himself. He apologised to Parkes for the absence of his servant, took him first to a ground-floor room and then upstairs to the elegant drawing-room. In that room in a handsome chair by the fireplace sat a lovely, fashionably dressed lady.

Parkes took his place at the side of a table where there were no chairs, Mr. Tyrrell stood immediately opposite to him, and the lady's seat was close by Mr. Tyrrell. The lady was, of course, Mrs. Tyrrell, though she was never spoken of by Mr. Tyrrell as such.

Parkes took out of his bag the five cases containing the diamond ornaments chosen by Mr. Tyrrell in the shop, and he then put the bag down on the floor at his feet and beneath the table. He removed the jewellery from the cases, and when he displayed them to Mrs. Tyrrell she expressed her admiration for the beautiful treasures. Parkes gave the prices for the respective articles; Mr. Tyrrell said that he would like his wife to have a diamond necklace priced at £1100, a smaller necklace priced at £550, and either one or two rings (£385 and £260 respectively).

Mr. Tyrrell then turned to his wife and said that he would like her sister to look at the proposed gifts, and the lady left the room to fetch her. She was back in two minutes. She did not bring her sister or anybody else with her. But she had in her hand a handkerchief saturated with chloroform.

The lady moved quickly up to the trapped salesman and, getting behind him, held the drugged handkerchief over his face and mouth. Parkes managed to free himself, but as he did so Tyrrell rushed up to him with the words, "If you move I'll murder you!"

and seized him by the throat. The lady once again put the handkerchief over Parkes's face and mouth—this time effectively. He was overpowered and forced down on to a sofa. Then he lost consciousness.

Naturally, Parkes did not know how long he remained unconscious; but when he came to his arms were strapped across his chest, another strap was fastened around his wrists and a third around his legs. Tyrrell was standing over him. Parkes begged him to loosen the strap across his chest, because it was causing him such great pain. Tyrrell undid the strap a little, and Parkes struggled to get into a sitting position so as to snatch a look at the table, which was then behind him. Tyrrell forced him down again and then tied a handkerchief across Parkes's eyes. He said to his victim that if he was quiet someone would be sent to him in ten minutes. Then Tyrrell spoke to his wife, saying: "Quick! Give me my hat." Parkes heard Tyrrell leave the room, though of course he could not see him; but, though he listened carefully, he did not hear the man go out of the house. After he had lain in the same position for a longish time, which he could not rightly estimate, Parkes heard the street door slam.

Parkes started to work at the strap round his wrists with his teeth. After long and strenuous efforts, he managed gradually to unfasten that strap, and once he had done that he succeeded in removing the other two straps round his chest and feet. He seized the poker and hurled it through the window and shouted for help. Help came quickly. While waiting for it he examined the table and found that, with the exception of a small gold chain, the jewellery that had been displayed there had all disappeared, though the leather cases, which had contained the goods were left behind. The bag which contained the balance of the jewellery was still intact on the floor.

There was not a soul in the house. It was obviously quite unoccupied.

The police came promptly. After they had arrived, a girl, Susan Cook, walked into the house. It was learnt from her that she had been engaged two days before (Tuesday, January 14) as cook for No. 4 Upper Berkeley Street. The next day Tyrrell had come to the house and looked around it, but did not stay. On the Thursday, the day of the robbery, Mr. and Mrs. Tyrrell had

arrived in a cab without any luggage. Within an hour of their arrival, Mrs. Tyrrell rang the bell in the drawing-room for Susan, and sent her to deliver a letter to a Miss Pearson at Highfield House, Tulse Hill. This was a long way away, and when Susan got there she found she had been sent on a wild-goose chase, for no person of that name lived in the house. So of course Susan Cook was not in No. 4 when the robbery was committed.

The agent for No. 4 Upper Berkeley Street told how he had let the house to a man whom he described as having a gentlemanly appearance and good manners and who gave the name of Mark Tyrrell. It was discovered that this man had supplied a forged reference as well as a forged reply to the prudent inquiries made by the agent. The rent was six guineas a week, a very substantial sum in those remote days. The house was really only used by the Tyrrells on that one day, the Thursday of the crime. They had never slept in it.

And the Tyrrells had completely disappeared.

Mr. and Mrs. Michael Torpey and their very young baby had been living in rooms belonging to Miss Pitt, of Windsor Villa, Champion Terrace, Leamington, for some time. Early in January Mr. Torpey went to London. Mrs. Torpey had previously told Miss Pitt that she would be going away for a day, and wondered if Miss Pitt could arrange for a nurse to come to take charge of her little baby while the mother was absent. Yes, Miss Pitt could and did fix that little matter up.

On January 11 Miss Pitt took delivery of two telegrams for Mrs. Torpey, who gave Miss Pitt a letter to post for her addressed to a house in Oxford Street in London. In the evening, Mrs. Torpey asked Pitt to order a cab to take her to the station the next morning, January 12, and she left by the 9.40 train for London. Just before she left, she told Miss Pitt that it was just possible she might not return that evening and that, if so, she would send Miss Pitt a telegram. Miss Pitt had watched Mrs. Torpey dressing that morning. The lady put on a silk dress, a jacket, a waterproof coat, and a hat, and she took away with her a small tin box. On the evening of that day Miss Pitt received a telegram from Mrs. Torpey, and at about two o'clock the next morning, January 13, Mr. and Mrs. Torpey returned to Windsor Villa. Mrs. Torpey went into Miss Pitt's bedroom on their arrival and told her that

the two of them had posted from Rugby. Mrs. Torpey borrowed a sovereign from Miss Pitt to pay the cabman his fare. Mrs. Torpey was then wearing a new bonnet.

It will be observed that Miss Pitt was a noticing female. She noticed a lot more things. She observed a small mark under one of Mrs. Torpey's eyes which was not there when she left for London. Mr. Torpey had shaved off his beard, leaving only a small Imperial on his chin. Mrs. Torpey archly asked Miss Pitt if she thought that the change did not make her husband look younger and whether he didn't now look like a Frenchman.

Miss Pitt had become suspicious of her lodgers, and did a bit of quiet snooping. She went into their dressing-room when they were out, and saw a bunch of keys left in a table drawer. She unlocked the drawer and looked inside. There she saw two small bottles marked "Drugs," a little box of dye with a brush, and a new razor; there was a pocket-handkerchief with the bottles. Two hours afterwards Miss Pitt snooped again in the same room and found the drawer empty. Mr. Torpey was in and out of the dressing-room often that day, all the time unknowingly being watched by the canny Miss Pitt. When he went out now he locked the door of the room. On the Sunday, a foreign Bradshaw railway guide was brought for Mr. Torpey. On the Monday, Mr. Torpey left Leamington and never returned.

On the morning her husband left Windsor Villa, though doubtless she did not know it, Mrs. Torpey did a very silly thing. She asked Miss Pitt if she would like to look at a London newspaper which Mrs. Torpey had. Miss Pitt read in it the news of the extraordinary and mysterious robbery in Upper Berkeley Street. On Wednesday she took tea with Mrs. Torpey, and then she visited Superintendent Lund, of the Leamington police. Miss Pitt's suspicions as to the Torpeys were confirmed. For Mr. and Mrs. Michael Torpey of Leamington were the same as Mr. and Mrs. Mark Tyrrell of No. 4 Berkeley Street, London.

Martha Torpey was arrested and charged with robbery with violence from James Unett Parkes and with stealing from him jewellery to the value of £2500 of the goods of William Henry Ryder. She was also charged with applying to James Unett Parkes chloroform with intent to assist her husband, Michael Torpey, in the robbery of the jewellery. She pleaded not guilty, and was

represented by that famous old criminal advocate Montagu Williams, then at the top of his form and the height of his popularity.

Michael Torpey could not be found. So his lovely wife had to stand in the dock to face those grave charges alone. But she was not entirely alone, in fact; for she was accompanied by her little few-months-old baby, who made a most attractive and appealing figure in that grim justice-room.

The evidence against the fair prisoner could not have been more clear and deadly. Though she was not nearly as fashionably dressed as when she put him into a trance with chloroform, she was naturally easily identified by Parkes as the woman who had done that wicked act. A photograph of Torpey was obviously that of her partner in the Upper Berkeley Street crime. The forged letter in reply to the agent was in the handwriting of the accused Martha Torpey, who then used the name of Tyrrell. Martha Torpey had posted a pair of stolen diamond pendants to a woman relative of hers with the request that she should look after them for her. And, to cap all that, when a police inspector read to Mrs. Torpey a letter addressed to her from her husband from Ostend she said to him: "Mind you, I am alone to blame in this matter. My husband would not have done such a thing if I had not tempted him to do it."

The only possible defence was that adopted by Montagu Williams, that Martha Torpey was acting under the coercion of her husband in the matter of the crimes charged and proved. This defence was at that time fully available to wives charged with offences committed in the presence of their husbands. Williams endeavoured to submit to the completely unsympathetic judge, the harsh and formidable Baron Gurney, that, as the prosecution had alleged in their indictment that the accused woman was the wife of the male criminal, it was not necessary that he should prove the fact, and that therefore the legal presumption was that, as she was acting in the presence of her husband, she was acting on his compulsion and therefore entitled to a verdict of acquittal. He tried to get the judge to withdraw the case from the jury. The judge replied that it was perfectly clear that the presence of the husband raised a *prima facie* presumption, but that presumption was capable of being rebutted. And when Williams said to the judge, "Then your

Lordship thinks that it must go to the jury?" his Lordship retorted with the dangerous words, "Yes, the evidence goes to show that she was not acting under coercion of her husband." Montagu Williams addressed the jury in his well-known virile style. When he roundly attacked the absent spouse, at each accusation the lady shook her head in indignant denial. He strongly commented on the cowardice of the man who had fled from justice, leaving his wife to bear the brunt of the charge of a robbery which he had planned and of which he was enjoying the proceeds.

"Why," asked Montagu Williams, with scorn and passion in his fine voice, "why should this woman be made the scapegoat of a man who had been coward enough to take flight and leave the weaker vessel behind?"

The more eloquent Williams grew on this point of the defence, the louder grew the sobs and cries of protest of the accused.

The judge put it to the jury that the simple question was aye or no—did they believe she was exercising her own free will at the time the handkerchief was applied and was not under the control or coercion of her husband? Where such violence had been used, could the defence of coercion be held to be valid?

The jury took very little time to return and to state in plain words: "We are of opinion that the prisoner acted under her husband's coercion and control at the time."

That statement, held the Judge, was tantamount to a verdict of acquittal. So Not Guilty was recorded and the prisoner was duly discharged.

Prosecuting counsel was not at all satisfied, and one can hardly wonder at it. He intimated his intention of proceeding for assault and for occasioning bodily harm. The Recorder consulted an eminent Judge who was handy for reference, Baron Bramwell, and informed counsel for the prosecution that he should be compelled to sum up in the same way if the latter insisted on further process. So a verdict of formal acquittal on all charges was entered, and the lady went free.

The tenderness of male juries towards frail femininity was as general in those days as now. It is an advantage to be able to repeat the excellent comments of a contemporary on this diverting as well as instructive series of court incidents.

"It would be hard to devise," says the chronicler, "anything

more effective than that which presented itself to the jury naturally whenever they turned to the dock. The pretty, blue eyed babe, in its frills, ribbons and long robes of spotless white, behaving, as a stout lady remarked, "as good as gold," the ladylike young mother ministering to it as tenderly and unaffectedly as if she were in her nursery at home and without a care, even the occasional offers of assistance from the female warder who sat behind and who seemed to merge the official in the woman whenever she spoke to her charge—all made a touching commentary on Mr. Montagu Williams's eloquent denunciations and appeals. The jury were of the comfortable family-man type, middle-aged, respectable men of business, with the tender side of their natures coming uppermost whenever the little ones at home are thought of. The notion of a poor woman having to face a court full of men under such circumstances as environed the unhappy Mrs. Torpey, and the manifest evidences of her affection for her infant and for her absent husband, were the very things to touch their hearts; and when its refreshment was concluded the tiny thing was handed with infinite care to the gaoleress, who took it into her arms while Mrs. Torpey turned her face to her judges, there was not a man among them who did not seem to think more of his own Mrs. Blank and the interesting circumstances attending her last confinement than of Messrs. London and Ryder's jewels or the punishment to be awarded to their thief.

"Robbery and violence, and an infant at the breast; deep and infamous plotting, and the honest, trusting eyes of babyhood, the administration of a noxious drug, and a fair young mother's innocent pride in her first darling—the things seemed so incongruous as to be incompatible; and some shrewd observers shook their heads knowingly when the baby was transferred and its mother's face was seen.

"A determined mouth with the underjaw extending beyond the upper, and closing firmly; a long upper lip, rounded cheeks, and a clear complexion; a well-shaped nose, with just sufficient upward tendency to be piquant; large blue eyes, the deeply rooted sadness of which did for symmetry, and which protruded too much from the head for grace; and a broad, full forehead so deeply lined as to be almost wrinkled—such was Mrs. Torpey as she appeared at her trial.

"She kept her seat in the front of the dock during the whole of the proceedings, and this brought her cheek to the level of its front; while her trim figure in its blue cloth jacket and tippet of fur and her ungloved, shapely white hands filled up a personal portrait which made a strange contrast to the deed of violence with which the prisoner was charged. When the verdict was given Mrs. Torpey looked even sadder than before, and the applause which came from the people in the body of the court seemed to frighten her. Then came a temporary delay while the Recorder consulted Mr. Baron Bramwell; and then a ladylike little figure is observed to nimbly follow a woman and a baby down the steps at the back, and that is the last seen of the acquitted Martha Torpey."

But what was looked upon by many as an extraordinary verdict was the subject of much comment in other places and in other newspapers. It was held by some to throw an absurd light on both the law of coercion and the wisdom of juries. And the matter was mentioned in Parliament, where there was even then a feeling that the law should be amended and the protection given to wives under the existing provision should be greatly modified.

The acquittal of Mrs. Torpey led at length to the arrest and conviction of her husband. There was no doubt of the extreme affection felt by Martha Torpey for her husband. The police were aware of this feeling, and never ceased watching the wife and checking her movements.

No doubt she thought her plans were subtle and clever. She dyed her black hair and assumed widow's mourning garments. Thus attired, the police followed her to a house in Marylebone where Michael Torpey was in hiding and in disguise. In spite of the shaving of his whiskers, he was easily identified, and his arrest naturally followed.

Michael Torpey's plea of guilty to the charge of robbery alone was accepted by the Crown, and he was sentenced to eight years' penal servitude.

Some of the stolen property was recovered, including £800 worth of diamonds. As to the rest, it was known that most of it had been disposed of on the Continent and at considerably less than its real value.

It appeared that Torpey had got into great pecuniary difficulty owing to betting transactions. It also appeared that the pair of

conspirators had got their idea of the robbery from a contemporary novel which they had been jointly reading and which presented a plan similar to that which they projected and carried out.

It could have been only scant consolation to Mr. Ryder to learn from a statement of Michael Torpey that he desired to apologise to him for the robbery and to inform him that he had not intended to rob Mr. Ryder but another jeweller named Harry Emanuel.

THE CASE OF NURSE KERR

By ARNOLD SCRIBE

There seemed to be no reason why Nurse Kerr should want to slay her foster-child. Yet, from the evidence, no other verdict but "guilty of attempted murder!" was possible.

THE Nurse Kerr Case has many strange features. They are met in the very wording of the charge, in the circumstances of the crime, in the evidence adduced to prove it, in the poison employed, and in the number of trials required before a unanimous verdict was obtained.

The nuggety, homely but pleasant-featured middle-aged Scots-woman Elspeth Kerr was accused on the unprecedented charges that on April 10 and 16, 1932, she "administered poison to Betty Kerr with intent to injure, thereby endangering life."

The victim, a pretty little child only eight years of age, the accused's foster-daughter, had lived with Nurse Kerr (as she was called by her numerous friends and acquaintances, to many of whom she had been a benefactress) from the time of her illegitimate birth in Elspeth Kerr's nursing home at Devonport, Auckland, New Zealand. From then on Nurse Kerr had constantly given the

most admirable care to the child, and the pair were devoted to one another. The little girl could hardly bear to be away for even a night or two from her foster-mother.

If the allegations of the prosecution were true, the crime was not only a dreadful one but it was completely pointless. No motive was ever submitted or suggested by the prosecution in any of the trials of Nurse Kerr. Indeed, the Crown Solicitor had to admit to all the three juries that tried her that he did not have to submit or prove motive if it was clear that the offence had been committed by the accused. And yet in the case of so grave and heartless, almost unbelievable a crime, the lack of some strong, indeed some compelling motive, would be expected to prevent the adverse verdict of any jury.

Nurse Kerr had lived for a number of years at the Auckland North Shore, carrying on there a small nursing-home and trusted by all the doctors who practised in the district and highly, even affectionately, regarded by the many who called upon her for her help and skill.

Nurse Kerr's husband had died in January 1932. He had been a printer by trade, but he seemed to have become reduced to a rather feckless and useless hanger-on of his wife. This deterioration was believed to have been the result of his sufferings in the 1914 Great War. There was only one child of the marriage, a son James, who was then about 17 years of age and lived with his mother. The death of Charles Kerr occurred on Sunday, January 10. Nurse Kerr had been an inmate of the Auckland Hospital for a week or so until Friday, January 8, when she returned home in a taxi and had to go straight to bed. The husband had behaved exceedingly strangely on the day of his wife's return from hospital. He seemed to believe that his wife would not come back alive in the taxi. A family friend who was at the house to meet the nurse stated that Charles Kerr took a pair of field-glasses to the front of the house in order to get a sight of the hearse in which he seems to have thought his wife would be carried home dead. The next day (Saturday) Charles Kerr was sick; he was found lying on his son's bed and left there; he went into a coma and could not be roused; and the next day (Sunday) he was dead. A doctor certified that he had died from cerebral haemorrhage, the doctor having been called in by Nurse Kerr to look at her

husband on the Saturday and Sunday, though he gave no treatment and made no tests. The burial took place on the Monday.

In July of the previous year (1931) an old lady, Mrs. Day, who had suffered several strokes and was practically bedridden as the result, was sent by her husband to the home of Nurse Kerr to be looked after by her. Within three months Mrs. Day was dead, after being in a complete coma for the last day of her life, very much in the same way as Charles Kerr some months later.

The next illness of an inmate of Nurse Kerr's home was that of little Betty Kerr. On March 28, 1932, Betty was taken to the Auckland Hospital. She was undoubtedly suffering from that not common child's complaint of pyelitis. But there was something else the matter with the child, for she was semi-conscious and running a high temperature and a very rapid pulse. It was certainly not appendicitis from which the child was suffering, though that was the view of the doctor who sent Betty to the hospital. By Wednesday, April 6, Betty was well enough to be sent back to Nurse Kerr's home. On the Saturday, Betty became seriously ill, the symptoms growing more grave on the next day. On Sunday morning, April 10, several doctors attended at Nurse Kerr's on her urgent call. Betty was then in a deep coma. The doctors then did not think the child would live. They insisted that she should be sent immediately to the hospital. Nurse Kerr put up some objection, but she was overruled. When the child arrived that Sunday morning at the hospital there was a conference of the leading physicians, who were completely puzzled by the symptoms and condition of the girl. One expert, however, did suggest that veronal might account for them. That expert proved right.

In those days veronal tablets in various forms were easily obtainable in any quantity, without restrictions, from any chemist. Not a great deal was known about the drug, though the famous Sir William Willcox, the toxicologist, had written a short treatise on it, setting out its properties and its dangers. The usual capsule of veronal contained five grains; 50 grains was stated to be a fatal quantity, though even less might cause death.

Samples of the child's urine were taken; they showed the presence of veronal. Appropriate treatment was given, and the child improved speedily and greatly. No suspicion at this time was felt

as to any person with regard to the child's condition, though all concerned were highly puzzled by it.

The next Saturday was April 16. Betty was by then in a convalescent ward with a number of other children; she was cheerful and happy and looking forward to a concert arranged to be given that afternoon in the ward for the entertainment of the little patients. She was carefully examined by one of the regular hospital doctors, who realised that she was practically fully recovered.

Just before the concert was to start that afternoon Nurse Kerr came to the ward to visit her foster-daughter. They were together for half an hour or so. Very shortly after Nurse Kerr left the ward Betty was again in a coma and quite unrousable. Samples of urine were again taken; they disclosed the presence of veronal. Samples taken on April 18 and 19 had similar indications.

Nurse Kerr was never again allowed to see Betty; the child's condition rapidly improved. But she did not leave the hospital for another two months, and when she did she was taken by her real mother and never again set eyes on the woman who had had her from birth and had for years tended her carefully and in the most motherly fashion until those latter strange, seemingly inexplicable actions with a deadly hypnotic drug.

There was no doubt that Betty Kerr had been given veronal by someone on certain definitely fixed occasions. Who was responsible for that dangerous administration? Certainly none of the hospital doctors or employees.

The police were brought into consultation and Nurse Kerr was interviewed. She denied having given any such drug to the child except a tablet of veramon as ordered by one of the doctors on April 8. A tablet of veramon contained only two grains of veronal; veronal tablets contained five grains. Nurse Kerr declared that she had given no other medicine to the child but some aspirins and the mixture ordered by the hospital for the pyelitic condition, an alkaline mixture to correct the acidity of the urine. She admitted giving Betty three peppermints in the hospital on April 16 and leaving some butterscotch in the child's locker.

Long inquiries were carried out by the police, and on July 5,

1932, Nurse Kerr was arrested and charged with administering the poison of veronal to her foster-daughter. She was not to get her liberty after that for a number of years.

Elsbeth Kerr duly came before a magistrate and was duly committed for trial in July 1932. But the unfortunate woman did not stand her first trial until February 27 of the next year. Bail was indeed allowed to her; but the amount fixed was the sum of £500, an impossible figure which the Supreme Court refused to reduce, the Judge who so refused being the same Judge who presided at each of the three trials Nurse Kerr had to face until nearly a year later an agreement was reached by the third jury.

The trial of Nurse Kerr was postponed more than once. Two postponements were granted on account of two separate exhumations of dead persons and post-mortems on their bodies. Those persons were Charles Kerr and Mrs. Day respectively. Charles Kerr's body was exhumed in September 1932, and Mrs. Day's in October. The post-mortems on the bodies disclosed very large and fatal quantities of veronal in all the organs of both bodies, as well as an amount of veronal in the coffin and grave liquids, of which considerable samples were taken. The expert witnesses deposed that, in their opinion, both Charles Kerr and Mrs. Day had died from lethal doses of veronal.

Certain aspects and details of the trials of Nurse Kerr were unique in criminal legal history. First of all, this was the first time that a charge had been laid of administering veronal with criminal intent, though of course death or harm had resulted from its use both accidentally and deliberately. And this was the first and only occasion on which a certain clause in a New Zealand statute enacted over forty years before was invoked in the courts. This was a clause that was put on the books in the late 1880's as the result of the prosecution of one John Hall for murdering his father-in-law with the poison of antimony, Hall having already been convicted of having attempted to murder his wife with the same poison. The submission to the Court in his trial for murdering his father-in-law of the evidence given in Hall's trial for attempting to murder his wife led to the Court of Appeal holding that such evidence was inadmissible. So that Hall was not executed and only underwent life imprisonment. In the Nurse Kerr case

the statute was invoked, and so the evidence as to the deaths of Charles Kerr and Mrs. Day became leading points fatal to the strenuous defence put up for the accused woman in the year 1853. The statute allowed that where there was a question whether poison was administered, evidence *tending* to prove the administration of poison by the accused to any person at any time shall be deemed to be relevant to the issue of guilt or innocence and shall be admissible for the purpose of proof of the administration in the case before the Court or for the purpose of proving merely intent. There lay, as will be realised, a formidable and almost insurmountable difficulty for the defence.

The prosecution of course suggested, though not in so many words, that Nurse Kerr had murdered her husband as well as her woman patient with the same poison of veronal. The forty-year-old clause allowed the Crown to prove their suspicions as to these horrors without directly charging the accused woman with murder.

R. A. Singer, with W. W. Meek as his junior, was instructed at the last minute in the month of February 1933 to appear for the accused woman. Singer was an experienced counsel. He realised that so great was the prejudice against the accused woman, fostered by the long delays, the disclosing of the gruesome details of the deaths and exhumations of Charles Kerr and Mrs. Day, the facts as to the last little victim and the lavish Press publication of the evidence from time to time, that no outright verdict of acquittal could ever be hoped for. The best possible result attainable was a series of three trials and three disagreements and the consequent abandonment of any further proceedings against the client. His prognosis was correct—up to a point.

As an example of his mind and attitude, when, after the failure of the first jury to agree on a verdict, the Crown applied for an order for a second trial this Judge fixed a date for the second trial which counsel for the defence wished to be changed for a later fixture. But the Judge would not agree. "I would rather another date, sir," said counsel, "even if your Honour cannot take it."

"Oh, but I will," retorted the Judge. "*I will make it my business*

to take it." Everybody knew why the Judge was so making it his business to preside at Nurse Kerr's trials, no matter how many.

The tactics for the defence were aimed at ignoring the Judge's views and diverting the jury's minds to a similar attitude. Twice those methods succeeded. Accompanying them were many dramatic incidents, a number of scenes in the court, and clashes between Judge and counsel.

The defence had an enormous task of speedy preparation of a case full of puzzles and mysteries and of probing the mass of technical details of a poison, of which little was clearly known, in order to meet the formidable facts in the hands of the prosecution.

What defences were available? Singer, as was his wont, particularly when no evidence was presentable by the defence (as in this case), did not disclose his hand. It was not the fault of accused's counsel that the points of defence such as defects found by them but undiscovered by the prosecution were spoilt in anticipation in the two subsequent trials.

The evidence of a variety of doctors, a long succession of hospital nurses, porters and messengers, friends of the two deceased persons and of the accused woman took up nearly eight days of the first trial. One specimen bottle of urine dated April 11 and labelled "Bottle 671" became an almost historic feature. It appeared and disappeared, made or was taken upon journeys, until it finally ended up, no one quite knew how, as late as May 2 in the laboratory of the Government Analyst on the top floor of a nine-storey building a couple of miles distant from the hospital. In the first trial, at any rate, that wandering mystery bottle, No. 671, was a good weapon of defence. It was submitted as containing a sample of urine taken from Betty Kerr on that April 11. On examination it disclosed the presence of a quantity of veronal, a toxic dose. Other similar samples taken on April 18 and 19 showed clearly that veronal was present in dangerous quantity.

Main features of the defence were the possibility of veronal having been given to the child by some other than her foster-mother, even by a hospital employee; and then the supreme unlikelihood that Nurse Kerr had endeavoured to harm the little girl

whom she loved so much, and the essence of the charge was that the poison of veronal had been administered with intent to injure the child. And there was almost above all, and as almost admitted by the prosecution, the complete absence of motive.

So effective, obviously, did the Judge deem that jury-appeal that he gave it no time, in the first trial, for it to linger in the minds of jurors; for the Judge almost leapt into his summing-up as the last word of it was uttered, with the obvious intention of destroying its possible influence. In the other two trials the counsel outwitted that scheme of the Judge by pausing appreciably while still on his feet, after uttering those same concluding words, in order to see that they got home to the hearers of the juries.

The months of February, March and May 1933 saw the three long trials of Nurse Kerr. On Friday, May 26, an eager foreman rapped out the unanimous verdict of "Guilty" to a breathless waiting crowd. The next morning a well-satisfied Judge sentenced Nurse Kerr to six years' imprisonment with hard labour. The woman had already been in gaol for nearly a year.

A plea in mitigation of penalty was spoken by counsel for the defence. That also has been deemed worth repeating. It was in these words:

"A series of long trials, much labour, thought, anxiety and suspense are over. I feel that I should say that, whatever be the thought of others, I myself still cherish an uncomfortable feeling of doubt in this case. I feel that, the older I grow in experience and knowledge, the less am I afflicted with the ardour of certitude. I only hope that my personal apprehension and discomfort may be unjustified and that an irrevocable wrong may not have been done. The alacrity with which the foreman delivered his verdict yesterday indicates still to me that rumour rather than judgment may have somewhat to do with that verdict.

"I still feel, and always shall feel, that however demonstrably innocent Mrs. Kerr may have been, she could never have had a fair chance. She was condemned before ever she put her foot in the dock for the first time. This feeling made the task of the defence all the more difficult, particularly as the accused had no means to apply for a change of venue and to instruct counsel at a distance.

These circumstances, so increasing the numerous difficulties of the defence, are, I think, legitimately referred to by me. I fear, too, that I have never been able to place what were to me very genuine defences in this case in such a light as to meet recognition in your Honour's mind at least.

"However, my last task is now to ask for leniency. A savage sentence could be inflicted by this Court. But the sentence should, I submit, be greatly lightened by a few circumstances which I desire to place before the Court. Mrs. Kerr has now been in gaol for very nearly twelve months—in itself a very heavy sentence for a woman, and for a woman of the activity of mind and body such as hers. She has undergone the terrible anxieties of three trials, each a very severe strain, each equal to a sentence in itself. Her character and reputation are of the very highest, and no shadow of criminality has marred her career to date.

"Your Honour cannot, and will not, I am sure, inflict a sentence affected by considerations as to Mr. Kerr and Mrs. Day, in respect of whom Mrs. Kerr has not been put upon her trial. The evidence with regard to them was only admissible in consequence of a unique section, herein invoked for the first time in the 40 years of its existence on the Statute Book, and which I still feel, particularly as a result of this trial, is hardly compatible with the principles of British justice. Nor will any defects of her advocate weigh with the Court. It doubtless is true that the advocacy was lacking in grave respects—that it might have been more ingenious, more ingenuous, and more subservient. But we are what we are, and criticism is easy after the finale. I, at any rate, do not feel that I have done aught but in the complete desire to serve the interests of my client—my paramount and indeed my only duty."

Though never expressed either by the prosecution or the defence, various motives for the commission of the dreadful crime may now be put forward, thereby solving some of the strange mystery of this story.

There was some strong evidence that Mrs. Kerr was herself a confirmed addict in the partaking of the dangerous drug veronal. Unlike alcohol or opium, there is no tolerance in veronal. But addicts can and do continue to indulge in the partaking of it

with regularity though they cannot go on increasing the dosage. Results of addiction are varied, but are often like those following addiction to other dangerous drugs such as opium. The addict may become a stranger to the truth, he (or she) may be dulled and hazy in action and speech, suffer from hallucinations and delusions, and develop a craving for the drug. The moral sense, too, often becomes completely disturbed. Another feature may be the strong tendency to induce others to become addicts, a sort of crazy proselytising.

The moral effect upon Nurse Kerr of her addiction to veronal and the resultant delusions from which she suffered may be gauged from the more-than-theory, which the Crown did not submit to the jury—much, of course, to the relief of the defence. This was that Nurse Kerr had conceived the queer notion that she desired to marry the husband of the paralysed woman patient who died in her nursing-home, having a quite mistaken belief that he was a man of wealth who would take her back to her beloved Scotland. There were obstacles in the way of her achieving her crazy ambition. Two of them were her husband and the other man's wife. Those two obstacles, as we know, were removed. Then there was only one left—the little foster-daughter, Betty.

There were interesting, even some amusing, incidents which occurred in the course of these proceedings which may be recorded.

The little victim, Betty Kerr, was never at any time during the proceedings produced to the Court or the jury or seen by any person concerned in the case, as far as the defence was aware. This fact compelled counsel for the defence to see to it that the Court and jury were duly and early informed that the child was alive and well and reunited with her real mother.

Mrs. Kerr's son was most faithful in display of his affection for his mother. During all the many months she was in custody awaiting trial this lad crossed the water in the early morning and visited his mother every day of the week at the gaol. He sat in the court in front of his mother through every moment of her three exacting trials, only absenting himself when she was being sentenced.

A witty medical friend of the two counsel for the defence nicknamed them "The Two Gentlemen of Veronal."

Nurse Kerr was a desperately poor woman and had no friends who were willing to help her during her darkest hours. It need not be a secret that counsel for the defence had to appear—at any rate, in the second and third trials—without fees of any kind. Nurse Kerr thought fit to insist that junior counsel should accept a note of acknowledgment for defence fees which she declared she would duly meet on the conclusion of her sentence. Through junior counsel she sent a message to the senior that she would then scrub her fingers to the bone until she had met her obligations. Senior counsel suggested that she might be informed that he would, on the day of her release, have ready for her immediate use a gross of scrubbing-brushes, free of charge.

The strange woman, Nurse Kerr, had demonstrably for long been a drug addict. The habit had doubtless been the main cause of her unnatural and largely inexplicable conduct. After her arrest, nearly twelve months before her conviction, as we know, and when presumably she had no opportunity of procuring or taking drugs, she did not collapse or suffer the extremely acute distress almost invariably the results of a drug addict being suddenly deprived of the chosen narcotic.

Immediately after her conviction an incident occurred which the medical experts declared to be satisfactory proof of her mental deterioration owing to her addiction to drugs. On various occasions Nurse Kerr had stated that she was endeavouring to communicate with her father, who, she added, was then living in some remote part of Scotland, for the purpose of assisting her in her defence. No news arrived of or from this man.

When, after her conviction, she was asked if she had any desire to appeal against it but was informed that that expensive process would require her to find some reasonable legal fees, she replied that she could do nothing with regard to finding such fees until the snows melted in Alaska!

In explanation of this cryptic answer, she then declared that her father was living beyond the snowline in a part of that

distant country which was quite inaccessible until the warm weather broke through it.

Medical experts considered that the crazy and conflicting statements made by the woman about her father and his whereabouts were characteristic inventions, the pointless lying to be expected to come from the drug-sodden mind of an addict.

When Nurse Kerr came out of gaol custody some years later she quietly disappeared from the country (without putting in a single day's scrubbing).

It was believed that she returned to her homeland, her beloved Scotland. For twenty years or so Nurse Kerr has not been heard of in this end of the world.

THE BODY IN THE SANDHILLS

By "W. A."

Trooper Anderson gets wind of foul play and leads an investigating patrol into the desert country of Australia's north-west to discover the grim secret of the sandhills.

THE hot summer sun beat down on to the tiny tin-roofed police station at Laverton, in the north-east of Western Australia.

It was the summer of 1945 and Trooper Anderson, just back from a very hot and trying patrol, felt that he and his aborigines, "Trackers" Sammy and Smiler, were entitled to take it easy for a few days; so he had told them they could lie about and do as they pleased as long as they watered and fed the horses and did not go "walkabout," in case they were wanted in a hurry. He intended to laze for a day and then take his time in leisurely writing out his report for Police Headquarters in far-off Perth.

Laverton, originally called "British Flag" after a rich gold-mine, was renamed Laverton to honour Dr. Lavers, who practised his profession on the goldfields and did much to attract British capital to develop the mines in the Laverton area in the late 'nineties. It is an extremely hot spot 600 miles north-east of Perth, and is the most easterly outpost of civilisation in the western State.

The police district served by the lone trooper is one of the largest in the State, and extends some 800 miles to the borders of South Australia and the Northern Territory. The country north and east of Laverton is inhabited only by aborigines, although there is a small mission station at the Warburton Ranges some 360 miles east and a native ration depot, with a white man in charge, at Cosmo Newbery, some 60 miles north-east from the police station.

Originally a gold-mining district, which produced many rich mines, mining in the Laverton area in the year 1945 was at a very low ebb, but pastoral properties running sheep and cattle were prosperous. The population was made up of about 200 whites and some 1500 to 2000 aborigines.

If Trooper Anderson—who, like most mounted troopers in the north-west and north-east, was tough and resourceful—reckoned he was to have a quiet time for a day or two, he was to be sadly out of his reckoning, for even whilst he was telling his “trackers” that they could take it easy a white man escorting a badly wounded black was hurriedly pushing on to Leonora, some 130 miles farther on from Laverton, so that he could get urgent medical attention for his charge.

Many hours previously this white man, Mr. Donegan, who was in charge of the native ration depot at Cosmo Newbery, had sat up in his bed in the darkness and listened to the weird incantations of the aborigines who were holding a corroboree in a clearing not a hundred yards from his camp. Unlike the usual happy-go-lucky atmosphere with loud laughter and shouting that he usually heard when these performances took place, there seemed, to his sensitive ears, a jarring note with, strangely enough, no sound of laughter. He felt this boded ill for someone.

The ration depot, like many others set up in the north-west and north-east of the State, was established many years ago by the Government so that the aborigines could be supplied with lashings of tucker just for the asking, in order to stop them helping themselves to sheep and cattle on the pastoral runs. The depot was controlled by the Department of Native Affairs, and Mr. Donegan not only fed the nomadic natives but acted as peacemaker in many tribal quarrels.

There is a decided possibility that he would have had one native less to feed were it not for the fact that he decided to see what was going on; so, reluctantly hauling himself out of bed, he left his camp and went to the clearing. It was fortunate that he did, for lying on the ground surrounded by chattering natives was a young aboriginal named Warbly. He was in a bad way, for a spear had penetrated his stomach just above the left hip and had come out near his right groin. Realising that the wound was particularly serious, Donegan rendered what first aid he could, and then made immediate preparations to take the badly wounded man to the hospital at Leonora for urgent medical attention. The natives told him that the spear had been thrown by a native called Long Jimmy, who soon after "went bush."

On the way to Leonora, Donegan called in at the Laverton Police Station and reported the fracas to Trooper Anderson. The latter examined Warbly and, realising that the wound was indeed serious and one from which the stricken man would probably not recover, immediately made preparations to leave for Cosmo Newbery to arrest the offender before he could get too many miles away inland.

Trooper Anderson instructed the "trackers" to get the horses and packhorses ready for still another trip, and in a very short time they were on their way. Travelling all night, they reached Cosmo Newbery at daylight the next day. The trooper's inquiries from aborigines round the depot established the fact that Long Jimmy was the culprit all right. He had quarrelled with Warbly, threw a spear at him, and, when he saw that the spear had struck home, had immediately "gone bush." Sammy the "tracker," by inquiries among the blacks, soon learnt the distinguishing marks of Long Jimmy's tracks, and, eventually finding them, the tracks were followed for some miles until they came upon another set of tracks which Sammy said showed that Long Jimmy had been joined by his woman. These two sets of tracks were then followed for 35 miles to a native well, which was the last water for 75 miles on the edge of the spinifex country.

As the weather was extremely hot and the horses could go no farther, the trooper decided to return to Laverton, feeling sure

that Long Jimmy, who seemed to be heading for the Warburton Ranges, would at some future date return to civilisation.

But Long Jimmy, apparently knowing that the trooper would be after him should he return to Cosmo Newbery, kept well away; and, despite inquiries made by the trooper from time to time, it was not until two years later that Trooper Anderson captured him under extraordinary circumstances, when he was to save the trooper's life by finding water in the sandhill country where only natives knew it existed.

In April 1947, a report from the mission at the Warburton Ranges was received by the Resident Magistrate at Kalgoorlie. It was to the effect that a young native woman had died just before the previous Christmas, and there were rumours among the natives that she had been killed and her body buried in the bush about two days' travel somewhere north-east of the mission. Colour was lent to the report by the fact that she had been seen by the missionaries about a month before her death and then seemed to be in perfect health.

This report was forwarded to Police Headquarters in Perth, and instructions were sent to Trooper Anderson that he was to make up a patrol to investigate.

* * *

Our droving plant had delivered a mob of cattle to Laverton Downs Station just after Trooper Anderson returned from the trial at Laverton, and, as he had called in to see his brother at Laverton Downs Station and we got yarning over a billy of tea, his brother induced him to tell us the story.

"After I received instructions to investigate the suspicious circumstances surrounding the native woman's death," he said, "I started to make plans to get my plant together. Graeme McPherson, manager of Mount Weld Station, agreed to hire me his favourite horse, Bluey, my brother, let me have five horses, and I arranged to get two more from Cosmo Newbery. By pedal wireless I asked the missionaries at the Warburton Ranges if they would take out about 300lb. of loading for me as far as the mission in their truck; and, as they agreed and extra pack-saddles and other gear

had arrived from Perth, I felt that I could then approach three good 'trackers' and ask them to come with me.

"You can't force these blackfellows to do anything, especially the men we used as 'trackers,' for if they were forced to go they would only turn sulky—and you know what a sulky blackfellow is like. At any rate, I picked out three—Sammy, Pannikin, and Goonima—and asked them if they would like to come with me. They said they would; so on May 19 we left Laverton prepared for a 1000-mile ride and an absence of about ten weeks. We travelled only 13 miles to Laverton Downs that day, and next morning we were up bright and early for a good start. My brother opened the gate of the stockyard and Pannikin the 'tracker' was followed out by the three packhorses, one of which was a fiery mare. She shot to the front and laid into it. We got her back minus the pack-saddle and load, mended the broken leather, and at the second attempt everything went smoothly.

"We covered the 44 miles to Cosmo Newbery by eight o'clock that night. Next morning we spent making the packs up for a start with our full plant, and in the afternoon I visited the native camp and questioned some natives recently in from the Warburton country. The questioning was done through Sammy, as none of them could speak our language.

"One old fellow named Kultobunna, who I learnt was one of the head men of the Warburton tribe, held a long conversation in whispers with Sammy, who then told me: 'This pfella bin know that dead woman. He bin say her name same as that one Henry sister. One pfella Nangoo, who gotem white pfella name Paddy, bin gotem one woman. He stealem other woman from Kukurra mob. His two women all the time bin fight. He all the time hitem with stick. Out there all bin say that Paddy bin hit one woman and she bin die.'

"After another long whispered conversation with a young native named Yadgibulla, Sammy told me: 'This one bin told me. After last Chrismus-time this pfella bin go walkabout. He bin camp at Moolja Soak. Next morning-time he bin look about a bit and he bin see em grave. Grave in big sandhill country. He bin know grave belong Paddy's woman. Moolja Soak two days' walk from mission.'

"Before we left Cosmo Newbery I had the information that the dead woman's name was the same as Henry's sister and she was supposed to have been killed by her husband, Nangoo, who was called Paddy, and buried in sandhill country near Moolja Soak. Henry was well known at Cosmo Newbery, and his sister's name was soon found to be Watharrie. As you all are aware, the abos do not like to say the name of a recently dead person; hence the roundabout way of expressing her identity.

"On the morning of May 22 we started from Cosmo Newbery. There were myself, Pannikin, Sammy, Goonima, and eight horses. We had four riding-horses, three packhorses, and one as a spare in case of injuries to any of the others. At dark we had travelled 27 miles across spinifex country and were forced to dry camp. We were away early next morning and, after watering at a wayside well, arrived at Thatcher's Soak, 16 miles away, early in the afternoon.

"We hadn't done too bad, I reckoned, for Thatcher's Soak is 100 miles east of Laverton on the direct track; but of course we had travelled a bit further owing to our going into Cosmo Newbery. I don't know whether any of you have been over the track from Thatcher's Soak to the Warburton Mission, but it was made by the late Sam Hazlett, and I can just imagine how it was made. A native 'boy' must have led a camel from waterhole to waterhole, which might account for the mahner in which it twists and turns for the whole 260 miles.

"We were away again to a good start from Thatcher's Soak, and travelled 18 miles to Minnie Creek. There was a bit of surface-water in the creek, and this was the last surface-water we were to see for the whole of the trip. From here on we were wholly dependent on rock-holes for water. We hopped the horses out each night and had three bells among them. The feed so far had been very good, and every morning when we woke the bells could be heard within a mile of the camp.

"Next day we had a long day to Gnarmull Rock-hole, 37 miles, and arrived there after dark. Then we went on to Buldya Soak, 29 miles. This soak, by the way, is on the north-east end of Lake Throssell and is half-way between Laverton and the Warburton Ranges. I reckoned we would have an easier day next day; but

when we arrived at the next rock-hole it was as dry as a bone, and we had to continue on to Dterrinn Rock-hole, arriving there after dark and all pretty well knocked up after 33 miles of riding.

"Next morning we found no feed for the horses in the vicinity; so we had to take them back a couple of miles, and this meant a day's spell for all in the camp. The 'trackers' were having a wonderful time. They laughed and joked round the fire at night, and in the daytime as we rode along they always seemed to have plenty to talk about. Every morning when we started, I would ride behind the packhorses for a couple of miles to make sure that the packs were riding straight, and then I would go on ahead and keep ahead until the next waterhole.

"On May 29 we left Dterrinn, and after going about 11 miles we came to Bubble Rock-hole but continued on to Kahlgu Rock-hole. During the night I laid a couple of baits near the water, and in the morning I found a dingo bitch dead there. The country seemed to support dingoes in plenty, as their tracks were everywhere.

"We then went on to Narratha, 15 miles; next day to Yowalga, 23 miles; and then on to Gumba, 16 miles. We had started out with 40lb. of dry salted beef, and we cooked the last of it at this camp. Ever since we had passed Lake Throssel at the 180-mile we had been riding through spinifex and sandhills. It was beginning to get very monotonous, for apart from narrow breaks of mulga it was all spinifex. Usually the rock-holes were in a sparsely grassed strip of mulga, and riding into the sun each morning added to our general discomfort. The grass was so dry that when I touched it with my boot it blew away, and yet the horses seemed to enjoy it.

"Next day we went on to Babbagoola Rock-hole. The following day, which was June 3, I had planned that we would get to Weeljarra Rock-hole, only 12 miles on, and the following day we could get to the mission, a further 23 miles. At Weeljarra we found the rock-hole dry, so we had to continue on. We passed over some of the worst sandhills on the track during the day, and at sundown arrived at Milesia, which was at the junction of Elder and Hughes Creeks. There was a waterhole in the creek. We had ridden 33 miles for the day and we were all dead beat. So far we had travelled 360 miles. It was only 16 days since we left Laverton,

and for 14 of those days we had been in the saddle. As we were only four miles from the mission we made a very small fire to cook our damper, and then put it out, as we did not want any natives in the vicinity to see our smoke. I promised the 'trackers' that we would only ride up to the mission in the morning to see what natives were about and then they could have the day off. Although I was out in this country to investigate the suspicious death of a woman, I hadn't forgotten that I had a score to settle with a native called Long Jimmy. Two years previously he had speared a native named Warbly and then 'went bush,' and, although Warbly miraculously recovered from his wound after six months in Leonora Hospital, I wanted Long Jimmy for malicious wounding.

"We caught our saddle-horses the next morning and left the other four horses hopped out. We arrived at the mission at sunrise. The abos around the mission acted as though a circus had arrived, as the majority of them had never seen a horse before. I asked Mr. Wakerley, the manager of the mission, if he knew where Long Jimmy and Nangoo (known as Paddy) were. He told me that they had both been around the mission recently and he believed they were camped only four miles away at Warrabu Soak. Although I had promised the 'trackers' the day off, I decided to go straight out after them, and, arriving at the Soak, found that three men and three women had camped there the previous night and had left earlier in the morning.

"Sammy, one of the 'trackers,' knew Long Jimmy's tracks, and he saw where he had gone north-west with his woman. Other tracks headed north; so we followed them for about six miles and overtook some natives. But Nangoo or Paddy was not with them; but they told Sammy, and Sammy told me, that Long Jimmy had gone to a waterhole at Warraby; and although I did not want to capture Long Jimmy until I had made inquiries into the death of Nangoo's woman, I knew that, now I was so close to him, I had to get him or I would not see him again.

"We travelled in company with the natives we had overtaken, and after about four miles we crossed Long Jimmy's tracks. The natives told Sammy, who relayed the information to me, that Long Jimmy and his woman were making for a bardie-ground. We followed his tracks and eventually overtook him and his woman.

She dived into a bush carrying a baby only about a fortnight old, whilst Long Jimmy stood his ground, obviously astounded to see me. He was carrying two spears and his woomera. I ordered him to drop his spears, but he defied me and started to ship a spear. He was a tall and thick-set native and looked the typical warrior, with his mud-curled hair, bushy beard, and tribal-marked body.

"I fired a shot over his head, and he then reluctantly dropped his spears and walked away from them. He was put on the chain, and when he was safely secured we started back to our camp at Milesia. On the way back I asked him where Nangoo, known as Paddy, was, and he said that he had gone out to Kahnga Soak, and pointed out east. We saw a big smoke about 40 miles away which he said was Nangoo's smoke. We arrived back at the mission at sundown, and then went down to our camp. Next morning we packed up and shifted our camp to within about half a mile or so of the mission, so as to use the water from their well, as the water at Milesia was stagnant. We had the rest of the day off.

"I decided during the evening to take Long Jimmy with me out east, as he knew where the water was in that country and my 'trackers' did not. Next morning I left Goonima to look after three horses, and, taking one packhorse, Pannikin, Sammy and Long Jimmy, each on a horse, headed out a little south of east. At dark we had covered about 40 miles, and shortly afterwards we arrived at Weelgryn Spring. This water was only a very small spring up a rocky gorge, and a billycan was needed to bale the water out for the horses. Among the rocks were thousands of bones of birds, kangaroos, emus and dingoes, which had perished when the water had dried up.

"The country here was all broken ranges with spinifex sandhills in between, dry and parched, with no horse-feed. It was late at night when we had finished watering the horses and hopped them out. I chained Long Jimmy up during the night so that he would not clear out. He informed me that we ought to get to Kahnga Soak shortly after dinner-time next day and that a big camp of natives was there. We left early next morning, and after travelling for a few miles came to where the spinifex had been freshly burnt. This was where Nangoo had put up the smoke we had seen at the mission. Long Jimmy deduced this because he and Nangoo were at Kahnga the previous week. Nangoo had

been sent in with some dingo-scalps to trade for flour at the mission, and was then to return to Kahnga, look after the women, and hunt food for them while the tribe were away hunting. The smoke had been put up by him when coming back to let the natives know that he was returning.

"We arrived at Kahnga just after midday and found the camp had been moved, the reason being that the supply of firewood in the vicinity had dwindled, forcing the shifting of the camp. We followed tracks across a ridge and found the new camp. Only five women and seven children were in it. Long Jimmy told me that all the other natives were out hunting. During the afternoon women and children kept arriving from the bush, and as each one or each party appeared out of the thicket and saw us they ran back and the 'trackers' rode round and brought them in. They were very frightened of the horses.

"At sundown the women informed us that no other natives would arrive that night, as they were all out hunting and intended to camp across on the Barrow Ranges and return next day. We had to take their word for it, for we had not had anything to eat since morning and the horses had not even had a drink. We took 28 women and children with us to a place within half a mile of a soak, where we made a camp. Nangoo's woman and child were amongst them. We sat them down round a tree and the boys attended to the horses. This was the only night's sleep I missed on the trip, but I was forced to sit up all night and watch to see that none of the women got away and gave warning that I was in the vicinity.

"Next morning at daylight I went with 'Tracker' Pannikin to see the Soak. It was similar to Weelgryn, up a rocky gorge and more of a spring than a soak. On the east side of the gorge on the rock I saw the Police-brand cut; and below it the initials CL/LW and the date 24/3/35. This was the last Police party in that desolate area before our arrival.

"We got the horses in and took the women and children back to their camp and waited there until the late afternoon, when the first of the natives started to arrive in from hunting. Practically all the natives were naked; but they had odds and ends of clothing hanging in trees at the camp, which they put on when

they came in. At sundown we had 130 natives sitting down at the camp, and we were still waiting for Nangoo to arrive.

"Just before sundown, when the light was beginning to get dim, a native came to the edge of the thicket and ran back. He did this twice, and in the dim light Long Jimmy said he thought it was Nangoo. The second time he appeared he turned and ran for a rough range which was about half a mile away. I galloped after him on my horse and overtook him about 20 yards from the rocks. Back at the camp he told Sammy that he was from Ooldea, and Long Jimmy could then see he had made a mistake. He was the only man of the tribe who attempted to run away.

"The only blackfellow among the 130 we now had who could talk the white man's language was a native who came up to me and said his name was Peter, and that he had once been in to Laverton. He told me that Nangoo was coming in from the south-east and he would be late 'because he bin carry big Marloo (kangaroo).' I asked him how he knew this and he said, 'Nangoo makem smoke.'

"I was uncertain what to do, as it was almost dark and I knew that if Nangoo arrived in the dark someone might tip him off that I wanted him and I would not get a chance of getting him; but just then I heard a native call out from the thick scrub about half a mile away and Peter told me that it was Nangoo. We walked our horses steadily in that direction and eventually spotted two natives, one of whom was carrying a big Marloo over his shoulder. He saw us, dropped it, and ran away; but we soon overtook him and brought him back to the camp. Up to now the natives sitting in the camp had not spoken a word; but when we arrived back with Nangoo they crowded around us, all talking and laughing at once. They seemed quite pleased to see us with Nangoo as we elbowed our way through them.

"Next morning, with the help of Peter, who could speak the tribal language, I found several witnesses who had been present when Nangoo had killed his woman, Watharrie, and who were willing to accompany me to show me the grave.

"We left with 15 natives for Moolja Soak at about 8 a.m. in a north-westerly direction. After about an hour we rode into very bad sandhill country and were in it all day till dark. We

travelled about 35 miles. The soak proved to be a little patch of mulga among the sandhills with a limestone outcrop, and there was an opening in the limestone of about 8 by 10 feet. I reckoned that we would not have found it only for Long Jimmy and then we would have been in a bad way. After climbing down vertically into the opening for about 20 feet, we entered a large cavern, a crevice about 7 feet high and about 18 inches wide. This we followed in a winding downward path for a further 60 feet; and at the bottom, after scraping away the sand, we found water.

"When I came up I realised our dilemma, for we had only a three-pint billycan with which to water the horses. All the natives except Nangoo and his woman went down for a drink, lighting fires all the way down to guide them. By midnight the horses had had six billycans of water each and the natives had smoked themselves out; so we had to abandon the soak. We finished our flour that night and we had no meat.

"Next morning I was shown where Nangoo and his two women had camped and where they had fought, and where Nangoo had stopped the fight by killing Watharrie. I was then shown the grave where she was buried, about three-quarters of a mile into the sandhills. We exhumed the body and it was plainly visible that the skull was bloodstained and fractured. I placed the skull in the packbag and we started on our return trip of about 40 miles into our camp near the Warburton Mission. We were all very hungry, and after arriving at our camp after dark we cooked as much damper as we could eat, with a tin of meat each. I put in the next day questioning the natives who were camped around the mission, and located a young native named Pederwing who stated that he had dug the grave for the deceased woman.

"On Thursday, June 12, I counted my natives for the trip back to Laverton. Including my trackers, there were ten adult natives and two babies. I had 250lb. of flour left, two tins of meat, and a side of bacon; some tea, sugar and baking-powder. It was necessary for me to make an early start if the flour was to last out. I talked with Long Jimmy and marked out the daily stages on a map. I then put in a few hours mending the saddlery, which had been considerably damaged on our trip, and got the horses in for the necessary shoeing. As the first water on the trip home

was at Babbagolla, 37 miles away, I decided to leave late and make a dry camp the first night.

"At 11 a.m. on Friday, June 13, we started from the mission on our 360-mile trip home. We had with us Nangoo, known as Paddy, arrested for the murder of his wife Watharrie; Long Jimmy, arrested for the unlawful wounding of Warbly; witness Koonila, his wife Dubbagolla; Pederwind, Kundagonna, his woman, and their six-month-old baby (which I christened Saddlebag); Wangarra and her three-week-old baby (which I christened Fairy); and my three 'trackers.' The natives, of course, had to walk. Our return trip was slow, water was scarce, and the horses were not getting enough to satisfy them—and just before we arrived at the pool at Minnie Creek they were two days without it, and one of the horses just sipped the water and rolled in it. Sammy shot two big boomers at Minnie Creek, which relieved our meat question and helped our flour out. We were now on a ration of 1lb. of flour per person per day. Next day we travelled to Thatcher's Soak, 17 miles; Rutter's Soak, six miles; and then by easier stages to Laverton, where we arrived on the twenty-first day. Two of the women insisted on carrying their babies the whole way.

"We had been absent from Laverton for 46 days, and in that time had been riding 43 days and had covered a distance of just over a thousand miles—a tribute to the horses bred in this country.

"Despite reports to the contrary, the only weapons used by the natives in that area are spears which are thrown with the aid of a boomerang. They do not use nor do they know how to make a boomerang.

"My native 'trackers,' Sammy, Pannikin and Goonima, were splendid throughout the trip, and although they were very frightened once they got east of the Warburton Ranges they tried hard not to show it.

"We started out with 400lb. of flour, and when we arrived at Laverton we had only 6lb. left.

"On September 11, before a Special Native Court comprising the Resident Magistrate from Kalgoorlie and a representative from the Department of Native Affairs, Nangoo, alias Paddy, was found guilty of the unlawful killing of his wife Watharrie, and was sentenced to six months' hard labour.

"Long Jimmy, whom I had to charge with the unlawful wounding of Warbly at Cosmo Newbery in 1945, but who undoubtedly saved our lives by finding water at Moolja Soak, was found guilty; but when I pointed out to the Court that he could, if he wished, have refused to show us the cave where the water was, and we would have lost horses and we could easily have perished in that terrible country, he was ordered to be immediately discharged."

BLOOD ON THE AXE

By *ALLAN BRENNAN*

No one believed him when he told them he had buried the blade of an axe in his wife's head. The story of a crime created by a man's un-reasoning jealousy.

"**T**IS the soul that shapes the features," runs the verse. Not so, I think; but I believe it may give them their expression, thereby revealing the very essence of the person—sweet, dour, bitter, hangdog, or as the case may be. Back in the first of the '70's, in the district of Kiama, N.S.W., the singular beauty of Julia Gray, 38 years, mother of seven, was extremely unlikely ever to be a handicap to her. But when she broke into a smile, that smile was a gracious exhibition—a regular spring morning of a smile.

As I have hinted—delicately, I hope—Mrs. Gray's features were strictly utilitarian. Nor did her clothing look as if made to order for her, well cut at that. No haughty model, she, wearing for critical inspection up-to-the-minute dressing. Probably she had looked middle-aged from 18 years onwards.

I feel fairly certain that I have made it clear that about Kiama in the '70's none accused Mrs. Gray of beauty—except her husband.

The smile I have referred to was but the outward sign of a patient cheerfulness in the shadow of disheartening conditions, and so it was interpreted by all—except her husband. Between popular interpretation of Mrs. Gray's infrequent smile and her husband's view of the same pleasing exhibition the difference was wide enough for the passage of a first-class planet. As the suspicious husband saw it, that smile signified—everything! And he wasn't going to have it. He'd kill her first! What is more, he did—and all because of a smile.

Can't say for sure, of course, but it would seem that in the opinion of suspicious, gloom-haunted Gray a smile on the face of a woman with seven children was the surest indication of duplicity and infidelity. If so (and I leave you to judge), the theory, or hypothesis, later became an assumption of fact.

Soon sorrowing neighbours came to know that in a house where even the children had always been silent and subdued of manner the last doubtful trace of happiness had disappeared.

Gray cursed his unfortunate wife and children indiscriminately; and on the same wide-angled principle he beat them.

At length, convinced that in one of his paroxysms her husband would kill her, Mrs. Gray sought protection from the Bench at Wollongong, and a case was brought on.

As an excuse for having held a gun at his wife's head and having laid his hands upon her to choke her, Gray put forward a tale of her immoral conduct. He also told of an alleged throng of lovers who followed him about, waiting for a chance to shoot him.

Gray had been whispering these confidences to various chance acquaintances, and during such recitals had looked about him fearfully for spies. But instead of convincing his listeners of his wrongs he went far towards convincing them of his insanity. Scarce a policeman in the district he hadn't pestered with a similar story and an approximately even result.

In the legal engagement Gray lost every round, and in default of sureties he was committed to prison for 21 days.

The fact that his wife had used the Law against him was not forgotten; nor was she ever forgiven. It was due to this that he subsequently referred to his wife as "a wretch who did not care how she hurt my feelings."

For three weeks happiness, or at any rate a fair imitation thereof,

reigned in the Gray house. But behind the brief respite there ever lurked in the back of Mrs. Gray's mind the torturing anticipation of possible developments following her husband's release.

As the dreaded twenty-first day loomed a crescendo of dread developed in the Gray house; and on that day Mrs. Gray and her children were too afraid to go to bed. As the night wore on mother and children formed into small groups and waited in timid expectation. But the tyrant did not appear, and the scared family dreamed of some terrible revenge that took a long time in planning—a relentless revenge completely devoid of mercy.

If his wife and children had not possessed a thorough appreciation of John Gray's nature they would have felt more at their ease when several days passed without sign of him. Instead, his prolonged absence served only to create a protracted agony of fear. The "holiday" feeling of the 21 days could not now be revived.

A week elapsed, and still there was no sign of Gray. Then a letter arrived from Sydney. If brief, it was also interested and affectionate, and in Mrs. Gray's heart there arose a strange wave of hope.

"My dear Jane," the letter read, "I arrived in Sydney late at night. There was no steamer leaving Wollongong till 5 p.m. I hope poor Robert is good; and let me know how you are getting on, also Mary and Tom, Margaret, June, and Johnny. I am very lonely. There is not much doing in Sydney; so I won't stay here if I don't get a place. I have not much money. I am paying £1 for board. Be sure and write quickly, for I can't remain here more than a week. The last time we went to Sydney we had a home to go to, but I have not.—Yours. John Gray"

No cheque was enclosed, but the general spirit of the letter gave sufficient justification for hopes of a renewal of the happiness of their earlier days together. The family gave three cheers for Father! He wasn't going to thrash them, or squeeze their throats, not ever again!

It was evening, June 30, 1870. Mrs. Gray and the children were getting ready for their seven-o'clock supper. The night was dark, but they had ceased to fear—partly because they knew that their father was in Sydney, and partly because of his kindly letter. Perhaps they thought that beneath all his violence he might have a good heart. Every cloud has a silver lining, they thought, as

they sat down to their meal. But Mrs. Gray in one brief sentence condensed the real reason for the comparatively gay atmosphere. "It's nice to know that your father is away in Sydney," said she. Too often had her hopes been raised—and dashed.

Suddenly there was a slight sound at the door. Dad was *not* in Sydney! There he was, in front of them, a silent figure standing in the door. Eight pairs of eyes watched him from the tea-table as he stood motionless and returned their gaze.

It was no joyous homecoming. All childish chatter ceased, and there was no joyful rush for the paternal kiss. Instead, there was an awkward moment of indecision, directly consequent upon the challenge in Gray's manner. As clear as good speech his attitude at the door posed a question—"Peace or war?"

The now silent party did not know exactly how the figure came to be there. Certainly dogs had barked; but, then, dogs were always barking. However, the arrival was mysterious, and in truth the tea-party would have preferred the entrance of a burglar to that of their father.

Suddenly, whilst still they watched him, Gray passed through the kitchen into the bedroom. They heard a noise which told them that he had flung himself on a mattress. Then came a sound of sobbing—not the ordinary sniffling variety, but the violent kind that shakes the whole body. Gray had become tearful!

These paroxysms lasted a long time. Finally, whilst her children watched anxiously, Mrs. Gray entered the bedroom. They heard her suggest to him that he should come out and have something to eat. But with Gray just then it was a case of weep first, tea later.

Were these tears of contrition? Mrs. Gray dared not think they were—too often had she been deceived. Nevertheless, she thought, many strange things had happened in the world before; whereupon her mind turned to miracles!

Eventually he was persuaded by his wife to abandon his weeping until he had something to eat. When he at last emerged from the bedroom there followed a spectacle which must have been beautiful and pathetic to behold. First he shook hands enthusiastically with his wife, and then with each of his children, from the eldest to the second youngest.

Only the infant was left out, probably for the reason that the

mite had not packed sufficient experience in her two years of life to properly appreciate true remorse.

Gray, in the same order, then kissed all hands, and in this function he included the infant.

During this lengthy performance poor Mrs. Gray came truly to believe in miracles, striking water out of solid rock, and propping up the dead for a fresh burst of activity here below.

After tea a pretty domestic scene developed. John Gray sat in an armchair at the fireside, smoked the pipe of peace, with a child upon each knee. Had he seven knees, it seems likely that there would have been a child upon every one of them.

It was an evening of kind words, loving actions; and at about 8.30 all retired to sleep. That night John Gray attacked his wife, by way of repeated blows with a heavy hammer.

Father and mother and an infant shared one bedroom. Four children shared another, whilst the boys slept on an enclosed verandah. A swinging lantern supplied light; and as Mary, the eldest, extinguished it, it seemed that the night promised pleasant, nealthful rest, with a happy morning to follow. Alas for human hopes!

How account for the frightful action which so frightfully terminated the earthly existence of a splendid woman, mother of seven children? Did some nightmarish dream take possession of the gloomy, trouble-haunted and trouble-seeking mind of John Gray? Did sanity reel from its insecure perch, to be replaced by an all-compelling murderous impulse? It has been said that a jealous man is a man possessed of a demon.

Plainly there are deeps in the human mind that defy the longest plumb-line of even the most experienced psychiatrist; and such a mind surely was that of John Gray of the wind-swept slopes about Kiama in 1870.

Whether a dream had anything to do with the murder of Jane Gray by her husband can, of course, never be determined. Only one thing is certain—that if Gray was dreaming, then it was a dream in which he played a terribly active part.

It was the eldest child, Mary, who awakened to a deep suspicion that something terrible was being enacted in the next room. Covert investigation proved her worst fears; and as she, and she alone, knew the circumstances, the awful story is best told in her own

language. "I was awakened in the night," she said, "about two hours after I had gone to sleep, by the sound of dull hammering, and I heard my father speaking bad names to my poor mother. I got out of bed and lit a candle, and then saw my father by the side of my mother's bed. He was fully dressed. He told me to go and take the baby with me. I spoke to my mother and reached for the baby, which was lying by her side. When my mother did not answer I looked more closely and saw that my mother's head and also the pillow was covered in blood. Nor did she ever speak again. I took the baby away."

Mary then described the long night, during which her father paced to and fro in the kitchen, whilst the children huddled together in their beds and wept noiselessly in their terror. Finally all-compelling drowsiness overcame all but the eldest girl. In tears and silence she spent the night.

The girl's story went on to describe Gray's actions after daylight. "My father went to the creek for some water," she said. "He returned after a while and boiled some of the water to prepare his breakfast. Just then I heard my mother groan, and then my father went into her bedroom and said, 'You are not dead yet.' I heard the sound of a blow. I was in the kitchen near the fire, and could hear through the thin partition that separates the rooms. It was a hard blow, and I heard no cry at all, only a sigh. My father then came from the bedroom and ate his breakfast. After he finished he told us he was going to Mr. Mole, the magistrate, to give himself up. He kissed the other children before he left, but my sister Maggie and I refused to kiss him because we knew that he had killed our mother. Then I noticed an axe covered with blood behind the kitchen door."

Gray kept his word. When he saw him Mole formed one of a party, whereupon Gray drew him aside and made his awful confession. The magistrate thought that it was a stupid joke to play upon a man early in the morning, and said so. Indeed, it took some time before he was fully convinced that Gray was uttering nothing other than stark truth. "You'd better come with me," said Mr. Mole, and the pair commenced to walk to the police station.

Ere they reached it a police constable came out of a side street, whereupon the magistrate handed over his charge; but he continued

on to the station. There Sergeant Sheridan took over, and on the magistrate's information, coupled with admissions by Gray, he lodged that man in the lock-up, under guard.

At the scene of the crime two astonishing discoveries were made. As the police saw her, it seemed that Mrs. Gray had passed from life. Indeed, so terribly wounded was she about the head that to suppose that she still held to consciousness seemed an absurdity. But Dr. Marshall, who shortly arrived, pronounced her still living. "Not a chance of recovery, I'm afraid," said he to the sergeant. "Still, I shall do my best."

The medical man's best consisted of ten hours' unremitting effort, but at the end of that period Mrs. Gray faded from life.

The other discovery consisted of a second axe, also bloodstained—and that recently! There was ghastly evidence that this second axe had also been used in the attack. Surely poor witless Gray must rank as the most incompetent murderer in Australian annals!

The trial of Gray for murder at the Central Criminal Court, Sydney, went to prove that the man was the victim of his own suspicions. Consequent upon a morbid dwelling on one subject, he had developed a madness, or at least a derangement of his mind on that particular subject. In short, Gray was a monomaniac. Throughout his whole married life suspicion had followed him like a track, as proved by a woman who gave evidence of an act of violence which had occurred some twelve months before.

"Mrs. Gray had sent money to her husband in Sydney," she said, "and I happened to be in the house when he returned. He asked her where she got the money from, and when Mrs. Gray said she had sold a calf to get it he called her a name I'd rather not repeat, and asked her how many legs the calf had." He then knocked her down and kicked her.

"Father would say that he heard men walking around the house at night," said the eldest girl in evidence, "and he would get out of bed to hunt them away. But there weren't any men at all. Mother always acted kind to Father, and got his meals regularly for him. She was a good, kind mother."

On his way to inform the magistrate following his clumsy and ultimately fatal attack on his wife, Gray talked to men he met, and the men to whom he talked now gave evidence.

William Pearson, sawyer, of Marshall Mount, said that Grey

boasted to him that he had 'settled his wife.' When I asked him what he had done to her, he said that he had hit her once or twice with an axe," said the witness. "But Gray was a terrible talker, particularly about his wife, and I took no notice of him. He often said that he would kill her."

Others spoke in similar strain, each stressing Gray's frequent threats of violence towards his wife. But, like Pearson, none took any notice of him. As you have read, even the magistrate at first brushed the man aside. Seemingly, then, as now, it was generally held that an orator seldom throws as much energy into his work as into his words!

Right through a lengthy trial it was found impossible to keep Gray quiet. As confidentially as may be, he informed his Honour that he was prepared to admit that his wife was good in spots.

"Alas, your Honour!" said wickedly clever David Buchanan (defending counsel). "There were other spots."

And there you have the only bright spot in the trial!

Gray's neck, and indeed his anatomy generally, became the "prize" in a hard-fought battle, one side claiming that accused was a perfectly normal man, wholly responsible for his every thought and action, whilst the other, including Dr. Marshall and of course Buchanan aforesaid, stood for the theory that Gray was the victim of monomania, which developed itself in the encouragement of jealousy and thus brought about complete madness on one subject—his wife.

Ministers of religion (nearly all denominations), medical men, master mariners, gaol governors and warders at Wollongong and Darlinghurst, sergeant and police of Wollongong, testified that on all points but one Gray was a normal man, and that on that particular point he approximated lunacy.

But though in 1870 knowledge of mental illness had advanced far from the time when a diseased mind was supposed to be influenced by the phases of the moon (hence the word lunacy), we yet were very far from today's wide sweep. Monomania and words of similar import were far above average juryman level of the '70's, and, notwithstanding an able address on behalf of the man in the dock, the twelve found for murder in its absolute sense. Inevitably the brief balance of court proceedings was overhung by a gallows.

Of all Sydney papers of the Middle Ages the *Evening News* doted most extensively on a hanging. From Opening Chorus, along past the crash when a treacherous floor gave way underfoot, and not forgetting the "dull thud" when the hangee fetched up in mid-air at a point previously decided, right through to the Final Kick and the precise time thereof, Sydney *Evening Noose* simply teemed with news. Out of a long experience I can state with one-ton emphasis that when in Sydney a man died with his feet clear of the ground the *Evening News* headlines literally leaped at you. But though I turned the pages like a windmill, never was I leaped at by an execution. Therefore I think I can state with certainty that Gray was not hanged. If he were, then the best ending I can think of is to say that the fact was very well suppressed.

HE LAUGHED AT THE DEATH-BONE

By *DULCIE DEAMER*

They pointed the bone at him, and he laughed at their superstitions. In the face of this ridicule of the age-old customs of the tribe there could be only one answer . . . DEATH!

THE man from whom I had this story is, as the saying goes, "a long-ago." Many years ago he was well acquainted with some of the wilder sections of Australia; and they were a good deal wilder then than they are now.

The aborigines, also, he must have known better than most; regarding their rites and their mental angle he appears to be unusually well informed. In the following story I am simply passing on what he told me, both in the matter of facts and native beliefs. As to the narrative itself, years back I recall reading an outline of it in a scholarly book dealing with the abos, and illustrating its examination of their way of life by quoting historic incidents. So when I had the tale from this acquaintance of mine it rang a bell—it was fact all right.

He could not supply me with the exact date, and if the book in question had mentioned it it had not stuck in my memory. But it seems that one must place it prior to the First World War.

So the events should have occurred, roughly, nearly fifty years ago.

Cape Leverque is away up in the north of Western Australia, with the Kimberleys in its hinterland. And about a hundred and fifty miles north again of that uninviting spot a pearling lugger was wrecked.

Things might have been worse for the six men who were her crew. They all managed to get ashore, with an uninjured dinghy and enough salvaged provisions to keep them going for a few weeks.

But, marooned in a terrain nearly as inhospitable—to them—as a landscape on the moon, they had to extricate themselves while their food held out. Not a few, cast up by the sea, have perished on that coast.

So the castaways at once drew lots to decide which two of their number should take the dinghy and make a desperate bid to reach a coastal mission station which they knew was located a good way south.

It was a nightmare trip in the little open boat. In that region the fall and rise of the tide measures thirty feet, and they were carried away out to sea. Struggling back towards the coastline, they were in constant peril from the innumerable shoals, and it was a number of days before they were able to reach the mission—only to find that the mission's own boat had been lost a few days before they made landfall.

So there was nothing for it but to launch the dinghy again and head for Cape Leveque, nearly fifty miles farther on, for there, at the little settlement of Boolgin, they should find help.

One can picture the two sun-blackened, brine-soaked men, red-eyed and weary, fighting against time in that small, tide-tossed boat, knowing that the lives of their marooned mates depended on them.

Once again they won through. They reached Boolgin, and immediately a lugger put to sea to save the castaways.

Weeks had passed. The four who had been left behind, camped by their dwindling supplies, concluded despairingly that the dinghy had met disaster on the way to the mission station and that the two who had gone for help were drowned.

A couple of them, named Bass and Smith, determined to try and go overland to the mission. It was, as they knew, a gamble with death in more ways than one, for the rugged country they had to traverse was the territory of the Warranerrie and the Bambra, both fierce tribes, who had scarcely contacted white men and were as untamed as the wild life of this primitive corner of the world.

Bass and Smith were game, as were the two in the dinghy. They reached the Hunter River where it flows into Prince Frederick Harbour, and there ate the last of the food they had taken with them, and lay down and slept, exhausted.

As the night lightened towards morning a band of shadows surrounded them—shadows with spears. They were warriors of the Warranerrie tribe.

Most of them had never before seen a white man. The worn-out sleepers knew nothing of the ring of shadows. When the shower of spears came they were so unerringly aimed that Bass and Smith must have died almost as soon as they were aware that they had been attacked.

Thus the fighting men of the Warranerrie purged their tribal ground of an alien intrusion.

In the meantime the lugger from Boolgin reached the scene of the shipwreck, and the two who remained there and were on the verge of starvation. Being told of the overland attempt, the rescue lugger's crew called, on the way back, at the mission station. And when no footsore and famished couple showed up, word was sent to the police at Broome, a hundred miles farther south again.

A couple of troopers from Broome started out on the search. They rode north to the mission station, and from the mission natives took two boys to act as guides and interpreters.

One of these boys, named Horrie, was of unusual intelligence, and possessed of character and personality well above the average. It was he who led the troopers to the place of the murders, where lay what was left of Bass and Smith. It was he who trailed the murderous group of warriors and enabled the law to round them up.

They were conveyed to Broome, to suffer what the white man's law decreed. They were lost to the Warranerrie; the Boranore,

the sacred Bora-ground of the tribal rites, saw them no more.

But was that the end of the matter? Certainly not. The white men's law had had its way, and now the black man's law took up the tale.

The Warranerrie Bora-circle—that is to say, its company of initiated men who had come through the testing rituals of fire and flint and bore the scars on breast and back for all to see—gathered at the Boranore, the secluded place forbidden to women and the uninitiated, where the smooth rock underfoot was carved with symbols of awful mystery and meaning, and there swore the Mai-ing Boo-mung oath.

Then danced and sang it. It proclaimed that Horrie must die, and that every part of his body was accursed. The faintest hint of this ceremony struck terror into the soul of every aboriginal.

A vendetta had been launched against Horrie—Horrie who had betrayed Bora-men of the Warranerrie into the hands of alien enemies.

The Bora-men of the Bambra tribe, as a gesture of friendship to their neighbours, the Warranerrie, likewise took the oath, becoming partners in the solemn vendetta. It was they who sent the first message-stick to Horrie, apprising him of the oath, and that they had joined with the Warranerrie to accomplish his ritually proclaimed death.

As Horrie and every aboriginal knew, the Mai-ing Boo-mung oath announced that after its victim was slain his head must be cut off, his breast opened and his heart inserted between his teeth, and the head hung in a certain tree; his body must then be carefully and ritually mutilated and the fragments scattered; and if the victim had passed through the initiations, the raised scars of those initiations must be cut away from the body and burned—for this deprived the soul of any chance of a pleasant hereafter, for all practical purposes killing it.

The smooth message-sticks, only a few inches long, were inscribed with simple marks which looked like primitive attempts at decoration or random scratches to an outsider, but conveyed the clearest of meanings to any native.

So Horrie knew exactly with what he was threatened by the combined forces of two strong tribes.

But he did not panic. He had been gifted with a character whose inner strength and integrity was much superior to that of the majority of the local natives. Under other circumstances, it is more than likely that he would have risen, through many seasons of ritual ordeals, voluntary segregation from his fellows and prolonged mental disciplines, to the stature of a supreme medicine-man, and not one devoted to the sinister service of Yarkamata, the "malevolent mother," the patroness of evil, but a follower of the benevolent and healing gods.

He was of the coastal tribe of the Worrora, and though as a youngster he had been through the universal preliminary initiation into manhood, with its scorching by fire and its incisions which raised the weals that proclaimed him a man, he and many of his mates were "mission boys," accepting the teaching of the mission station and camping beside it when not on walkabout.

He and they acknowledged stronger gods than those of the myalls—so much stronger that three years after the Mai-ing Booming oath had been taken and the first message-stick sent, Horrie was still alive and hale.

The mission represented white man's prestige and mysterious powers; the mission had firearms, and the backing of visiting luggers and armed and mounted troopers.

If and when Horrie went walkabout, one can well imagine that he proceeded with the utmost circumspection, aided by the inbred bushcraft, united to his superior brand of intelligence, which had enabled him swiftly to locate the scene of the double murder and deliver the perpetrators into the hands of the Law.

There were various attempts against his life when he was away from the mission, but he dodged them.

The first message-stick was followed by others, all reinforcing the deadly threats, and an early one of the series informed him that the Death-bone had been pointed at him.

As all aborigines were aware, the pointing of the bone pre-

supposed that its intended victim had been entranced by sorcerer's magic while he slept, and some of his blood drawn from him to render the bone-pointing fully effective.

The bone was always taken from the skeleton of a woman, and was usually an arm-one. It was from three to six inches long, ground to a fine point at one end, and with a groove at the other end to hold the magically obtained blood of the victim.

Almost without exception any native told that the bone had been pointed at him—the pointing was always done by a witch-doctor—began to pine at once, and was quickly dead.

Horrie was the exception.

When the message-stick arrived with the fatal information, Horrie laughed.

He laughed though he knew that sorcerer's curses had been sung into the bone which was stained with dried blood alleged to be his own obtained by black magic.

This laughter of a conventionally hopelessly doomed young man had its genesis in the teaching of the missionaries. Their God protected him from all other gods; the Death-bone was harmless as any stick, pointed in child's play, against a Christian. And Horrie was a Christian.

Natives allegedly Christian have wilted and succumbed to the Death-bone because the old beliefs still ruled in their subconscious, where reside the forces that slay or safeguard.

Horrie fully and firmly believed in what the mission had taught him; his was no lip-service for tucker. Therefore he was immune to the suggestion, via the subconscious, by which magic works.

The Death-bone, laughed at, had failed. Yet he must die. What was to be done?

Back in the spinifex country of the hinterland, during these three years of message-stick threats and foiled attempts at furtive slaying outside the precincts of the mission, at every corroboree held on the Bora-grounds of the two myall tribes the warriors had sung Horrie's death-song and scarred their bodies again and again as a sign of the unfulfilled vendetta.

Finally, at the end of three years, the "kargie"—the chief

medicine-man—of the Warranerries announced that the ordained death must now take place. Magic had been countered by some strong alien magic; open warfare must be declared.

An incantation at the Bora-grounds invoked the death-serpent, the supreme totem of all tribes, whose will no warrior dared disobey. So the Bora-men of the Warranerrie and the Bambra marked their bodies with red ochre, symbol of blood and of Yarkamata, the evil goddess who delights in blood.

Then the combined warriors of the two tribes marched to the head of the Glenelg River, and from their chosen battlefield sent some of their number as messengers to the Worrora, Horrie's tribe camped in the vicinity of the mission.

These messengers challenged the Worrora's warriors, of whom Horrie was one, to meet them in combat at the place where they waited.

It was unthinkable that those who had passed through the man-making initiation would refuse such a challenge. With Horrie as leader, the mission boys armed themselves and went out to fight.

They advanced with courage but caution. As they approached the appointed rendezvous a shower of spears lanced towards them.

Not one found a mark. The mission boys were exceedingly skilful in their defensive handling of their heilamons, the long, oval shield they carried.

Their enemies realised that bitter hand-to-hand fighting was unavoidable, as so deft was the shield-play of Horrie's comrades that no matter how rapidly spears were thrown they caught them and turned them. Long-range slaying, which they had partly counted on, was ruled out.

Schooled by the medicine-man who had invoked the death-serpent and sent them forth, they had prepared a trap to give them certain victory in such a turn of events.

They shouted, taunting the mission boys to come on and attack. The mission boys yelled back at them, rushing up a slope towards the spear-throwers.

Then the trap was sprung, for the Bambra fighting men, who had been concealed in the scrub to right and left, closed in behind Horrie's fighters as they ran forward. Enemies were both before

and behind them, and, what with the previously hidden Bambra forces, they were badly outnumbered.

The mission boys fought with the courage of true warriors, and it was only after the death of Horrie that those who survived scattered to the shelter of the bush to make their way back to the coast.

Horrie's body was taken to the Warranerrie Boranore, and there, as the triumphant death-song was sung above it, it was mutilated in accordance with the Mai-ing Boö-mung oath.

But what they did to his remains could not touch him. He had laughed at the Death-bone, and had lived and died with remarkable courage.

MURDER FOR WHITE MAN TUCKER

By **FREDERICK J. CHRISTIE**

According to members of the medical fraternity, white man's tucker has often been a contributory cause of ill-health. This story tells how white man's tucker once brought death !

THE spectacle, raw as it might have been, of men (even black men) being tried for murder in that out-of-the-way one-pub township had a fascination about it that we found hard to resist.

Although we knew we had more pressing business to attend to elsewhere, had just delivered a mob of fat bullocks to the wharf for shipment south (before the meatworks was built) and were due 150 miles inland for the "cutting-out," then delivery of a second mob in time for the arrival of another cattle-boat at the port, we lingered on until a choleric boss came galloping in from the Twenty-Mile and threatened to fire the lot of us if we held up the incoming ship. But, as he arrived just as the case concluded, we paused only long enough to have a tankard or two at the local; then, mounted and spurred, we rode on.

For the next month at least, I reckoned, it would give us a different topic to discuss around the campfires at night—a welcome change (at least to some of us) from the eternal wrangling over horses, bullocks—and women. Not necessarily in that order.

"Murder," as the learned De Quincey explains, "is not a profession, but an art." The case we were about to hear dealt with murder in its crudest form.

In the stifling tropic heat, just before the beginning of the "wet" season, we sat in our shirt-sleeves in the tiny tin-roofed courthouse at Wyndham in the north-west of Western Australia, and listened as the sweat ran down our backs, whilst a perspiring khaki-clad sergeant of police, acting as Crown Prosecutor, extracted bit by bit from semi-civilised aborigines and a coloured crewman of a pearling lugger the true facts in regard to the murder of two Manilamen.

These facts, which at times seemed to exhaust the patience of the sergeant to bring to the light of day, make a bizarre tale; they shed some light on the working of the mind of the primitive aborigines of the Kimberleys, and showed up in bold outline the sterling work of the mounted trooper.

It is a strange fact that an ex-sailor was responsible for establishing the Mounted Trooper Police in Western Australia.

Way back in 1848, when Captain Fitzgerald, R.N., became Governor of the Colony of Western Australia, he was surprised to find, after a survey of the Colony's Police Force, that in a country of such vast distances there were no mounted men; so he set out to recruit a body of horsemen, whom he called the Mounted Trooper Police. As the settlers pushed inland and opened up the country they were soon followed by a mounted trooper, who established a camp, recruited native "trackers," and then started to patrol the new settlement regularly.

In 1879 Alex Forrest explored the great Fitzroy River and the lesser Ord River, in the north-west of W.A.; and, finding the country around the Ord rich in pastoral land, it was not long after his return to civilisation before cattle and sheep stations were formed there. As usual, the mounted trooper followed, and, the Kimberley native being what he was (and more or less is today), it was not long before the trooper was called upon to protect the settlers from the depredations of these wild black men, who not only speared the cattle or sheep, but made spasmodic raids on the homesteads also.

The mounted trooper of the western State, like the trooper of Queensland and the Northern Territory, is a specially picked man.

To stand up to the rough-and-ready outback life, the trooper is required to be a tough and resourceful bushman and one who knows the cunning and treacherous ways of the aborigines. This is especially so in the north-east and north-west of Western Australia, where the aborigines far outnumber the whites.

As one who has for many years travelled over the north-east and north-west of that State, droving cattle in the Kimberleys, prospecting for gold out of Kalgoorlie, tin-scratching out of Marble Bay, shell-opening on pearling luggers out of Broome, and broncho-punching on cattle stations on the Ord, one cannot but be impressed by the wonderful work of the mounted trooper of the north-west of Western Australia, of whom little is heard save when some outback tragedy gets them newspaper headlines.

The evidence in this case illustrates the dogged persistence of the lone trooper who, despite many false leads, eventually brought native offenders to justice.

In the dock charged with murder were two Kimberley natives. Both of these men were over six feet tall, had unruly hair and flowing jet-black beards. On their arms, chest and back were many tribal markings. No one in that court could fail to notice that they seemed to be most uncomfortable in the khaki trousers they were forced to wear whilst the trial proceeded.

As we mopped the perspiration from our foreheads we were held in that stuffy court by the dramatic story that was unfolded before us.

"It will be shown," said the sergeant, addressing the Acting-Judge and jury, "that sailing south from Selaroe, one of the Dutch islands which make up the Tanimbar Group, to the north of Western Australia, a tiny pearling-lugger, with a crew of two Manilamen and three Koepangers aboard, was blown by a tropical storm down off our north-west coast. When the storm petered out, the actual position of their vessel was unknown to those aboard; but, sighting the coastline somewhere in the vicinity of the eastern entrance to the mouth of the crocodile-infested Cambridge Gulf, the lugger was headed for the shore. As it was imperative to search for fresh drinking-water as soon as possible—the supply aboard the lugger being almost exhausted—and to gather some idea of what part of northern Australia this was, the lugger was anchored some cable-lengths from the mangrove-lined beach, and

the luggers' dinghy, manned by two Manilamen, set off for the shore. When the dinghy grounded in shallow water, the two men pulled it up among the mangroves well out of reach of the tide and set out inland to find a fresh-water pool. As they surveyed the scene and looked for an outcrop of rock which would probably hold rainwater, they must have wondered what sort of a country it was, for as far as the eye could see there appeared nothing but thick pindan scrub stretching for miles. But if they had observed no sign of human life in that desolate country, many eyes from various vantage-points had observed *their* movements."

The sergeant paused to mop his perspiring face, then continued:

"Some little time previously a tribe of aborigines from the Alligator Spring country, having crossed Cambridge Gulf by catamaran to reach a favourite fishing-spot, where they had erected crude fish-traps in tidal waters, had spied the approach of the lugger and, as is their custom, had hidden themselves where they could observe the movements of the strangers without themselves being seen. From what can be gathered, the two Manilamen, after spending some time searching for water, found a rock-pool and, after having cleared the scum from the surface and quenched their own thirst, filled the waterbags they carried and then set out to return to the dinghy, a journey they were fated not to complete.

"Aboard the lugger the prolonged absence of the Manilamen was causing some anxiety, an anxiety which probably increased when there appeared on the beach some aborigines leading their gins waist-deep into the water and calling out to those aboard, 'Woman, woman,' and waving their hands frantically, beckoning the Koepangers ashore; and after seeing some natives carry the lugger's dinghy from the mangroves, place it in the water, and two of them get aboard and start to paddle out to the lugger, it was no wonder that the Koepangers became frightened and, after a hasty discussion, decided to haul up the anchor and sail round the coast until they could find a port where they could report what had happened.

"Naturally, these happenings were unknown to us; but a week later a native attached to a mission station, who was on walk-about, met a bush native who told him that two 'white men' had been killed near the mouth of Cambridge Gulf and offered to

exchange a curved knife—actually a Malay kris—for some flour and sugar which the mission native carried. As soon as the swap actually took place, the mission native hurried back to the mission to inform the missionary of the occurrence, bringing, as evidence that the swap actually took place, the curved knife. The missionary lost no time in informing us by native runner of the occurrence. This quick action and the fact that a trooper set out immediately to investigate undoubtedly saved the lives of the three crewmen. Eventually two aborigines were captured by the trooper and charged with the murder. They stand in the dock before you, and I propose to call witnesses to prove the charge against them."

"When the report came in from the mission," Trooper Searle told us from the witness-box, "I knew that if murder had been committed white men would not be involved, for not even bagmen visit *that* part of the coast. I was unaware when I left Wyndham that the murdered men were from a lugger; in fact, the report which came in by native runner was vague—so vague that I doubted whether it was not a tale invented by the abos to get me off on a wild-goose chase, so that whilst I was away along the coast they could kill cattle inland. That sort of thing has happened, and only recently."

"You may tell us of the occasion," said the Acting-Judge, "as it seems relevant to the issue."

"Two months ago," the trooper continued, "a native came in to Wyndham to tell me that in a tribal fight among the Drysdale River aborigines one of the Spanish missionaries from the Drysdale River Mission, who had tried to stop the fight, had been killed. The report seemed genuine, so I hurriedly got my packs together and set out to investigate. Half-way between the Forrest and Drysdale Rivers I met one of the Fathers from the mission, who told me that there was no truth in the report, as he had left the mission only a few days previously. No tribal fight had taken place, and indeed all the missionaries were in good health; so, as it was useless to continue on, I returned to Wyndham—only to find on my return that the aborigines had held a big corroboree some miles north-west of Speewa Cattle Station, and had killed on an average two beasts a day from that station for the ten days the tribes had come together. I never had the opportunity of

meeting up with that native again, but it was obvious that the tribe wanted to get me out of the way so that they could kill the cattle without fear, as the only white man at the time on the station was ill with fever.

"Well, in this particular case I proceeded to the location mentioned in the message from the mission, and after a search over a very wide area my 'trackers' found the bodies of two Manilamen, who had been murdered. The bodies were lying in the bush some distance back from the seashore and were badly decomposed. I could see that attempts had been made to hide the bodies after death, for they had both been dragged some distance along the ground and covered with bushes. I established that the cause of death was due to being struck over the back of the head with something heavy, probably native quondis.

"After ordering the 'trackers' to bury the bodies, we examined the tracks of natives, which were all over the place, and finally we followed the tracks of two men for some distance until they disappeared at the water's edge. As we could not find the tracks leading back from the water, it seemed obvious that they must have got into some sort of boat; and, as they could only go east, we followed the coastline, and three or four miles from the scene of the tragedy we found an abandoned dinghy. It was pulled up out of the water, and had recently been used by natives, who had apparently made off in a hurry, taking the iron rowlocks and oars with them.

"Obviously the dinghy belonged to a larger vessel; so we kept on, following the coastline until in a small sheltered bay some twenty miles from where we located the dinghy we saw an anchored lugger. We hailed it; but, getting no response to our continued calls, the 'trackers' and I improvised a raft from some dried timber tied together with rope from our packs, and on this frail craft we reached the lugger. Aboard the vessel we found three coloured men lying about in various parts of the boat. All were in a very weak condition. I sent one of the 'trackers' ashore for my medical supplies carried in the packs, and, after restoring these men to a condition where they could take some interest in what was going on, I took aboard water and tucker, sent the 'trackers' back overland with the horses, and somehow managed

to sail the lugger to Wyndham, where upon our arrival the three Koepangers were admitted to hospital.

"They told us what had happened; so as soon as I could bring in fresh horses from the Three-Mile, we loaded up the packhorses and set out to bring in the murderers. We reached the entrance to the Gulf, but found that the tribe had moved west; so we followed——"

"I think, Sergeant," the Acting-Judge interrupted, "that Trooper Searle's evidence might be continued after we hear the evidence of one of the crewmen. It will make it easier for the jury to follow if this procedure is adopted."

"Very well, sir," said the sergeant.

Trooper Searle then left the witness-box and the sergeant told a weedy-looking Koepanger to enter.

The sergeant explained that this Koepanger crewman had been picked out to give evidence because he once worked on a pearling-lugger out of Broome and spoke tolerable English.

In reply to questions put by the sergeant, he said: "My name she be Sidi Abbah. I am crewman of pearling-lugger owned by men who are now been killed." After haltingly telling of the storm which drove the lugger down off the north-west coast, the departure of the two Manilamen in the dinghy to get fresh water, their prolonged stay ashore, and the attempts made by the natives to lure them ashore by the promise of women, he concluded: "We frightened of black man, for our countrymen tell us wild Australian natives kill and eat peoples of other countries. Sailing away from natives, we strike reef. Water she enter lugger and we work to fix; but no water for drink, no muckan (tucker), no nothin'. We fright go ashore for been kill. Four day, five day, maybe seven day, we sit down to die; when white puliceman come along, give water, then firewater (brandy), and then sail lugger to this place. All crewmen very bad, very sick, but bianbi catchem alonga 'ospital."

The sergeant told the Koepanger to step out of the witness-box, and then told Trooper Searle to enter and continue his evidence. "We followed the tracks of natives," Searle said, "found their camp, and raided it at dawn. One of the 'trackers' questioned our captives, and eventually we took into custody and placed on

the chain four natives, whom we brought in to Wyndham. Each of them denied being concerned in the murder of the two Manilamen, although they knew the men had been murdered. My inquiries took me to the Twenty Mile, from where a report had come in that an old bush native told a native employed at the Twenty Mile that he had killed the two Manilamen because they had interfered with his women. We located this bush native after some difficulty, and brought him in for questioning.

"He knew most of the details of the crime, but I was satisfied that he had nothing to do with it; and a few days later admitted it, and then gave me the names of the two men who committed the crime. They were Meelamarra, alias 'Long Billy,' who at one time was a police 'tracker' but went bush some years back, and Goolung, a bush native. I went out after these two aborigines and caught Meelamarra near the Behn River. He denied taking part in the murder, but I brought him in for further questioning. Later I received information that Goolung had been seen in the vicinity of the Pentecost River; so, with two 'trackers,' I went out after him. We found natives camped in the vicinity of the upper reaches of the Pentecost River, but Goolung was not amongst them. I suspected that Goolung had been warned that we were out after him and had cleared out. The 'trackers' gave the natives flour and sugar, and as a result an old gin told them where Goolung had gone to. Next day we made for the Durack River, and the following morning raided a native camp, where Goolung was found and arrested. We brought him in to Wyndham. Goolung was very frightened, and admitted that he had killed one of the men whilst Meelamarra killed the other. He said that Meelamarra told him that if they killed the two men they could get their small boat (the dinghy) and in it go out to the bigger boat and get all the white-man tucker they wanted. The two Manilamen, it appears, were sitting down resting from the labour of carrying the heavy waterbags when Meelamarra and Goolung crept up behind them and struck them with heavy sticks.

"After killing the men, Meelamarra and Goolung took their clothes and personal possessions, then dragged the bodies into thick scrub and covered them with bushes. When this grisly task was completed they got into the dinghy, with the idea of going out to the lugger; but before they could reach it the lugger sailed

away. When Meelamarra was told of Goolung's statement, he also admitted the crime and made a statement to that effect. Meelamarra and Goolung were then charged with the murder of the two Manilamen, and the rest of the natives, except the witnesses we wanted, were released and allowed to return to the bush."

The next witness was a tall but thin native who said his name was Loongung, and in answer to the sergeant's questions he said: "I belonga mission. Many, many moons back mission man say all same this pfella can go pinki (walkabout). Bianbi alonga come bush; blackpfella he say, you gib it white-man tucker (flour and sugar) for white-man knife. This one, bush blackpfella saw two white man bin hit with sticks along Gulf an' kill dead. Mission man say suppose bush blackpfella say they kill white man you tell mission man plenty quick. This pfella go alonga mission, tell mission man straightway. That whitepfella knife (as the sergeant held up the Malay kris for identification) all same knife this phella gib mission man."

"This bush blackfellow, you say, give you knife in exchange for white-man tucker?" queried the sergeant. "You see now belonga your eye?"

"All same see belonga eye."

"What one?"

"That pfella" (pointing to Meelamarra, one of the accused) "bin gibit knife for white-man tucker."

The sergeant then submitted statements made by the accused admitting their guilt. These were signed by witnesses and marked with an "X" by both accused.

At the conclusion of the case for the Crown a representative of the Native Affairs Department addressed the Court and said that, although there was no doubt that the two accused had killed the Manilamen, they little realised the seriousness of their action, and asked the Court to temper justice with mercy.

The Acting-Judge then told the jury that, in the light of the evidence, no other verdict but Guilty was possible. Without leaving the jury-box, the jury returned a verdict of Guilty against both of the men, but recommended that Meelamarra, known as "Long Billy," who had been a police "tracker," should receive

a more severe sentence than his companion, as the former was the instigator of the crime.

In sentencing Meelamarra to twelve years and Goolung to ten years' imprisonment, the Acting-Judge said: "This case shows the devotion to duty of the mounted troopers in this country. I propose to bring to the notice of the authorities the skilful way in which Trooper Searle—under extremely trying conditions—brought these native offenders to justice."

THE CANNIBAL OF KANGALoola

By *ALLAN BRENNAN*

No more horrible story could be told than that of the white-man-turned-cannibal. The author unfolds a gruesome tale of a crime that once startled Australia.

THE year was 1853 and drought was on the land. New South Wales suffered worst. In particular the area that stretched either side of a line drawn between Boorowa and Yass was a grim, grey and melancholy dustheap, as bare of grass, or of any trace that grass had ever grown there, as a pub doorstep. A scorching dust-laden westerly tore by ceaselessly, assuring doubters that Hell lay to the westward and was working on forced draught. The skyline was fancied rather than seen—a dancing horizon of sand-drift and dreariness. The only music was a dolorous dirge from the throat of that feathered ghoul the carrion-crow. Long spoken of was that year of calamity.

The foregoing weather report was run together to provide a suitable background for the nice fresh horror that was always on the shelf, so to speak, back in days when at least three in five of the Australian population was imported, and the bush full of unconsidered side-tracks to destruction.

Much have I written on the subject of violent death, but it is my opinion that the crime of John Talbot, English by birth, Australian by compulsory adoption, on Tuesday night, October 10, 1853, was distinctly above even the Australian average for shudder-

someness. Just over a century later it remains unmatched; and when we consider the awful list of heavy tragedians who have played their parts in dramas of blood whilst that long, slow century dragged its length across the calendar I think it fairly safe to state that John Talbot's crime is unmatched.

Human nature is plastic. It has been proved in many ways. A delicate girl can accustom herself to the sights of a public hospital—can watch unmoved the operating surgeon with swift, unerring and nerveless hands guiding a knife through living human tissues. Indeed, she comes to regard such sights as commonplace! Now shift over just a little, and I think it possible that you will agree that a dream too often repeated could become a habit of waking hours. In no other way, I submit, can the crime of John Talbot be explained, even feebly.

Without any reference to Australian authority, then struggling into being, as to whether Talbot was an acceptable immigrant, this thoroughly useless man was sent out. His English record was just that—a record, with a conviction for horse-stealing the final English entry. And in due course a tall, drink-sodden, scarcely even half-witted man, scarecrow-dressed in the ruins of a coat and trousers that ran out of material before they reached the top of a pair of very dilapidated boots, shambled ashore in Sydney. The year was 1835.

Talbot became a debit against New South Wales almost from the moment of his arrival. Late that same afternoon he was found in a state of beer, deleteriously draped across a fence. Some said that a heavy wind had blown him there! Only one thing was certain—his injuries were so numerous that thereafter he spent four months in Sydney Infirmary.

On recovery he was sent inland, where he worked intermittently as a shepherd. For the reason that he was apt at any moment to desert the sheep for the shanty, dismissals were frequent, and ultimately Talbot ran out of employers.

Thereupon the Englishman continued and completed a drift he had already commenced, into camps of aborigines. Notwithstanding many a dreadful lesson inflicted by marauding white men, this primitive and kindly race of people accepted him

unquestioned; and long ere 12 months had passed Talbot retained but little evidence that he had ever been white. Ambushed behind hair and whiskers sufficient to stuff a mattress, burned nearly black by continuous exposure to sun, wind and rain, there was little or nothing left to distinguish the ex-Englishman from his fellows. Even his features were aboriginal!

Dull of intellect—indeed, a man furnished with but a flickering of intelligence, no more probably than is allotted to a gorilla—almost inarticulate, Talbot spent his days in a drunken stupor, generated by liquor from many a still in the bush, and was no more capable of realising the truth than any savage.

Though it may read like flooring the foregoing estimate of Talbot's abilities, it yet is a fact that in company of his own choosing the man proved an apt pupil. It seemed that his whole being, mental and spiritual, had merged with that of his dark-hued companions. Be that as it may, in less than 12 months he absorbed every belief, however fantastic, developed and held by this isolated race in 500 centuries' residence (recent scientific estimate).

In his native state the Australian aboriginal amounted to a skinful of weird beliefs, and John Talbot assimilated every one of them. No tribal rite too awful, no blood-dripping custom too dreadful for the man's easy adoption. In police custody later Talbot stated these facts, but he couldn't explain them or state why he adopted them.

Of course the lack was not surprising, for it is unlikely that he could have explained anything. In all ways but one he was a clumsy, hesitating and tentative being. The exception concerned his whole-souled affiliation with Australia's age-old first settlers. In that company this seedy, drunken, dusty minded and fly-infested human wreck proved himself a good scholar.

Right through to the '50's authority concerned itself not at all with the treatment or the possible ultimate fate of the aboriginal-Australian; white men mixed casually with them till it came to be said that in New South Wales there were more half-caste children than full-bloods!

About 1850 that good and great man the Rev. W. B. Clarke, fearless pioneer in many forward movements, commenced to campaign for better treatment for the dark-skinned race from whom in truth we stole the fee-simple of a continent and in payment called blacks. In his courageous and energetic way the reverend gentleman lectured on the subject. I have read portions of those lectures, and out of my own early experience I can say they struck hardest where blows were most needed.

"We had much to learn from these good people," said the Rev. Mr. Clarke.

Who would doubt it! In the days when the easy-going survivals from the Stone Age chased the gay marsupial through forest glades, courted the gins in gunyah palaces, and kicked up the turf of this Garden of Eden to the music of the corroboree, I too think that they knew more of true happiness than do we in our life-long scuffle for existence. When tucker was short everybody shared the shortage, but then the same number shared the plenty.

As was intended, one result of the Rev. Mr. Clarke's splendid efforts was police troopers looked into aboriginal camps all over New South Wales—at least, over as much of that huge tract of country as it was practicable to reach.

As a matter of geographical interest it might be mentioned that in 1851 New South Wales extended from Port Phillip Bay to the Gulf of Carpentaria, and westward to the 129th meridian. Darwin, Adelaide, Melbourne, and Brisbane were all in New South Wales, and the great sprawling area included New Zealand! In 1851 the mainland area of the senior State was comprised in three pieces—the one we knew, the portion later known as the Northern Territory (from which New South Wales was cut off by the creation of Queensland), and a patch of about 80,000 square miles to the *westward* of South Australia. Time's changes! As previously hinted, the troopers didn't get quite *all* over it.

An early result of the trooper's investigations was that John Talbot was dropped on in his ebony-hued Elysium. It almost required a chemical analysis to separate him from the rest of the camp. In Yass the ex-convict was lectured, and in very distinct

English threatened with serious trouble should be return to the camp in the wilderness, or indeed any other camp of aborigines.

All unknowing, in Talbot's case Authority collided with a problem of magnitude, for in very truth, awake, asleep, and even in his dreams, the man was aboriginal. Take a look at him—in syntax.

Here was a man who whilst a dozen years passed over had taken part in so many corroborees, feasts (menu unmentionable), hunts, and, above all, certain fantastic and horrible ceremonies that his hold on civilisation, never strong, had loosened beyond restoration. Literally he had tumbled out of orthodox civilisation back into the Paleolithic period of human development. Everything that ran, flew, swam, climbed, crawled or slithered like a snake was aboriginal tucker; and, as there were times when all were scarce and hard to capture, the aboriginal in his native wild was spindly.

Inevitably Talbot was also of attenuated aspect, and bore an appearance of having lived on lizards and boiled crow for about five years.

Reclaim him! Just as reasonably might Authority have asked him to assimilate a history of radio from its feeble beginnings more than a century ago right along to the world-girdling lightning-factories of today. But the effort was made, and Talbot was forced to live in a slab hut beneath a coolabah-tree on Besnard's sheep-run, Kangaloola, not far from Yass.

Close questioning drew information that in Talbot's youth he had been apprenticed to a repairer of boots in an English village, and in the N.S.W. Government's Records he was listed as a shoemaker on Kangaloola Station.

Not far away on the same run, James Barry, free, occupied another hut. The two men agreed on one point only—that alcohol, particularly in the form of rum, was the true staff of life. Barry twitted Talbot with being a useless Englishman on one side of the world and a damned blackfellow on the other. The pair fell even farther apart when a pleasant Scotswoman took over a shanty

at no great distance, for Talbot resurrected enough of his white side to be jealous of Barry's attentions to her.

Following frequent disagreements their crimson thread of kinship—rum—had sufficed to bring the men together again, and for long they continued to drink in company. But continued strains had weakened the thread, and when one Sunday evening Talbot missed Barry, and found him at the shanty with the Scots-woman, it burst everywhere at once.

Talbot now regarded Barry as unmistakably his enemy. Only twice again did the magic of rum influence the men to drink together—once in Talbot's hut, and once in Barry's.

On a Tuesday evening, Barry, far from sober, made his way through the bush to Talbot's hut, and the pair drank rum. Seemingly friendly enough, the aboriginal in Talbot, in a saturation of dreams and rum, saw Barry only as an enemy; and an aboriginal has never had any scruples about getting rid of an enemy.

Talbot knew vaguely that beneath his black hair and great black beard was a white skin, and that his features were English; but these facts did not seem quite real to his drink- and dream-sodden mind. They indeed amounted almost to a make-believe. What seemed real to the man was the feeling that his mouth was wide and indefinite, that his nose was squat and broad, and that his skin was now black; but what was real and most seemingly natural was his desire to kill that man Barry—that enemy who on Sunday last had tried to steal his gin! Or was it a white woman?

The rum-bottle was empty, and Talbot decided to visit the shanty and get some more. As he was leaving the hut the remnant of white man in him impelled him to tell Barry not to remain in the hut, because on his return he would murder him. To the extent that he went to sleep in the bunk Barry disregarded the hint!

When Talbot returned about an hour later and opened the door of his hut, the tatter of civilisation about his soul was blown out of him like a wisp of rag in a gale. He stepped inside—a white man with a black's mind and a Stone Age man's disregard for

a black deed. Finding Barry still there and asleep, he took up one of his shoemaker's cutting-knives. He had a magic rite to perform—a sacred ceremony he had already practised in his dreams; and he had dreamed, it seemed, for a thousand years. He muttered an incantation—that same incantation that had burst from his lips in every dream of thousands.

But an incantation had to be given, as in dream after dream he had repeated it; but in his fuddled state the words of magic went awry. His mind swung back unconsciously to childhood, and, kneeling down, "he prayed to Almighty God to strengthen his arm for the deed," as he afterwards confessed. Then he arose and advanced on the sleeping man. His knife flashed. In a great convulsion the stricken man, stabbed through the heart, flung himself from the bunk to the slab floor; and there, of course, he lay still.

Talbot was dazed by the effort. Something else had to be done, but for the moment he could not remember what. The dream-power, it would seem, had waned for a moment. Perhaps the white man was never utterly slave to the black. Perhaps 12 months of white company had weakened the influence of black. The bewildered man lurched out into the night and sat on a bench of rough timber in the dark shadow of a coolabah-tree outside the hut. That coolabah overhung the hut, and there was never a time—morning, noon, dusky eve and midnight, by way of sunshine or the moon's reflected rays—when the branches of the wide-spreading coolabah didn't drop their dense shade on the Kangaloola hut.

Lost in the daze that had come over him, Talbot faded into sleep, and from sleep into dreams; and once more, by the flames of a great fire in the night, he saw the sombre curtain of the bush, himself and his fellow dream-savages at those magic rites by which they absorbed into themselves the strength and life of their slain enemies. Hours passed.

Talbot arose, for he now knew how to act, what to do. He did not notice how cold he was, or even if he were awake or still dreaming. Nor did it matter! All that mattered was that he was

again an aboriginal. Certain of his intentions, he stepped into the hut and knelt by the body of his slain enemy. As coolly as a doctor at a dissecting-table, or as a primitive man at an accustomed duty, he took up the knife. The sacred rites would soon be complete. His enemy was dead, but the strength and vitality of that enemy were not yet his. They would be. There was a magic way. Talbot went to work!

John Chaw, a shepherd who lived two miles away, had been losing sheep to the Australian dingo, which animal was then commencing the depredations which today and for long past render him the most valuable dog in Australia—dead! At about 11 p.m. his son arrived and told him to hurry home. "Talbot came in," said the boy, "and there's doings that Mother doesn't understand."

Talbot had arrived at about 9 p.m., said he was cold, and asked to be let in. Mrs. Chaw told her boy to open the door; and when Talbot appeared she stirred the fire to life and set about making tea. The woman was not afraid, for Talbot never gave trouble.

When the fire blazed up, Talbot produced from his coat a calico parcel with traces of blood on it. It contained, as Mrs. Chaw later remarked, what looked like a pair of calf's kidneys; and when Talbot asked for a frying-pan she procured it.

"There're not calf's kidneys, as you think," Talbot then broke in, "but a man's heart—the heart of that rotten Barry."

Of course, Mrs. Chaw withheld the frying-pan and sent her son to tell his father to come home at once.

Immediately after the boy's departure, Talbot placed the contents of the parcel on the coals, and by the time John Chaw arrived he had taken a large portion and eaten it. As Talbot saw it, peering through the hole in his mind which a weird trick of heredity had carved, it seemed that the magic rite was complete. His enemy's strength was now his!

Indeed, as Talbot thought of it, it was but a commonplace incident. Time after time in dream ceremonies he had done the

same thing, and the dreams had been quite as real as his present action.

On Chaw's arrival shortly afterwards, he told that man all about it; and when with a flash of his knife he illustrated certain movements, poor Chaw's legs lost some of their accustomed stability. Without a tremor Chaw could butcher a sheep, but—

Though Talbot's ghastly story shocked Chaw deeply, he yet doubted if the man were relating fact. It was unbelievable. After all, his queer meal might have been the product of a sheep. He put the story down to Talbot's drunken state, and finally persuaded the man to go back to his hut.

Chaw then returned to his sheep; and the silence of midnight in the bush settled down on the Chaw dwelling-place.

Notwithstanding his seeming dismissal of the incident, it worried Chaw, and in the morning he sent his wife to tell Besnard about it.

Early as it was, wandering sheep had already informed Besnard that Barry and Talbot were missing. Talbot might wander off, but Barry never; and, forcing the door of that man's hut, it soon became dreadfully clear that Talbot's story of the night before was a relation of fact. Violent death is ever an awful fact, but this was a mutilation, an obvious barbarity as well. The absence of blood about the dissection-chamber showed that Barry had been dead some hours before Talbot's return to complete the rite; and it was *not* the heart that was missing. Mrs. Chaw's diagnosis had been nearer the mark. Of Talbot, no sign!

Troopers, police, and their horses were soon at work over a wide area, and on the third day, at Goulburn, 74 miles from Kangaloola Station, Talbot was arrested.

At the trial in Goulburn Talbot's weird story excited great interest. This fact, of course, was not allowed to stand in the way of a guilty verdict and a fatal sentence; but thereafter there was much discussion and questioning.

The full story which appeared in the Sydney papers reacted to create doubts of the sentenced man's sanity. Even as far back as 1853 obvious lunatics were not hanged. Finally the hangman

won, but many weeks passed before the death-sentence was confirmed.

During this period of suspense Talbot's dreams were less frequent and less potent. "It was in that damned hut on Kangaloola that I dreamed most and worst," said he to the warder on guard. "Why they build huts under coolabah trees I don't know."

But the aborigine in Talbot made one more effort. In the sandstone wall that surrounded old Goulburn Gaol there was many a niche, born of rain and wind, for a powerful great-toe to lever on; and by way of his bare-footed aboriginal habit Talbot owned just such a pair of big toes. He escaped—the only death-sentenced prisoner in Australian criminal annals, all gaols, ever to turn the trick!

But he made little effort to follow up his amazing success, for he was recaptured in dense bush on the following day, not even a half-mile from the gaol; and he was thankful to see his captors!

It now seemed that the white man in him yawned into consciousness. He said that he was glad that he was back in the gaol, for he might have committed further horrors at Kangaloola. Casting aside his habitual sullenness, he talked with the ministers attending him, and indeed became devoutly religious. Morally and mentally pliable, he was as easily swayed one way as another.

When the death-sentence was at length confirmed he said he was satisfied; and indeed the definiteness and finality seemed to bring the man a sense of relief. Plainly enough, this new world that had burst upon doomed Talbot only bewildered him; and on March 30, 1854, outside the gate of Goulburn Gaol, as was the barbarous custom of the time, John Talbot's body and his mingled soul of black and white were separated by the hangman.

Do we blame? Certainly it would border upon absurdity to expect poor dull-witted, dream-soaked Talbot, with his pronounced black bias, to keep between the rails of a rigid respectability. We admit physical faults, sympathise with the unfortunate, and possibly enlist the surgeon's aid. But when a mental fault reacts disastrously we yell for the hangman.

It is well known that many tribes of Australian aborigines performed magic rites, which consisted in anointing themselves with—and eating—portions of the kidney fat of slain enemies. In his dream-driven deed Talbot got very near to those rites.

One other fact is, in my opinion, worth chronicling. When "Kangaloola" was "taken up" (polite English for land-grab in the 'thirties), the tribe with which Talbot associated himself was driven off. The ceremonies referred to an inch or two back were practised regularly by this tribe, always under the shadow of a certain coolabah-tree; and the location was declared taboo for any other purpose.

That solitary coolabah was the one which dropped its heavy shade on Talbot's hut on "Kangaloola," whereat he complained!

THE GUN ALLEY MURDER

By K. MYCROFT

The grim account of one of the most horrible slayings in the history of Australian crime. With the discovery of the nude, ravished body of little Alma Tirtschke, there began one of the greatest man-hunts of all time.

"LOOK, Daddy!"

With these innocent words the curtain rose on one of the grimmest and most sordid crimes in the history of Australian criminology.

A Melbourne bottle-gatherer, Henry David Errington, of Cardigan Street, Carlton, and his daughter were prowling around the city in the early morning of December 31, 1921, in search of their wares. Their wanderings led them to a small blind lane which runs off Gun Alley, and there it was that Errington's daughter made the grim discovery of the nude, violated and strangled body of little Alma Tirtschke.

The police were immediately informed, and even Senior-Constable J. B. Salts, who promptly arrived at the scene of the crime at 15 minutes past six o'clock, was overcome by what he saw. There were marks of violence on the face and body, which was lying face upwards with the head towards Exhibition Street. The throat was badly bruised and the girl had evidently been dead for some time.

"The history of crime in Victoria contains no more horrible murder than this," stated the Melbourne *Argus* on January 2,

"and the police have seldom faced a more baffling problem."

Investigations revealed that the innocent little victim of this atrocious crime had left her aunt's home in East Melbourne at about a quarter past 12 on the afternoon of December 30, 1921, to go to a city butcher's shop where her uncle, Mr. Murdoch, was employed in a manager's capacity. At first no anxiety had been felt for her safety, because she was thoroughly acquainted with the city streets; but when she did not arrive home by dinner-time her uncle went to the Russell Street Police Station. The police immediately communicated with every station in the metropolitan area but failed to find any trace of the missing girl.

Alma Tirtschke used to attend the Hawthorn West High School, and was proud of having recently won the distinction of being the Dux of her class. She was slightly built, about four feet six inches in height, with small features, fair complexion and auburn hair, and she would have been 13 years of age in March. When she left her aunt's home she had been wearing a box-pleated overall, cambric blouse, black shoes and stockings, and a white leghorn hat with her school colours on the band.

At the morgue the body was examined by Dr. C. H. Mollison. He found that the girl had been strangled with a piece of cord, which might have been used on a window-blind. The abrasions about the throat had been caused before death, but the cord with which she had been murdered was removed after her death. In another attempt to destroy any possible clues to his identity, the murderer had carefully washed the body. This fact suggested to the police that she had been indoors, and in a place where there was a good supply of running water. As the body had obviously been carried to where it was found, the natural inference was that it had been washed in a place not very far away. The fact that the girl's auburn hair was stretched out at full length also suggested that her murderer had tipped the nude little body from a bag feet first, causing the hair to unfold at full length, as it left the bag last. This over-cautious act was one of the factors which led to the eventual arrest of the murderer.

Senior-Detectives Brophy and Piggott, with Plainclothes-Constable Portingale and Harper, men who had an intimate know-

ledge of the locality, where they had no doubt that the crime had been committed, were assigned to the task of investigating the murder.

The police assumed that, on her way back from Swanston Street to the Masonic Chambers, where Mrs. Murdoch lived, the girl had taken a short cut up Little Collins Street. The alley where she was found was only a yard wide and about 20 yards long. On the right, looking up the lane, it was flanked by a two-storeyed red-brick factory wall, while on the left there was a fence, partly of iron and partly of wood, from which the back gates of various shops facing on to Little Collins Street opened.

The murderer must have gone about the grisly task of disposing of the body very silently, for occupants of a bedroom only a few yards from where the body was found, overlooking the alley, had not been disturbed, or observed any suspicious movements on the night of the murder.

From the first the police were satisfied that only one person was responsible for the crime. There were indications, however, that the girl's death might have been caused by more than one man, and one medical expert who viewed the body thought that three men were concerned.

Alma Tirtschke's mother had died some years previously, but her father was still alive. He was a builder and contractor at Maffra, and when interviewed after the discovery of the murder he said: "I cannot speak of it; I cannot realise what has happened. I was preparing to receive her at my home within a few days, and she was going to stay with me permanently. She was living with her grandmother in the city, so that her education could be completed."

Public imagination ran riot concerning the case, and the Criminal Investigation Branch received shoals of letters from excited citizens giving advice and suggestions on how to track down the murderer. There was a persistent rumour that a Chinaman had been arrested in connection with the crime, but this was officially denied.

The case aroused an interest in the public that has seldom been

equalled and certainly never excelled. Crowds of both men and women were drawn to the scene of the crime and stood, as late as 10 o'clock at night, gazing at the non-committal paving-stones where the body had been found and discussing the tragedy from every angle. Toddlers of three or four years of age, with their grey-haired elders, stood at the entrance to the lane. Some particularly morbid looking persons even went to the extent of marking the spot where the body had lain with a cross in chalk, and at intervals newcomers pushed their way through the crowd to gaze fascinated at the spot.

One of the points regarding the case that puzzled the police from the very beginning was how a girl of her type, studious in her habits, well cared for at home, and described by her uncle as being an "unsophisticated girl," could have been decoyed to such a forbidding quarter. With its sinister and appropriate name of "Gun Alley," the locality was usually frequented by undesirable characters and was a meeting-place for many of the city's most active criminals.

Some days later this baffling problem was cleared up. The police attached great importance to information given by the girl's relatives that she might have been forced to visit the alley in search of a toilet. Later developments made this assumption more than plausible.

On January 3 the Press reported that the State Treasurer (Mr. McPherson) had announced that Cabinet had approved of the offer of a reward of £250 for information leading to the conviction of anyone connected with the crime.

"No man engaged on this case wants a penny beyond his ordinary pay," stated Acting-Superintendent Potter and Senior-Detective Brophy, referring to the announcement of the reward. "The informant who can furnish us with evidence which will sheet home the crime to the guilty man will be given the full amount of the reward. Our sole desire is to see that the criminal does not escape the punishment he deserves."

The arrival of Senior-Detectives Brophy and Piggott at the Eastern Market on the same day caused the air to become electric in that district. It was believed that they had come to make an

arrest, and the excitement grew to such a pitch that it required the efforts of four policemen to check the hysterical and surging crowd of men, women, and children.

The visit of the detectives, however, was only to investigate the discovery of some strands of human hair, which had been found on an outhouse at the rear of one of the shops whose yard-gates opened on to the lane. But investigations showed that the hair was much darker in colour than that of the murdered girl.

Hundreds more morbid sightseers flocked to the locality, and they became so uncontrollable that the small band of police was supplemented by four troopers. Eventually the crowds got so out of hand that the police closed Gun Alley to all pedestrians.

"Six days have passed since the body of the murdered school-girl was discovered," announced Melbourne "Argus"; "but, despite the fact that the best brains in the Detective Force have been concentrated on the task of finding the murderer, the end of the trail seems as far off as ever." A strong feeling was also expressed that the amount of the reward should be substantially increased.

"Any day now we may expect to get our man," said Senior-Detective Piggott in the usual bland police formula, "but beyond that I can say nothing yet."

Amongst the vast mass of mail received by the police were letters threatening the four detectives engaged on the case that they would pursue their inquiries at the risk of their lives.

"That sort of thing is not unusual in an important case," commented Piggott; "it is not likely to deter us."

Riots were almost caused at the scene of the crime by the discovery of some buttons and a piece of ribbon by an ardent amateur detective. These objects had been placed by someone with a curiously perverted sense of humour, but the sensation-hungry crowd turned their attention to various houses in the vicinity. Angry demonstrators forced their way into one of these, but their threatened invasion was checked by the hurried arrival of foot and mounted police to the scene.

Evidence of the vigilance of the interstate police was shown

by the detention in Sydney of a visitor from Melbourne. On the flimsy evidence of having had in his possession a short length of wire with a loop at each end, he was held until telegrams were hastily sent to the Melbourne police. These inquiries, however, showed that he was a respectable resident of East Malvern, and he was subsequently released.

On January 10 it was announced that the Ministry had decided to grant a full pardon to any accomplices who would give information leading to the arrest of the murderer and to increase the reward to £1000. Commenting on this announcement, the Melbourne *Argus* stated: "The thought that so base a wretch may remain free to enjoy life is utterly repugnant to all decent citizens, and it is conceivable that even the underworld had been appalled by the crime and that one of the criminal's past associates may welcome the opportunity to bring him to punishment, irrespective of the fact that in so doing he can enrich himself." These words proved themselves to be prophetic to an amazing degree, as will be seen later.

The police continued their investigations with unabated ardour. Every house, as well as every room, bordering Little Collins Street had been searched. Investigations had also been carried out on roofs in the neighbourhood. Every known spot in which the girl's clothes could have been hidden was searched, but without result. Harper and Portingale, who had taken a leading part in the inquiry, were seriously injured when the police car in which they were making inquiries overturned in Exhibition Street.

As late as January 10 a Melbourne resident reported from Ballarat that he had heard a piercing scream in the locality of the crime on the day that the girl had been murdered. He said that he visited the Eastern Market several times a week and had been strolling through it just prior to hearing the scream. He excused himself for not having given the information earlier because he had been in bad health and also did not wish to get any publicity in connection with the case. However, under promises by the police that his name would not be divulged, he was examined. He had only a vague idea of the exact building where he had

heard the scream, and the police announced that they had dismissed his evidence.

Attacks on the obsolete equipment at the Police Department began to appear in the Press, and the detectives working on the case were freely criticised.

However, untouched by these comments, the police, as in so many other such cases, remained unruffled, and with that touch of an inexorable fate they went on with their job of hounding down the murderer. The Press and the public impatiently fumed, unaware of what movements they were making.

Then suddenly a dramatic announcement was made. A man was arrested and charged with the murder on January 12.

He was Colin Campbell Ross, aged 28 years, formerly licensee of the Australian Wine Cafe in the Eastern Arcade, the licence having expired on the day of the murder. Ross already had a very unsavoury reputation with the police, and he had recently been involved in a shooting affray. On October 13, 1921, a travelling optician had been shot in the right shoulder and robbed of about £11 and some private papers in a lavatory in the Eastern Arcade. Ross and Frank Walsh, a pantryman from an American ship, had been arrested and charged at the Criminal Court on November 15 and 16 with having, while armed with a revolver, robbed the unfortunate travelling optician of his money and papers. In the evidence, it was stated that there were large attendances, with wine-drinking, at Ross's wine saloon of "girls and boys." Walsh gave evidence that Ross had said to him that the victim had a "large roll," and had told him to get it and that they would go "fifty-fifty." He had handed him a gun and told him to use it if necessary. The jury had found Ross not guilty, but Walsh was convicted and sent to gaol.

When Ross had applied before the Licensing Court, on November, for a renewal of the licence of his wine saloon, Detective Holden gave evidence that Ross, when arrested in connection with the shooting, admitted that the man who had been robbed had been in the cafe. Plainclothes-Constable O'Halloran also said that in March 1920, previous to having been granted a licence,

Ross had been arrested by him on a charge of having carried firearms and having used threatening words. Other police evidence showed that Ross had been convicted in connection with other charges arising from the conduct of the cafe. In the face of this record, the licence was not renewed.

Ross was unmarried and lived with his mother and brothers at Footscray, where he had been born. Of average height and athletic build, he was dressed in a dark-grey tweed suit with blue tie and tan boots when arrested. His complexion was dark, his eyes almost black, and his demeanour was described as being alert.

While the charge was being read to him he casually smoked a cigarette and chewed gum; and during his questioning by the police his mother and brother waited in an ante-room at the Detective Office. When his mother heard, shortly after five o'clock, that a charge of murder had been preferred against him, she protested that her son was innocent, begged hysterically for his release, and eventually collapsed in a fainting fit.

On January 13, large crowds gathered outside the City Court buildings in the hope of seeing the accused; and mounted police, reinforced by reserves of foot constables, stood by to control any possible demonstrations.

The court proceedings, as is usual in such cases, were brief. Sergeant Piggott asked for a remand until January 21.

If Ross were the murderer he showed remarkable nerve, and one can only marvel at the unusual frankness of a guilty man, for he had blandly confessed to the detective on the morning after the murder that he had seen a girl answering to the description of the murdered victim near his wine saloon.

Ross, however, objected to the remand and claimed that he had an alibi.

"There is no reason," he shouted, "why I should be here!"

At this stage of the proceedings the accused's mother stood up in court and said, almost inaudibly, "I know where he was," and was assisted back to her seat by her other son.

"This is the country's justice," muttered Ross, as he was being

led from the dock. "It is a great country; there is no doubt about it."

The remand was granted, and in the meantime the police continued their search for the missing clothing of the murdered girl. Despite many false clues and reports, their search was unsuccessful.

When Ross again appeared in court, he was remanded until the following Friday, the date of the inquest, to appear at the morgue.

There was drama galore at the Coroner's inquest on January 26, and then the newspapers really started to spread themselves. Circulation figures rose to such a stage that, paradoxically, the papers started to lose money on their sales; but the morbid minds of the public had to be satisfied and the newspapers had to keep their faith with them.

Twenty-one witnesses were called on the first day of the inquest. An amazing feature of this case is the remarkable number of people who came forward and gave evidence as to the movements of the girl on the day of her murder. Apparently her rich auburn hair was of a very striking colour, one woman witness who had seen her pass into the Eastern Arcade from Bourke Street had commented on it to her daughter, who was with her at the time.

"When I last saw her," stated the witness, "she was about halfway through the Arcade, and I noticed a man standing in front of the wine-shop, a little farther on."

Another witness said that she had known Ross for about nine months, and described the lay-out of his wine-saloon. There was a private room leading from the bar, which was used by Ross, and it was furnished with a couch, table, and chairs. At about five minutes past five o'clock on the afternoon of Friday, December 30, she went to the wine-saloon for a drink and saw, through a beaded curtain, two men sitting in Ross's private room and a young girl in the public parlour. She had a glass in front of her.

"That is a young bit of a kid to be drinking here," the witness stated she had said to Ross.

He turned around with a sarcastic smile on his face and said, "If she wants it she can have it."

The witness said that she next saw Ross on the following Thursday night at Joliment. "What do you think about this murder?" he added.

"If I knew anything I would not tell the police," she replied.

Ross added, she said, that when the police had questioned him he had admitted to having seen the little girl looking into the window of a place opposite that might be a brothel.

To Mr. N. B. Sonenberg, who was watching Ross's interests, she admitted that she did not follow any occupation.

"How do you live?" he asked.

"Everyone knows how I live," she replied.

"You and the police have had a little bother about street offences?"

"Yes."

"You are not the class of girl to give information in a case like this?"

"No."

"Have you and Ross had a row?"

"No. The last time I saw him we were the best of friends. But when I thought over this case I thought it was a dreadful thing and that justice should be done."

She admitted that she had given information to the police two or three days before Ross was arrested.

It was suggested that the lure of the reward had influenced her to give evidence. This, however, she positively denied.

"The day before I made the statement I saw a friend who used to be a barmaid at Ross's wine cafe. I said to her, 'I am frightened to give evidence because the police don't like me. I have been in their clutches.' She said, 'Do you really think it was the little girl?' I said, 'I am positive.' I also told another girl, and she said,

'The police won't touch you.' I then said to her, 'Then I will chance it and go and do it.'"

Other witnesses followed who claimed that they had seen Ross, as late as a quarter to one on the morning that the crime was discovered, walking up and down in the Eastern Arcade, apparently waiting for an opportunity to slip up dark Little Collins Street, then turn into Gun Alley and drop his hideous burden.

The first of these witnesses said that on the evening of December 30 he was in the Arcade between seven and a quarter to eight and that a man there had stopped him and asked him for a pencil. The witness admitted that he had never seen Ross before, but that now he had no doubt regarding his identity, because of his noticeable gold teeth.

A phrenologist who carried on his business in the Arcade and who knew Ross well said that he saw him that night at fifteen minutes past nine in the Arcade.

Two Italians, a modeller and a sculptor, who left the Italian Club, which was situated in the Arcade, at a quarter to one noticed lights in the wine saloon.

Ross, despite the carefully constructed alibi which he later produced, had certainly been very careless about his movements that night in the locality where the crime had been committed. The next witness was an elderly lodging-house keeper in Little Collins Street. He had been sitting outside his premises from eight o'clock in the evening until ten minutes to one on the following morning. He stated that he had seen Ross walking in and out of the Arcade between nine and ten o'clock and that when he had finally gone inside he still saw Ross standing outside the Arcade.

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The evidence of the next witness caused a sensation. She had been formerly employed as manageress in Ross's wine saloon, but had left after court proceedings over the shooting case in the saloon, in which she had been one of the principal witnesses. She emphasised that her relations with Ross were on a strictly business basis.

"I was in Eastern Arcade at three o'clock on the afternoon of December 30," she stated in her evidence, "and I saw Ross in the little room. His brother Stanley was standing at the door of the bar, and I said to him, 'Where is Colin?' He replied that Colin had gone home, as he had not been feeling too well. I heard Colin laugh, and immediately afterwards Colin walked into the bar, but passed through without speaking to me. When he came out of the small room he parted the curtains, and I saw a little girl sitting inside on a chair. I noticed that she was but a child. I do not know whether Ross said something to her or not when he went back into the room, but the child parted the curtains and looked out. I saw her face clearly. She appeared to be a prettier girl than the one in the photograph, and she had a fresher complexion, but the general features resembled Alma Tirtschke."

The witness then described how on Saturday, December 31, she visited the Melbourne Hotel. A friend of the witness's was a barmaid there, and the latter mentioned the finding of a girl's murdered body and showed her a newspaper which had a report of the tragedy.

"I at once made up my mind to speak to Ross," continued this witness, and she immediately went to the Arcade and passed the door of the saloon. She noticed that Ross was busy at the bar, and it was not until half past three that she had an opportunity of speaking to Ross alone in Little Collins Street.

"Why did you do what you have done?" she said she asked Ross.

"Not on your life," he replied. "I would not do a thing like that."

"I have told you all along that this is how you would end!"

The witness then said that Ross told her that the little girl had come to the door while he was standing there and asked for

a drink. He took her into the inside room and gave her a drink, fully intending that she should leave at six o'clock; but she stayed on. He admitted the assault, but said that he did not choke her with a cord as had been suggested.

"After repeating to me that the child had died in a few minutes," continued the witness, "Ross added: 'I felt like getting hold of a knife and finishing her and myself. I should have slashed her to pieces. A man should have put the body in Mac's room.' The room was directly opposite. 'I knew they all suspected me,' Ross added; and I replied, 'I suspected you the moment I looked in the paper.' He told me that he had put the body in blankets and had then gone to Footscray, but had come back in the early hours of the following morning and had taken the body from the wine cafe to the alley."

In reply to a question by Mr. R. L. Scott Murphy, instructed by the Crown Solicitor to assist the Coroner (Dr. R. H. Cole, P.M.), the witness shed more light on Ross's character. She said that she had seen Ross follow children from the door and call out to them when they were passing. She added that she had known him to have young girls in the inner room of the wine bar, girls very much younger than herself, but none of them as childish-looking as the dead girl.

"How long had you been employed at Ross's," asked Mr. Sonenberg, "when he told you about his alleged immoral practices?"

"I was working at the wine cafe before he obtained the licence. Within a week I realised the kind of man he was, although he always treated me with respect. It was his attitude towards girls, mere children, that I resented."

"If, as you have said, he used indecent expressions, why did you remain a moment in his employ if you are a moral woman?"

The witness boldly faced these insinuations and spiritedly replied, "A wine bar is not a church. A woman can remain respectable and still hear these things. She need not necessarily be immoral, as you are trying to suggest, because she works in a bar. I am a woman of the world. My living was in the wine cafe, and it suited me to remain there."

"Would it not be out of place," asked Mr. Sonenberg, "to suggest that you are seeking a great portion of the reward by giving this evidence?"

"It is wrong of you to suggest that the £1000 reward was any inducement to me to say what I am saying. . . . Money and all those things have no interest for me."

On the second day of the inquest, January 27, eight more witnesses were called, making a total of 29. The Coroner suggested that, as some of the evidence was likely to be unpleasant, women who desired to leave the court could do so. All but three retired.

The first witness was Senior-Detective E. G. Ashton. He described the arrest of Ross and said how he had gone to the latter's house at Footscray on January 12 with Senior-Detectives Piggott and Brophy.

"What did you do with those blankets," Piggott asked Ross, "that you had at the wine shop in the Eastern Arcade?"

"They are in the vestibule on the sofa," replied Ross.

These blankets were later examined by the Government Analyst, Mr. C. A. E. Price, who in his evidence said that 22 distinct hairs taken from them were from the same scalp as a lock of hair given to him in a sealed envelope and taken from the head of Alma Tirtschke.

The most sensational evidence of that day was given by a man who gave an account of an alleged confession made to him in the remand-yard of the Melbourne Gaol on January 23 by Ross. There were several of them in the yard at the time, said this witness, and the conversation inevitably veered around to the murder of the little girl.

This evidence was the signal for an outburst from Ross, the first emotion that he had displayed during the long proceedings.

"After a while," the witness said, "Ross said, 'Can a man trust you?' I replied, 'Certainly. You have known me for some time and I have not done you any harm.' I then said to him, 'Were you talking to the little girl?' and he replied, 'Yes. When the girl came opposite the wine saloon I spoke to her. She took no notice

at first, but I told her not to be afraid, as I was the owner of the wine saloon, and if she wanted to come in and sit down for a while she could. . . . Yes, I took her into the cubicle. . . ." Ross then went on to tell what had happened. He said that after talking to the girl for some time he offered her a drink of sweet wine. At first she refused it; but he persuaded her, and she took the drink and appeared to appreciate it, and he gave her a second glass. In all, she had three glasses of wine; Ross explained that after he gave the girl the third glass of wine a woman came into the wine cafe and he went out to speak to her. He was absent from the cubicle for about three-quarters of an hour, and when he returned the girl was lying asleep."

At this stage Ross was so carried away by the treachery of his old friend and fellow criminal that he shouted from his seat behind his counsel, "You are the man they ought to have picked on!"

Unperturbed, the witness continued with his damning evidence. Ross, he said, told him that his own "girl" came into the cafe about that time, and that he was talking to her until nearly six o'clock. She then left, after agreeing to meet him again at nine o'clock that evening. Ross closed the saloon at six o'clock and again went into his private room. The girl was still asleep, and he could not resist the opportunity to assault her.

"What did you say then?" Mr. Scott Murphy asked the witness.

"I asked Ross why he had done such a thing, and he replied that he did not know what had come over him. He said that the girl woke up and moaned and cried out, and that he put his hand over her mouth to prevent her cries being heard. Later she ceased moaning, and appeared to go into a faint. Ross said that he left the room, and that after a little while the girl commenced to call out again, and he went back to pacify her. He told me that he had 'done his block' when he saw her, and choked her with both hands."

As a cold-blooded recital of a brutal and sadistic crime, it would be difficult to equal, in the whole history of criminology, the evidence of this witness. 'I said to Ross,' he continued, 'Supposing they find wine in the little girl's stomach?' He answered, 'Why should they look for any when they know she died of strangula-

tion?' . . . When Ross talked about the wine he raised his voice, and the other men in the yard heard and they commented on it later.

"Ross told me that after he had choked the girl he 'woke up' to himself and lifted the girl's hand and it fell limp, and that he realised then what he had done. I said to him, 'You must have got a terrible shock'; but he replied, 'No, I got suddenly cool and started to think.' He said that there was blood about and that when he washed it off the spot looked clean compared with the rest of the place and would have attracted attention, so he washed the whole place out."

By this time it was about half past seven or eight o'clock, and it left enough time for Ross to clean himself before he met his girl at nine o'clock.

"When I suggested to Ross that he had taken a great risk," continued the witness, "he replied that he had only taken the girl (meaning his own girl) into the bar and he would have taken a greater risk if he had not met her. He said that he left at about half past ten o'clock and caught a tram to Footscray at about twenty minutes to eleven, making himself conspicuous by creating a bit of a commotion on the tram so that the people travelling on it, including the gripman and the conductor, would be able to prove an alibi.

"How did you get back into town?" was the next question I asked Ross, and he replied: 'On a push-bike. It was one belonging to a fellow I know—I knew where he kept the bike and I went in and took the use of it.'

Ross had then described, according to the witness, how he had gone into the Arcade and taken the clothes off the girl. He said that he did not go straight over to the lane with the body, but went out to see that nobody was about. When he felt sure that it was safe, he went back and wrapped the dead girl in an overcoat and left her where she was eventually found. He had thought of disposing of the body down a nearby sewer, but abandoned that idea as being too risky.

"Did Ross tell you anything about the child's clothes?" asked Mr. Scott Murphy.

"Yes, I said to him, 'What did you do with the clothes?' He replied that he took them in a bundle on his bicycle and rode back with them. When he got near the first hotel on the Footscray road, he said he sat on the side of the road and tore them into little strips which he distributed along the road. When he came to the first bridge crossing the river, he threw one of the shoes along a street towards the ammunition-works, and then went to the river and threw in the second shoe and some more strips. Then he went back for the bicycle, which he returned later to the place from which he had taken it."

With a very philosophic attitude to the outcome of the case, Ross had added: "I was going in for compensation if they won the case. If we lose, I will have to get hold of some potassium cyanide."

This witness was emphatic regarding the charges against himself. He swore that he was innocent. He admitted, however, that he had served eight or nine sentences for house-breaking and other offences, one of eighteen months being the longest.

"This man was trusting you," stated Mr. Sonenberg. "Did he tell you not to 'squeak'?"

"No. He never put me 'on my merits' at all. He told me the story simply because he was bursting to tell it to somebody. He thought that, because I was in that position, I would not tell. If it had been anything else I would not have told."

"But you wouldn't 'stick' at murder?"

"I have a little girl of my own."

"Don't get sentimental."

"I am not getting sentimental, and you will not make me so!"

The witness then described how on that night he had walked up and down his cell for a couple of hours. He then came to a decision and knocked on the door and said he wished to see the governor of the gaol. In an interview with that official, he

asked him to send for Detective Walsh, whom he had known in Sydney.

"I wish to make a statement in connection with the murder trial," he said to the detective. "It is only what I have heard. In reply to his questions, I said I did not expect any favour to be shown to me in regard to the proceedings against me because of what I was about to tell."

"You did not expect either monetary reward," asked Mr. Sonenberg, "or any release from any sentence you might get?"

"No!"

"You simply spurn the money?"

"If I got the reward, I would give it to the Children's Hospital."

"That finishes me!" cried Mr. Sonenberg with heavy sarcasm. "All right. I collapse."

The next witness was Senior-Detective Piggott, who read a statement that Ross had made to the police. In this Ross admitted that he had seen the girl in the Arcade a couple of times during the afternoon of December 30. According to him, she appeared to be wandering aimlessly about. About four o'clock, a girl friend of his came to the front of the saloon. They talked for about an hour, and later she came into his private room, where they commenced their conversation.

Before she left, at about five, he made an appointment to meet her in the Arcade at nine o'clock that night. He left the wine saloon at ten minutes past six o'clock and arrived at his home at about seven o'clock. After a meal he left home at eight and returned to the Arcade, where he met the girl at nine o'clock. They went straight to the wine saloon, where they remained until eleven o'clock. After leaving her he went straight home, arriving there at ten minutes to twelve, and did not go out again that night.

Detective Piggott added that later he said to Ross: "It will be proved that your wine bar had a light in it at about a quarter to one a.m., and also that a little girl was seen inside your wine shop with a glass in front of her."

"That is a lie," said Ross.

"You can get nothing on me."

After the first interview with Ross, on January 5, Detective Piggott said that Ross returned to the Detective Office on the following day.

"Who has been saying these things to you about me?" he asked.

"I will not tell you. Why are you so anxious to know?"

"You had better not try it."

Mr. Sonenberg said that he did not propose to call any witnesses at this stage, and the Coroner committed Ross for trial for the wilful murder of Alma Tirtschke at the sittings of the Supreme Court which would commence on February 15.

On the opening of these sittings the public galleries, which had been closed since the influenza epidemic of 1919, were thrown open once again by the order of the Chief Justice, Sir William Irvine.

It was not, however, until February 20 that the trial of Colin Campbell Ross began. Vast crowds flocked to the court to hear the proceedings, and those who failed to obtain admittance thronged the quadrangle and corridors in disappointed groups. According to the Melbourne *Argus*, it was quite a gala occasion: "... some of these visitors were inclined to act as if they were present at a theatrical entertainment. The wild rush into the gallery shortly before ten o'clock was very similar to that of a 'late-doors' crowd, and there was a disposition to laugh, as at a play...."

Before this excited audience Mr. Justice Schutt presided. The Crown Prosecutor, Mr. H. C. G. Macindoe, appeared to conduct the Crown case; and Mr. George Maxwell, the blind barrister, who had with him Mr. T. C. Brennan (afterwards Senator Brennan), were counsel for Ross.

"The evidence may be divided into two parts," said Mr. Macindoe in his opening address, "circumstantial evidence, and

there is also other evidence, consisting of admissions by the prisoner." He then gave a resume of the evidence which had already been heard in the Coroner's Court. There was, however, one new witness whose sensational evidence caused a great deal of excitement.

"This man, commonly known as 'Darkie,'" said Mr. Macindoe, "who had been at Ross's wine cafe in the afternoon, returned and saw a light in the cafe, about half past twelve or one o'clock in the morning. He tried one of the doors, but could not get in. He went to the next door and opened it, and heard a woman's voice say, 'My God, what will you do with her?' Ross exclaimed, 'There is somebody there!' Upton backed and Ross rushed out. Upton said, 'What about a bottle of wine, Rossie?' The witness will tell you that Ross had a bar towel in his hands and that there was a red stain on it. Upton offered to pay for the wine, but Ross did not take any money. He hurried him out and locked the door. The witness took the bottle away and drank some of their wine. Then he looked at his hands and saw blood on them. He threw the bottle away in a culvert at the corner of William and Flinders Streets."

Since the witness had given his evidence at the inquest regarding Ross's alleged confession in the remand-yard, he added, a piece of the dead girl's dress had been found on the Footscray Road, and had been identified by her aunt.

The evidence for the Crown was opened by Dr. C. H. Mollison, who said that he had conducted a post-mortem on the murdered girl. His next statement, however, came as rather a surprise, for he said that he did not detect any sign of alcohol in the stomach. But he added that it would most probably be absorbed immediately it was swallowed, and in an hour or two would disappear. Questioned by Mr. Maxwell, he admitted that he had never had an opportunity of putting this to a test. The rest of the evidence on the first day was repetition of that already heard at the inquest.

The second day of the trial was, for the most part, similarly occupied, excepting for one new witness. He was a young man who stated that he was a prisoner in the Melbourne Gaol, awaiting trial on a charge of house-breaking. On January 23, he said,

he was in the remand-yard at the gaol, and he overheard fragments of a conversation between Ross and his companion. These corroborated the evidence that had been given at the inquest.

"When Ross returned from the Coroner's Court," the witness continued," he said to me: 'That is a nice cobber of yours to go in the box and swear a man's life away!' I did not answer. Later in the same day he said to me: 'If I get fired for this, he won't live ten minutes outside. He also said: 'What do you want to go on the police side for? Why not come my way, and you would get more out of it?' On another day I said to Ross: 'It seems they have got a lot of bumps to get over' (meaning the detectives); and he replied, 'I was too clever for the ——.'"

Mr. Maxwell, in opening the case for Ross, made it clear that the defence would rely mainly on an attempt to prove an alibi for Ross and show that the accused man was at his home when it was alleged that he was in the locality where the crime was committed.

Ross crossed confidently from the dock to the witness-box. He swore that he had not seen either of the two women who had stated in their evidence that they had spoken to him on that afternoon. He maintained that the account of his movements on the day of the murder that he had given in his statement to the police was correct. And vehemently denied that he had made any of the remarks attributed to him in the remand-yard of the Melbourne Gaol.

"Is there any truth," asked Mr. Maxwell, "that you had nothing to do, directly or indirectly, with the death of this child?"

"None whatever!"

Shortly after the luncheon adjournment, Mr. Macindoe rose to cross-examine Ross, and the latter vented his rage on the witnesses against him with abuse and insinuations. He suggested that the police had faked not only the evidence of the hairs on the blankets, but other points against him.

"How else have they tried to 'fit' you?" asked Mr. Macindoe.

"Several other ways," replied Ross. "I cannot remember all.

I have been locked up for six weeks and I forget them. It is because I beat them in the other case."

"But Piggott and Brophy were not in that case."

"No; but they are all mates. They are all in the same sugar-pot up there."

"You suggest that, because they missed in one case, the whole Police Force would try to get you hanged?"

"Exactly."

In reply to a question as to whether he claimed that the confession he was alleged to have made in the remand-yard was untrue, Ross stated that it was. He said that he had only met that man a couple of times in his wine saloon, and had been warned against him as being a "dog."

"A 'dog'?" queried Mr. Macindoe.

"Yes, a d-o-g," replied Ross. "Would you like to know the meaning of that? It means a 'shelf' in gaol. A 'shelf' is always 'lagging' on other prisoners. He has got to be kept away from the other prisoners. He has got to be kept away from the other prisoners to save his life. He makes things up."

Ross added that he had said to him: "I'm a scapegoat for the Police Force. I'm the only one they could 'lag.' The public had to be shut up in some way."

"Have you gold teeth?"

"Gold crowns—a mouthful of them." And Ross drew up his lip to show much glittering gold on his upper teeth.

Features of the trial on the following day were further evidence of Ross's alibi given by his mother and brothers, and the appearance of three women in the witness-box with fair hair—in two cases with a prominent tinge of red.

The first of these women stated that she had been with Ross in the wine saloon on the night of December 30. She said that she went there by appointment to discuss with him the purchase of some linoleum and furniture, which she had hoped to obtain

when the wine saloon closed after the expiration of Ross's licence.

It was alleged that the other two women had visited the wine saloon two days before the murder. They said that they had combed their hair before a mirror which hung above the couch in the cubicle. Some of the hair, they stated, might have fallen on a blanket on which were found hairs corresponding in colour to a lock from the head of Alma Tirtschke.

On the fifth day of the trial, Mr. Maxwell began his address to the jury soon after ten o'clock, and spoke for two hours and a half. His analysis of the Crown case was devoted mainly to a scathing attack on their leading witnesses, whom he described as being "the five disreputables."

"I feel that no man has ever stood in that dock," he said, moving towards the jury-box, "more heavily handicapped than the man you are now trying—Colin Campbell Ross. Before he was put on his trial in this court he had been judged by the community. . . . I know of no case in all my experience where the public mind has been so inflamed and public passion so aroused as by the tragic murder of the little girl.

"The witnesses for the prosecution divide themselves into two classes, reputable and disreputable, and I am going to ask you to come to the conclusion that the case against the man in the dock rests upon the evidence of the disreputable witnesses, and that without them there would be no case. There is the quintet of them—two women and three men. . . ."

He went on to show how, at the beginning of the case, "nothing was forthcoming" until the Government offered the £1000 reward.

"And then things began to move," he continued. "The first of the quintet of disreputables appears on the scene . . . one 'living a life of shame,' the next who has been in a wine-shop as a barmaid and, according to her own story, was talked to in language that 'is too filthy for repetition.'

"Here is a little girl, evidently very noticeable, with beautiful hair, a college hat . . . There is not an abandoned woman, a man—reputable or disreputable—who saw a child like that go into

a wine cafe, who would not observe it and remark it. But who is called to say that they saw the child? Two of the quintet of disreputables . . . nobody else—not one reputable witness."

Referring to two of the male "disreputables," he said: "They are 'pals' together on a charge of housebreaking. . . . You do not know what arrangements may be made between men of that description. . . . Would he (Ross) place his life in the hands of a man of that character, knowing that there would be a temptation of £1000 to tempt him? . . . Will you not say that you cannot act upon tainted evidence given by people bearing such characters? . . ." The third "disreputable" he described as "a kind of solitary derelict who came in to give a kind of melodramatic touch to the whole thing." He added that if this witness were telling the truth a woman was helping Ross to dispose of the body. But this

Important Announcement

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female witness had come forward frankly to give evidence, and, according to the Crown case, if she were there on the premises when the child's body was there, she had seen nothing although she had inspected all the furniture in the place.

There was also confusing evidence regarding the blankets, as it was stated that one of them had never been in the wine cafe.

Commenting on the discovery of a portion of the murdered girl's dress on the Footscray Road, Mr. Maxwell said: "It may have been put there by someone who read that statement [the report of the inquest] in the papers. That kind of thing is done constantly, and the police know it, by persons who want to hoax the police. The only inference is that it was not there when the police searched, and that was why they did not get it. . . . If the serge was there on January 26, the police would have found it. . . . And what about the parcels of meat . . . Of the mushroom hat there has never been any trace. If there was not a single word of evidence for the defence, I say that you would think long before, on the Crown evidence, you would convict this man of this foul murder.

"Let me say a word about Ross as a witness. He was impudent sometimes in the box when my friend was cross-examining him, and said some extraordinary things. . . . You remember that questions were put to him which suggested the vilest things. Do you wonder at that frame of mind—exasperated, desperate?"

In opening his address for the Crown, Mr. Macindoe emphatically denied that any of his witnesses had been inspired to come forward and give evidence in the hope of earning the reward. In apologising for the characters of some of them, he stressed their emotional reaction to the horror of this ghastly crime, which would outweigh any other feeling.

Referring to the evidence of the first woman witness, Mr. Macindoe said: "She may be everything that Mr. Maxwell says of her; but if any woman were going to perjure her soul, would she stop where this witness has? If she is after £1000, would she stop where she has stopped? Taking her evidence by itself, what is it worth? It would not have hung this man. Can you conceive this or any other woman, even if they were the lowest of the low, would attempt to hang an innocent man for £1000 or £100,000?

If she has made up her mind to come here and commit perjury, there is nothing bad enough that I can say of her; but if she is going to commit perjury, why does she not go the 'whole hog' and give us something concrete? She has not done that."

The second woman witness he summed up in a similar manner, and added that there was no evidence of the ill feeling which Ross claimed existed between them.

His justification for the evidence of the man who claimed that Ross had made his confession to in the remand-yard finished with a curious excuse, coming as it was from an eminent barrister. He said: "He may be on the brink of being declared a habitual criminal; but what of it? He is only a shopbreaker. He is not a man who attacks little girls. There are no crimes of violence against him. A shopbreaker, after all, is a bit of a 'sport'; he takes a risk, and then takes what is coming to him."

It is surprising that the Crown never produced the witness who gave the melodramatic and highly coloured evidence of calling at the wine saloon on the night of the murder and obtaining a blood-stained bottle of wine from Ross, for Mr. Macindoe bluntly swept aside his evidence. "As far as I am concerned," he said, "I tell you quite candidly that I would not ask you to hang a cat on the evidence given by him."

"The best witness for the Crown in this case," he added, "was the prisoner himself. Did he not strike you as a desperate man facing a desperate charge and prepared to say anything desperate? An innocent man, faced with a charge like this, does not make charges of bribery, corruption and conspiracy against police officers."

"My learned friend has said much about the 'five disreputables.' The Crown case is built on a sound foundation of circumstances, and on these have been engrafted the various admissions made to these witnesses. If they stood alone, you might say you would not convict; but there are four of them whose evidence fits in together in such a way that it cannot be accounted for. If Ross did not tell them, how did they know?"

In his summing-up, Mr. Justice Schutt said: "The attacks made by counsel for the defence on some of the Crown witnesses are such as they were entitled to make, but it is entirely a matter

for you to determine the value of the evidence. It has been said that witnesses have concocted evidence to bring about the conviction of the accused. . . . If they have come here to perjure the life of an innocent man, nothing too bad can be said of them. It is for you to determine. It is admitted by the Crown that they are of bad character. But it is suggested that, although that is so, nevertheless there are deeper depths than they have ever sounded, and even to these people the story of this outrage is sufficient to stir within their hearts some horror and indignation. You will have to consider very carefully whether you are prepared to accept their evidence."

The Court was adjourned until next day, and the jury retired for the night to consider its verdict.

The excitement outside the Criminal Court was greater than ever next day. A large crowd clustered around the courthouse doors, and another crowd extended across the road from the Lonsdale Street gates, often blocking the passage of the tram-cars. When the doors were opened, these crowds surged forward and there was a rush for the public galleries, which were speedily filled. The usual disappointed crowds hung around the precincts of the court.

The jury filed into court at half past ten, and the foreman said that they had not yet reached a decision, and asked Mr. Justice Schutt if they could retire for another hour's deliberation.

At exactly twenty-five minutes past eleven the jury returned, and announced the verdict of "Guilty."

Ross started slightly, but there was little change in his face.

When he was asked, "Have you anything to say why the Court should not pronounce sentence of death upon you according to law?" Ross replied, in a voice slightly changed by emotion: "Yes, sir; I still maintain I'm an innocent man. If I'm hanged, I'll be

hanged an innocent man. My life has been sworn away by desperate people."

After the sentence of death was passed, Ross still repeated: "I'm an innocent man."

The prisoner seemed to wish to say something more, but only unintelligible sounds were to be heard. As he turned and went with the warders down the steps from the dock to the cells, he kept on muttering: "Appeal! Appeal!"

Three of his brothers were standing near the dock, and one, with a gesture of his hand, said: "Good-bye, Colin."

Ross gave notice of appeal. The Full Court rejected his appeal, and he then appealed to the High Court.

The High Court dismissed the appeal unanimously. Mr. Justice Isaacs (afterwards Governor-General of the Commonwealth) took the view that if the jury accepted the evidence that Ross had placed his hands on the girl's throat and accidentally strangled her; then it was open to the jury to bring in a verdict of manslaughter, whereas Mr. Justice Schutt had directed either murder or acquittal. Mr. Justice Isaacs was alone in this view.

This case has since become a legal classic on the subject of what weight should be attached to the evidence of undesirables, especially in cases where monetary considerations are involved.

The High Court intimated on this question of the reputations of witnesses that questions of fact were matters for the jury alone, and if the jury believed the witnesses there was evidence on which they could have reasonably arrived at a verdict of guilty. On this point Mr. Justice Isaacs said: "The ground upon which I agree with my learned brother judges to a rejection of all the other grounds is that, however tainted and discrepant and improbably any of the facts relied on by the Crown might be, that was all a matter for the jury alone, and I have no right to express or

form any opinion about them in favour of the prisoner."

Ross immediately lodged an appeal with the Privy Council and claimed that he had fresh relevant evidence to offer. However, the authorities declined to postpone the execution to permit of the appeal being heard.

On the scaffold, Ross repeated that "my life has been sworn away by desperate people." He firmly protested his innocence as he stood on the drop. On the eve of his execution, he sent a letter to his family affirming his innocence.

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