

THE TRIAL OF WILLIAM HERBERT WALLACE.

LIVERPOOL SPRING ASSIZES.

ST GEORGE'S HALL, LIVERPOOL.

Wednesday, 22 April, 1931.

Before Mr JUSTICE WRIGHT AND A JURY.

REX v WILLIAM HERBERT WALLACE.

(Transcript of the Shorthand Notes of Barnett, Lenton & Co, 40 Chancery Lane, London, WC2, Official Shorthand Writers, Criminal Appeal Act, 1907.)

THE RECORDER (MR E G HEMMERDE, K C) and MR LESLIE WALSH appeared on behalf of the Prosecution.

MR ROLAND OLIVER, K C, and MR S S ALLEN appeared on behalf of the Defence.

THE CLERK OF THE ASSIZE – William Herbert Wallace, you are indicted and the charge against you is murder, in that on the 20<sup>th</sup> day of January, 1931, at Liverpool, you murdered Julia Wallace. How say you, William Herbert Wallace, are you guilty or not guilty?

THE PRISONER: Not guilty.

(The jury are duly sworn.)

THE CLERK OF THE ASSIZE: Members of the jury, the prisoner at the Bar, William Herbert Wallace, is indicted and the charge against him is murder, in that on the 20<sup>th</sup> day of January, 1931, at Liverpool, he murdered Julia Wallace. Upon this indictment he has been arraigned, upon his arraignment he has pleaded that he is not guilty and has put himself upon his country, which country you are, and it is for you to enquire whether he be guilty or not and to hearken to the evidence.

(Mr HEMMERDE opened the case on behalf of the Prosecution and called the following evidence.)

**HARRY HEWITT COOKE, SWORN AND EXAMINED BY MR WALSH.**

1. ***Your name is Harry Hewitt Cooke?*** Yes.
2. ***And you are the official photographer to the Liverpool City Police?*** Yes.
3. ***On the 21<sup>st</sup> of January, did you take certain photographs?*** I did.
4. ***Do you produce those photographs?*** Yes.
5. ***Will you see which you took on the 21<sup>st</sup> of January? (Photographs are handed to the witness). No's 6, 7 and 9, I understand, on the 21<sup>st</sup> of January?*** Yes.
6. ***And later you took no's 10, 11 and 12 at the mortuary?*** That is right.
7. ***On the 23<sup>rd</sup> of January, did you take the photograph of the kitchen, no 8?*** Yes.
8. ***And on the 24<sup>th</sup> of January photographs no's 1,2,3,4 and 5, the outside of the house, 29, Wolverton Street?*** Yes.
9. ***And on the 18<sup>th</sup> February did you take no 13?*** Yes.

**CROSS-EXAMINED BY MR ROLAND OLIVER.**

10. **Who was in charge when you took photographs?** Superintendent Moore.
11. **Did he give you directions to take them?** Yes, I was instructed to take them.
12. **Did he tell you what views to take? I am how upon the room?** Yes.
13. **And you took photographs no's 6 and 7 at the same time?** Yes. Taken directly one after the other.
14. **Yes, one after the other and approximately at 1 o'clock in the morning?** Yes.
15. **Was anything moved?** Yes, one of the chairs was moved.
16. **When was that done?** Photograph no 6 was taken first; the chair was not moved then. The chair was moved when photograph no 7 was taken.
17. **Have you ever told anyone that before?** I believe I mentioned in the Court below that none of the chairs were moved. I did not know it then.
18. **If you look at photograph no 6 does that show the entrance into the room?** Yes.
19. **Looked at from the door?** Yes.
20. **And does the presence of that chair in front of that piece of furniture make it a very narrow passageway?** Yes.
21. **Now will you look at no 7? Was not that taken from the other end of the room?** Yes.
22. **Does that show the chair put back beside the piece of furniture?** It shows the chair beside the door.
23. **Why was it put there?** It was put there so that I could get out.
24. **Get out?** Yes, get out of the room.
25. **You were taking a photograph of the room as it was?** Yes.
26. **Do you suggest you could not have got out of the room past the chair?** When the photograph no 7 was taken it was taken in the dark by flashlight and I had to get over the couch round past the table, over the body and through the small space which was left had the chair been there, but the chair was put by the door so that I could get past in the dark.
27. **Do you follow before you took these photographs numbers of people had been in and out of that room? Are you suggesting that the room as it originally was had the chair blocking that way?** Yes.
28. **You do not know how it was when the Police originally came?** No.
29. **Why did you say at the Police Court: Nobody on my instruction moved anything?** They did not on my instruction.
30. **Is that what you meant?** Yes.
31. **Did you not know then that something had been moved?** No, nothing had been moved.
32. **Surely, the whole point was that nothing had been moved when you took your photograph?** I did not see them move them.
33. MR JUSTICE WRIGHT: When you say by the door, there was a chair between the door at the side and a chair between the door and the piano?

THE WITNESS: Yes, my Lord. The door on the left is the one in question.

Mr Roland Oliver: What I am putting to the witness is that the ordinary place to put a chair is the place in no 7, not where it is shown in no 6.

MR JUSTICE WRIGHT: He is merely telling you what he knows about it. He had not other interest as far as I know.

**WILLIAM HENRY HARRISON, SWORN. EXAMINED BY MR WALSH.**

34. *William Henry Harrison, you are Surveyor to the Liverpool Corporation?* I am.
35. *Department of the Land Steward Surveyor?* Yes.
36. *You made a survey of the house, 29 Wolverton Street?* I did.
37. *And the neighbouring streets?* Yes.
38. *Have you a plan there, Exhibit W H 14, and have you got another plan of the district, no 15, the district round Wolverton Street?* Yes.
39. *And you made the plan no 6?* Yes, I did.
40. *In the house, 29, Wolverton Street, did you measure the height of the shelf which is shown in photograph no 8, the shelf on the left-hand side of the fireplace in the kitchen?* I did.
41. *Is that 7 ft 2 in from the floor?* Yes.
42. *And the gas bracket, 6 ft 6 in?* Yes.
43. *And the height of the ceiling 9 ft 4 ½ in?* Yes.
44. *From 29 Wolverton Street to St Margaret's Church is that 605 yards?* Yes.
45. *Following that red line?* Yes.
46. *Between that tram stop at Belmont Road and Lodge Lane, is that 1.7 of a mile?* 1.7 of a mile.

MR JUSTICE WRIGHT: What was the measurement?

MR WALSH: From St Margaret's Church to the tram stop at Lodge Lane.

MR JUSTICE WRIGHT: Was what?

MR WALSH: 1.7 of a mile.

47. *Did you measure from the house, 29 Wolverton Street to the telephone call box which you see on plan no 15?* I did.
48. *Is that 400 yards?* Yes.
49. *Going down the red line from 29 Wolverton Street to Belmont Road and turning right to the trams in Belmont Road just to the right of Castlewood Road what is that?* The distance is 310 yards.
50. *Are you quite sure? Is it not 375 yards?* Yes, I have the wrong one.
51. *From the tram stop in Belmont Road, which you see just to the left of Castlewood Road, it is 375 yards?* Yes.

**CROSS-EXAMINED BY MR ROLAND OLIVER.**

52. *Would you look at the photograph of the kitchen? (Same handed).*
53. *Do you see that it shows the range of big shelves at the top of which the cash box was found?* Yes.
54. *And it shows the cash box on top of the shelf about the middle?* Yes.
55. *Do you see about 2 ft odd above the floor there are some cupboard doors?* Yes.
56. *Are they surrounded by a flat shelf which projects below the book case and if so could you give me a width of that? It is about a third of the way up the bookcase?* 1 ft 5 inches.
57. *That is 17 inches out beyond the books. Is that right?* No, from the wall, the width of the shelf is 6 inches and that is 11 inches.

58. **11 inches beyond the books?** Yes, that is right.

59. **Could you tell me approximately the length of Menlove Avenue? I wonder whether your knowledge of Liverpool would give you that. I do not think it is on your plan.**

MR JUSTICE WRIGHT: It is scaled off.

THE WITNESS: I could scale it.

60. **MR ROLAND OLIVER: Yes, by all means do so if you will.** I want a plan that shows it. This does not show the full length.

61. **Do you happen to know? It is over 2 miles long or something like that?** I do not know at all.

62. **MR JUSTICE WRIGHT: Is it a long Avenue?** Yes.

63. **It may be a mile or a mile and a half?** Yes, or it may be 3 miles.

MR ROLAND OLIVER: That will do for me.

MR JUSTICE WRIGHT: It is a long avenue two or three miles perhaps?

MR ROLAND OLIVER: Yes, my Lord.

64. **Do you recognise that which I am holding up a thing you prepared?** Yes.

65. **It was objected to at the Police Court on the ground that it was not an ordinary survey but I will put it in. On this thing which you prepared and the Jury shall see it – have you got a copy?** No, I have not.

66. **It is entirely our fault that you have not.**

MR JUSTICE WRIGHT: That should be marked as an exhibit. That will be Exhibit no 50.

MR ROLAND OLIVER: If your Lordship pleases. Here is one for the jury and one for yourself. (Same Handed).

67. **Did you prepare this with a view of showing in red the tram route purporting to be taken by the prisoner from the 01 St Margaret's Church where he took the tram up to the Menlove Avenue Stop?** Yes.

68. **That is marked in red?** Yes.

69. **And have you marked in green the route where he says he took the tram to go to the Chess Club?** I do not know if it is the route he said but it is a route.

70. **Do you know the name of the restaurant?** Yes, the City Cafe.

MR JUSTICE WRIGHT: It is the route to the Chess Club at the City Cafe where he went.

71. **MR ROLAND OLIVER: Yes, my Lord, the route which he says he took. (To the witness). That black ring, which is near the convergence of the green route with the red route, is that approximately his house at Wolverton Street.** It is.

72. **It is, of course, a very small-scale plan. At the beginning of the red route in the direction of the green route is shown two tram stops adjacent to his house as a matter of fact some distance away. Is that right?** Yes.

**(Adjourned for a short time)**

73. **MR ROLAND OLIVER:** *Mr Harrison, you gave the walking distance from the house in Wolverton Street to the terminus of the red route as 605 yards?* Yes.

74. *That is the walking distance from the house to St Margaret's Church, 605 yards?* Yes.

MR JUSTICE WRIGHT: Where is Wolverton Street?

MR ROLAND OLIVER: The centre of the black ring which is the sort of centre of these two places.

MR JUSTICE WRIGHT: On another plan, I notice Newsham House, the Judge's lodgings.

MR ROLAND OLIVER: I did not know it was your Lordship's lodgings; I am not familiar with Liverpool.

75. *What is the distance from the green terminus? I am not particular to a yard or two.*

MR JUSTICE WRIGHT: It does not matter. Is it about 20 yards?

MR ROLAND OLIVER: No my Lord, more.

THE WITNESS: About 600 yards, my Lord.

76. *Now let us take a look at the red route. The first change on the red route is Smithdown Lane; that is the first red ring after you have started?* Yes.

77. *Is that the one you have said is 1.7 of a mile from the first red ring?* It is.

78. *Then there is a change and the tram goes along the Smithdown Road to a place called Penny Lane?* Yes.

79. *How far is that from the Smithdown Road terminus?* 1.6 miles.

MR JUSTICE WRIGHT: From where?

MR ROLAND OLIVER: From Smithdown terminus, the first change I should say.

MR JUSTICE WRIGHT: 1.6 of a mile?

MR ROLAND OLIVER: Yes, my Lord, and from there on to the last terminus quite a short distance, half a mile or not so much, a third of a mile? Two-fifths of a mile.

MR JUSTICE WRIGHT: I can now follow these stations.

MR ROLAND OLIVER: I thought it would be clearer, my Lord.

80. *1.7, 1.6 and 0.4?* Yes.

81. *A distance of 3.7 miles?* Yes.

82. *Something like 4 miles?* Yes.

MR JUSTICE WRIGHT: The red ring down to Smithdown Road is 1.7, Smithdown Road to Penny Lane is 1.6 and Penny Lane to the end of this route is 0.4?

MR ROLAND OLIVER: Yes, my Lord. I will not trouble you to scale the red route. It is there and nothing in particular turns upon it.

MR JUSTICE WRIGHT: Where does the green route go?

MR ROLAND OLIVER: To the neighbourhood of the city Cafe where was held the Chess Club.

MR JUSTICE WRIGHT: Yes, I follow. How far is the whole route to the City Cafe?

83. **MR ROLAND OLIVER: Could you give us that approximately. We have got 500 yards from the house to the beginning of the green route. What is the length of the tram route about?** It is 2.2 miles plus the 500 yards.

84. **500 yards walk and then 2.2 miles of tram?** Yes.

85. **Now, with regard to the telephone box so that we may have it on the map to show the whole thing. The position of the telephone box is 400 yards?** It is.

MR JUSTICE WRIGHT: Yes, from the house. Is that marked on this plan too?

MR ROLAND OLIVER: The telephone box is not marked, my Lord.

MR JUSTICE WRIGHT: It does not matter.

86. **MR ROLAND OLIVER: Is it on that triangular open space showing on the top left, so to speak, the north-west wind of the house?** Yes it is.

MR JUSTICE WRIGHT: Where is it?

THE WITNESS: The corner of Breck Road and Lower Breck Road.

87. **MR ROLAND OLIVER: There is a triangle of green on one of the corners of which stands that telephone box. Is that right?** Yes, that is right.

88. **I think on your other plan, which is plan "A", Exhibit 11 and 12; you show the telephone box actually on that corner?** Yes, it is marked there, Exhibit 15 in the left hand corner "Telephone Call Box".

MR JUSTICE WRIGHT: Yes, it is marked there, Exhibit 15 in the left hand corner "Telephone Call Box".

THE WITNESS: That is so, my Lord.

89. **MR ROLAND OLIVER: There is one other thing I want to ask you to do. I want you to do a piece of scaling for me, will you? You have got the instrument there?** Yes.

90. **There is a church with a big lit up clock called Holy Trinity Church?** Yes, there is.

91. **It is not shown on this plan but the site of it is on this plan?** Yes.

92. **Will you tell me where it is? If you hold the plans upwards, you see Richmond Park stretching from left to right?** Yes, that is so.

93. **Is it on one of these corners?** It is on the south corner of Richmond Park and Breck Road.

94. **If I put a cross there will I get that church with the lit up clock?** Yes.

95. **You can see where I am pointing?** Yes.

MR JUSTICE WRIGHT: The south corner?

MR ROLAND OLIVER: Yes, the south corner of Richmond Park and Breck Road.

**96. Starting from that corner walking in that direction, will you scale for me along Breck Road to Sedley Street, turn round into Sedley Street and go the whole way along Sedley Street to the end where you come across the red track mark, go across the entry to Letchworth Street, up Letchworth Street into Richmond Park through those entries marked red into Wolverton Street. Will you do that carefully for me and let me know what the distance is?**  
500 yards.

MR ROLAND OLIVER: It is 500 yards past the Church round that route into Wolverton Street. I am very obliged.

MR JUSTICE WRIGHT: Would it be convenient, Mr Recorder, to indicate what witnesses you are calling. Are these witnesses about the telephoning?

MR HEMMERDE: Yes, my Lord. I will make a point of doing what your Lordship indicates so that the Jury may follow.

MR JUSTICE WRIGHT: I think it would be not inconvenient.

MR ROLAND OLIVER: My friend has been good enough to tell me the order he proposes to follow is the order in the Depositions.

MR HEMMERDE: Yes, my Lord, the next five witnesses will deal with the telephoning and little details.

**LESLIE HEATON, SWORN. EXAMINED BY MR WALSH.**

97. **Your name is Leslie Heaton?** Yes.

98. **Are you a telephone electrician in the employ of His Majesty's Postmaster-General?** Yes.

99. **You live at 12 Malden Road, Liverpool?** Yes.

100. **Is there a telephone call box at the junction of Rochester Road and Breckfield Road, Anfield?** Yes.

101. **Have you got a plan of the district?** No, I have not.

102. **Take "WHW15" (Same handed). You see the telephone box in the top left hand corner; it is marked?** Yes.

103. **Is that the telephone number "Anfield 1627"?** Yes.

104. **On the Liverpool Bank Exchange is there a number attached to the City Cafe, North John Street, "Bank 3581"?** Yes.

105. **Is there a public telephone call box in the Public Library in Breck Road?** Yes.

106. **Do you know the number of it?** I do not know if offhand. I think it is Anfield 692.

107. **Do you know if there are any other call boxes in that district?** Yes, there are several.

108. **MR JUSTICE WRIGHT: Public ones?** Yes, but they are not as public as this one inasmuch as the kiosk is fitted on a site of its own and the other call boxes are on enclosed premises.

109. **MR WALSH: What kind of enclosed premises?** The Library, and there is one at the Post Office known as Anfield Post Office. Then there is one at a sweet shop in the opposite side to the Post Office.

110. **They are either in the Library or in shops?** Yes.

CROSS-EXAMINED BY MR ROLAND OLIVER.

111. ***Is that call box lit up a night?*** No, I do not think it is.
112. ***There is no light in it?*** No.
113. ***When somebody gets into it to use it, I suppose the light comes up, does it not?***  
No.
114. ***What?*** No, there is no light.
115. ***Do you know?*** Well, not definitely.
116. ***You are saying it definitely?*** If the light is there, it does not come up. When the person goes into the box, it will be alight.
117. ***I care not whether it goes up in the box or not. Is there a light in it which lights up?***  
I am not sure.
118. ***MR JUSTICE WRIGHT: How can he do anything in darkness? What is the general position of those kiosks?*** Usually where there is no light; it is usually illuminated by lights which may be in the vicinity.
119. ***You mean a street light?*** Yes.
120. ***MR ROLAND OLIVER: What I am suggesting to you is that this box is a new type and has a light: it is there for anyone to go and look at it, a 60-candle power lamp burning at night. Is that right or wrong?*** I am not sure.

MR ROLAND OLIVER: You were saying just now it was not.

MR HEMMERDE: I will have that tested, my Lord.

MR JUSTICE WRIGHT: Yes, the witness does not happen to know.

LOUISA ALFREDS, SWORN. EXAMINED BY MR WALSH.

121. ***Your name is Louisa Alfreds?*** Yes.
122. ***And you live at 23 Saxon Street, Liverpool?*** Yes.
123. ***Are you a telephone operator in the employ of His Majesty's Postmaster General?***  
Yes.
124. ***You are engaged at the Anfield Telephone Exchange, are you not?*** Yes.
125. ***On the 19<sup>th</sup> of January, were you on duty about a quarter past seven?*** Yes.
126. ***Did you receive a call from Anfield 1627?*** Yes.
127. ***Was the call for Bank 3581?*** Yes.
128. ***Could you tell what kind of voice it was?*** Just an ordinary voice.
129. ***Male or female?*** A male voice.
130. ***Did you put the call straight through to Bank 3581.*** Yes.
131. ***Did anyone from Bank 3581 come on the line?*** Yes.
132. ***A little later, did Miss Kelly make some communication to you?*** Yes.
133. ***Was she trying to get Bank 3581 or Anfield 1627?*** Yes.
134. ***And you did not hear her a second time.*** No.

MR ROLAND OLIVER: No question.

LILIAN MARTHA KELLY, SWORN. EXAMINED BY MR WALSH.



135. **Your name is Lilian Martha Kelly?** Yes.
136. **Do you live at 13 Auburn Road, Liverpool?** Yes.
137. **You are a telephone operator in the employ of His Majesty's Postmaster General?**  
Yes.
138. **And you are engaged at the Anfield Telephone Exchange?** Yes.
139. **Do you remember the night of the 19<sup>th</sup> of January about a quarter past seven?** I do.
140. **Did you receive a call from the call box Anfield 1687?** Yes.
141. **For Bank 3581?** Yes.
142. **What kind of a voice was it?** Quite an ordinary voice.
143. **Was it a man's or a woman's?** A man's voice.
144. **What did he say?** He said, "Operator, I have pressed button 'A' but have not had my correspondent yet".
145. **You had a conversation with Miss Alfreds, I understand?** Yes.
146. **This telephone is one where there is a button 'A' and button 'B'?** Yes.
147. **Can you tell when the money has been put in?** Yes.
148. **Can you tell when one of the buttons has been pressed and the money has come out?** Yes.
149. **Did you observe a light or an indication which showed that the money had been returned?** Yes.
150. **Did you have any further conversation with the person in the box?** Not just then.
151. **Then you spoke to the supervisor, Miss Robertson?** I tried to get the number again.
152. **And you could not?** No.
153. **Then you spoke to the supervisor?** Yes.
154. **Did you afterwards connect Anfield 1627 with Bank 3581?** Yes.

MR ROLAND OLIVER: No question.

**ANNIE ROBERTSON SWORN. EXAMINED BY MR WALSH.**

155. **Is your name Annie Robertson?** Yes.
156. **You live at 30 Skipton Road, Liverpool?** Yes.
157. **And you are supervisor at the Anfield Road Telephone Exchange?** Yes.
158. **On the 19<sup>th</sup> of January do you remember Miss Kelly referring a call to you from Box 1627 to Bank 3581?** Yes.
159. **Did you get the call through?** Yes.
160. **Do you remember the time?** About 20 minutes past seven.
161. **Did you make a note of the time?** Yes.
162. **Have you got the note there?** Yes.
163. **What time is it?** 20 minutes past seven.
164. **MR JUSTICE WRIGHT: May I see the note?** Yes, my Lord (Same handed to his lordship). It is the top one.
165. **Mr Walsh: Why did you make a note?** It is the usual thing to do when an enquiry is made like that.
166. **What do you mean?** The voice asked me to try it.

167. **MR JUSTICE WRIGHT: I see on the margin you have a lot of letters; one is "N.R."?**  
That is "No Reply".
168. **And you have put a pencil mark?** Yes.
169. **The trouble was there was no reply?** Yes.
170. **And you made a note to pass it on I suppose to someone else?** We keep it for reference.

MR JUSTICE WRIGHT: Was that 7.20?

170. **MR WALSH: Yes. (To the witness): And you did later get the call through?** Yes.
171. **And you put the caller through to the witness Kelly?** Yes, the caller was put through at 7.20.

CROSS EXAMINED BY MR ROLAND OLIVER.

172. **If The times are correct the person, whoever it was, trying to get that number started at 7.15 and went on to 7.20?** Yes. At 7.15, the call was through.

MR JUSTICE WRIGHT: Where does it appear it was through at 7.15?

MR ROLAND OLIVER: The witness Alfreds said it was 7.15, the call, and afterwards this witness says it got through at 7.20.

MR HEMMERDE: That not should be made an exhibit, my Lord.

MR JUSTICE WRIGHT: yes, it should be.

MR HEMMERDE: It will be Exhibit 51.

**GLADYS HARLEY, SWORN. EXAMINED BY MR WALSH.**

173. **Is your name Gladys Harley?** Yes.
174. **You live at 37 Caird Street, Liverpool?** Yes.
175. **You are a waitress at the City Cafe, 24 North John Street?** Yes.
176. **Were you on duty at the Cafe on the 19<sup>th</sup> January last?** Yes.
177. **Did the telephone bell ring – between what time?** Seven and eight.
178. **Did you answer it?** Yes.
179. **Who answered the telephone at the other end?** I could not say.
180. **What kind of voice was it?** Just an ordinary voice.
181. **A man's or a woman's?** A man's.
182. **In consequence of what he said, you went to see if a certain customer was in?** Yes.
183. **Then you spoke to Mr Beattie and he went to the telephone?** Yes.

CROSS EXAMINED BY MR ROLAND OLIVER.

184. **How big is this Cafe, is it a big place?** Yes.
185. **How many rooms are there?** Four.
186. **All on the ground floor?**
187. **And there are a lot of tables?** Yes.
188. **Do you have many customers?** Yes.

189. **Have you any idea how many people use your restaurant every day. Would it be a hundred?** Yes, it would be about that.
190. **A hundred?** Yes.
191. **I do not want to ask you a lot about the Chess Club because I will get it from somebody else, but there is a Chess Club which uses some of the tables in your room on certain days?** Yes.
192. **Have they got a notice posted up near the doorway of your restaurant?** No.
193. **You may not have noticed them, but there are some notices up, are not there?** Yes, on the side.
194. **Whereabouts are they?** By the telephone box.
195. **I beg your pardon, I said the door; I meant the telephone box. It is not far from the door?** No.
196. **Have you ever looked at the notices?** I have at times.
197. **Do they give the names of people and the dates when they are coming to play the matches?** Yes.
198. **So that if you looked at the list you could see if you know a man's name on what day he was expected to come for a match?** Yes.
199. **MR JUSTICE WRIGHT: That is inside the Cafe and by the telephone box?** Yes.
200. **What sort of thing, a square frame in which you can put in and take out a name or names written on a slip or what?** Names written on a board.
201. **MR ROLAND OLIVER: If I were to show you a photograph of the board, you would probably know it by sight?** Yes.
202. **Is that a photograph of the board? (Same handed).** Yes.
203. **You recognise that?** Yes.
204. **That is the notice board, is it?** Yes.

MR ROLAND OLIVER: Your Lordship would like to see it?

MR JUSTICE WRIGHT: Yes. That will be Exhibit no 52. Were the names here?

MR ROLAND OLIVER: I was going to put in a photograph of an enlargement of one of those. May respectfully suggest, I think I could do this better with a witness who is coming who will remember it.

MR JUSTICE WRIGHT: Very well, you have done enough. You can leave it for the moment.

MR ROLAND OLIVER: If your Lordship pleases.

**SAMUEL BEATTIE SWORN. EXAMINED BY MR HEMMERDE.**

205. **Your name is Samuel Beattie?** Yes.
206. **Are you a cotton broker's manager?** Yes.
207. **You live at Goswell, 27, Ballantree Road, Mossley Hill, Liverpool?** Yes.
208. **Are you a member of a Chess Club which meets at the City Cafe, North John Street?**  
Yes.
209. **Is that called the Liverpool Central Chess Club?** Yes.
210. **I think you are the captain of the Club?** Yes.
211. **During the winter, does the Club meet two evenings a week?** Yes, Mondays and Thursdays.

212. **How long have you known the accused?** About 8 years, I should say.
213. **Was he in the habit of attending on one or both of those days?** He was not what we call a regular attender. We may say most likely one, sometimes two. If there was, a match on he might come two nights a week.
214. **Do you know whether he had been there recently before January 20<sup>th</sup>?** I should not think so, but I do not know definitely, because we break up for the Christmas recess and then the members after Christmas are uncertain as to when they resume playing operations.
215. **MR JUSTICE WRIGHT: You do not think he had been there since when?** The last I had seen of him was before Christmas.
216. **Do you know him?** As captain, I am supposed to be there almost continually.
217. **MR HEMMERDE: Your are there continually?** Quite, in the evenings.
218. **Is one able to tell from looking at the board, a photograph of which I have here, exactly when people will be there?** No. It is when they are scheduled to be there, but it does not follow that they will be there; they should be there.
219. **On the board would appear when they ought to be there?** Quite.
220. **What time in the evening does it meet generally?** It is an Open Cafe and play must commence, the match games, by a quarter to 8, but they can commence earlier if they arrange to do so.
221. **On the 19<sup>th</sup> of January what time, did you get to the Cafe?** About 6 o'clock.
222. **Sometime later, do you remember the waitress, a Miss Harley, speaking to you?**  
Yes.
223. **Did you go to the telephone?** I did.
224. **MR JUSTICE WRIGHT: About what time was that?** Seven or shortly after seven.
225. **You took no notice of the time?** No my Lord.
226. **It was shortly after 7?** Yes my lord.
227. **MR HEMMERDE: Having gone there did you hear someone speaking?** I did.
228. **A man or a woman?** A man.
229. **What sort of voice?** A strong voice, a rather gruff voice.
230. **Did you take a message from the person?** I did.
231. **Rather later, did you see the accused in the Cafe?** I did.
232. **About what time was that?** About half an hour after I had received the message, say a quarter to 8.
233. **Had you seen him come in?** I had not.
234. **When you saw him, what was he doing?** He had commenced to play a game with an opponent named McCartney.
235. **Did you speak to him?** Yes.
236. **What did you say to him?** I said: "Oh, Mr Wallace, I have a message for you".
237. **Did you tell him where the message came from?** Yes. "I have a message for you". He said: "Oh, who from?" I said: "From a man names Qualtrough", and he said: "Qualtrough, Qualtrough, who is Qualtrough"?
238. **Did you tell him how the message had come?** Yes, by 'phone; it was a telephone message.
239. **Did you spell that name?** No, I cannot quite say that I spelt the name to him, but I gave it to him written down on an envelope on which I had taken it. I had taken particulars at the 'phone.

240. ***You had taken it down as R M Qualtrough, 25 Menlove Gardens East, Mossley Hill?***

Yes, quite.

241. ***Is that the envelope? (Same handed).*** Yes, that is my writing.

MR JUSTICE WRIGHT: Is that an Exhibit?

MR HEMMERDE: No, my Lord, it is not, but there is no real point in it.

MR JUSTICE WRIGHT: It had better be made an Exhibit.

MR HEMMERDE: Yes, my Lord that will be Exhibit no 53.

242. ***So he said: "Qualtrough, Qualtrough, who is he"?*** Yes.

243. ***What did you say?*** I said, "Well, if you do not know who he is, I do not".

244. ***Did you tell him what Mr Qualtrough wanted?*** Yes, I said: "Mr Qualtrough said that he wished to see you tomorrow evening at 7.30", and I told him the address: "25 Menlove Gardens East. He says it is something in the nature of your business".

245. ***When you said that, what did he say?*** He said: "I don't know the chap. Where is Menlove Gardens, East? Is it Menlove Avenue"? I said: "No, Menlove Gardens, East". Then he asked: "Where is Menlove Gardens, East"?

246. ***What else did he say about that?*** He did not know where the place was, Menlove Gardens, East, so I said: "Wait a moment, I will see whether" and I mentioned the name of another member "knows where Menlove Gardens, East is".

247. ***Who was it you were to ask?*** A man named Deyes, another member of the Club. I said: "I will see whether Deyes knows where it is. I know that one comes into, Menlove Avenue and the other one, I think, goes into Queen's Drive and it is an awkward place to be knocking about in the dark to look for. I will just see whether Deyes knows where Menlove Gardens East is".

248. ***You knew roughly, where it was?*** I knew Menlove Avenue, East.

249. ***When you told him, it was a bad place to be knocking about in the dark and so on what did he say?*** He said: "I belong to Liverpool. I can find out or I have a tongue in my head", or words to that effect.

250. ***Was anything said as to the route he should take?*** Yes, I told him that a car to Penny Lane would be the best way, but first of all get the location and then to enquire, and I think it was at that stage where he said he had a tongue in his head and could enquire.

251. ***So far as you were concerned, that is all you saw of him that evening?*** Quite.

252. ***Did you actually see him make the entry in his diary as to the address?*** He did write the address down.

253. ***But did you not notice more?*** I did not notice more.

254. ***Did you see him again on the 22 January, two or three days later?*** Yes.

255. ***Were you just leaving the Cafe?*** Yes, I was leaving the Club and was going to catch my car at the corner of Lord Street.

256. ***What time?*** About 10.20 at night after the Club was over.

257. ***Did you speak to him?*** My attention was drawn to the fact that he was there by a man named Caird who said: "Mr Beattie, he is here" and I saw him standing there.

258. ***What did he say to you?***

259. ***MR JUSTICE WRIGHT: You went to him, I suppose?*** Yes, we recognised one another and then he said: "Oh, that telephone message, can you remember definitely what time you

actually received that message?" I said: "Well, 7 or shortly after". His reply was: "Cannot you get a bit nearer than that?" I said: and he said: "Well, it is important to me and I should like to know if you can get nearer to it than that", and I said: "I am sorry, I could not".

260. **MR JUSTICE WRIGHT: He said what?** Could I be more definite over the time? I said: "Seven or shortly after".

MR HEMMERDE: Did your Lordship get it? He said: "It is important to me".

261. **MR JUSTICE WRIGHT: No, I did not get that. He said: "Could I get nearer the time"?** Yes, could I be more definite.

262. **What else did he say?** "It is important to me to know what time you did receive the message".

263. **MR HEMMERDE: After you said you could not help him there, what did he say next? Did he say where he had come from?** Yes, he said he had just left the police. In the course of the conversation, he said: "I have just left the police; they have cleared me".

264. **What did you say to that?** I said: "I am very pleased to hear it, very pleased".

CROSS EXAMINED BY MR ROLAND OLIVER.

265. **First of all, with regard to the Club notice board, do you recognise that as a photograph of the notice that was on the board during January this year? (Same handed).** Oh, yes

266. **That is right?** Yes, it is quite authentic.

MR JUSTICE WRIGHT: What part of January?

MR ROLAND OLIVER: It is a notice for November, December, January and February, but it includes the month of January, and I will hand a copy up to your Lordship and have copies for the jury. Perhaps the jury could compare them.

MR JUSTICE WRIGHT: This must be made an Exhibit.

MR HEMMERDE: Yes, that will be Exhibit no 54, my Lord.

MR JUSTICE WRIGHT: This is an enlarged photograph?

MR ROLAND OLIVER: Yes, of one of the notices.

267. **Was your Chess Club divided into classes, class 1 and class 2 and was there a third?** Yes.

268. **Was Mr Wallace in class 2?** That was his class; I believe it is his class. Yes, that is the second-class championship.

269. **Was this a notice concerning the second-class championship that was going on during those months?** Yes.

270. **I find Mr McCartney and Mr Wallace were both in it and a Mr Chandler.** Yes.

271. **According to this, was not Mr Wallace posted on that board as being due to appear on January 19<sup>th</sup>?** Yes.

272. **What does the cross mean opposite the name? Does that mean he is not expected?** No, that is a blank date. When there is an odd number of players, there is a blank date on which he does not play.

273. ***So far as the notice is concerned, for the month of December, he was not due to appear after the 15<sup>th</sup>, but he was due to appear on the 5<sup>th</sup> January and again on the 19<sup>th</sup>?***  
Yes.
274. ***Any person using the Cafe who was interested in that information could see it?***  
Yes.
275. ***This board is quite near the door, is it not?*** Yes, quite public.
276. ***Plain for anybody who comes to the Cafe to see it?*** Yes, it is plain for the ordinary customer to see it.
277. ***You say it is a Club rule that you have got to start your match by a quarter to 8?***  
Yes, that is the Club rule.
278. ***What time are you supposed to start, at half past 7?*** No, not later than a quarter to 8. They might start earlier than that by arrangement but you cannot penalise anyone if they do not start before a quarter to 8.
279. ***That is good enough for me. You have got to start at a quarter to 8 you might start earlier?*** Yes.
280. ***I am interested in the voice that addressed you on the telephone on this particular evening. How much conversation did you have with it? Could you reproduce the conversation for us do you think?*** Yes, partly. I can give you an idea of the conversation.
281. ***The part I am interested in particularly is the part in which the voice told you about the business, whatever it was. Can you remember what the voice said about that?*** Yes. I told him that Mr Wallace was coming to the Club that night and he would be there shortly, would he ring up again. He said: "No, I am too busy; I have got my girl's 21<sup>st</sup> birthday party on and I want to see Mr Wallace on a matter of business; it is something in the nature of his business".
282. ***Something in the nature of his business coupled with a reference to his daughter?***  
That was the reason he was not able to 'phone Mr Wallace himself later that night because he was too busy with his girl's 21<sup>st</sup> birthday.
283. ***In addition to that, conversation, I suppose he spelt for you the name Qualtrough?***  
Yes, at my request.
284. ***And gave you the address?*** Yes.
285. ***And you had altogether quite a conversation with the voice?*** Yes, I should say so.
286. ***You used an expression in your evidence at the Police Court about the voice which you have not used today. You said a strong and gruff voice today?*** Yes.
287. ***At the Police Court, you said it was a confident and strong voice.*** That means it was not a hesitating voice in answer to some question.
288. ***MR JUSTICE WRIGHT: You used the words "It was a confident voice"?*** Yes, in answer to a question it was a confident voice, sure of himself.

MR JUSTICE WRIGHT: You never know what the question was in the Court below?

MR ROLAND OLIVER: No, my Lord.

289. ***MR JUSTICE WRIGHT: He says he was asked the question and he said it was a strong confident voice. (To the witness). Did you use strong confident as well?*** Yes.

MR ROLAND OLIVER: Yes, strong confident voice.

MR JUSTICE WRIGHT: You missed out “strong” just now.

290. **MR ROLAND OLIVER: Was it a hesitating voice that seemed to speak with difficulty?** No.
291. **So far as you can judge, was it a natural voice?** That is difficult to judge.
292. **I know it is, but did it occur to you it was not a natural voice at the time?** No, I had no reason for thinking that.
293. **Do you know Mr Wallace’s voice well?** Yes.
294. **Did it occur to you it was anything like his voice?** Certainly not.
295. **Does it occur to you now it was anything like his voice?** It would be a great stretch of the imagination for me to say it was anything like that.
296. **With regard to the conversation in the Chess Club when you went to give this message to Mr Wallace, I do not want to ask you for the whole of it because most of it we agree. Did Mr Wallace ever suggest to you that he did not know Menlove Avenue?** No.
297. **Menlove Gardens might be anywhere along Menlove Avenue, I suppose, to a man who did not know where it was?** Quite so.
298. **Do you know Menlove Avenue well?** Yes.
299. **We are told it is several miles long. Is that right?** Yes, it is 2 to 3 miles long I should say.
300. **I want to know what id demeanour was when you gave him this messaged in the Chess Club. First of all, was he playing a game of chess?** Yes.
301. **Did he appear to be interested in his game?** Yes, he was just thinking out the opening move.
302. **He did appear to be interested in it. I think you said absorbed in it at the Police Court?** I had to attract his attention.
303. **As a fact, the game lasted till 10 minutes past 10 that night?** I understand so, I am told so.
304. **Do you know whether he went out?** Yes, he did.
305. **You did not see him leave?** Oh, no.
306. **If it is right that the game went on to 10 past 10 it would mean he had a struggle for something like 2 and a half hours and then won?** Yes, quite.
307. **With regard to the consultation with Mr Deyes as to where Menlove Avenue was, was that a thing you volunteered to do yourself or was it a thing he asked you to do?** No. I did it quite by myself.
308. **There is only one other thing I want to ask you. With regard to the conversation you have spoken of on the evening of the 22<sup>nd</sup> January in Lord Street, when he came and spoke to you, which I do not differ from; but do you remember saying anything of this sort to him (in order that I might remind the jury) when you say he was asking you, pressing you if you could remember the time when you got the telephone message saying it was important to him, did you say anything of this sort to him: “Now, Mr Wallace, do not say anything about his trouble as anything you say might be misconstrued”.** Mr Wallace told me that the police had cleared him. I said: “I am very pleased to hear it”, and I said if you take my advice you won’t discuss the case any further because it is quite possible that a simple thing you say may be misconstrued.
309. **The substance of what I put to you is true?** Yes, quite.



310. **You do not know how long he had business with the police on the 21<sup>st</sup> or 22<sup>nd</sup>?** Oh, no.
311. **From your method of addressing him on this occasion, it looks as if people had suspected him. Do you know, had there been rumours about him when his wife was found killed? He was saying to you he had been cleared by the police and you were saying you were pleased to hear it and so on, and then you told him not to talk about it because what he said might be misconstrued.** It was only the working of my own mind having mixed with the general public and having heard varying expressions of opinion.
312. **You had mixed with the general public and you had heard varying expressions of opinion?** Yes.

RE-EXAMINED BY MR HEMMERDE.

313. **Can you tell me what these figures mean on this, second-class championship fixture? Why is there a different figure against each of these people?** You notice it is allotted out and there are dates and each player is given a number and his number then is placed in a date against another opponent. If you look down the first column, you will see that No 7 appears opposite No 2 and conversely No 2 appears against No 7 meaning that they must meet on that date.
314. **MR JUSTICE WRIGHT: Does that mean on the 19<sup>th</sup> January, No 6, that is the prisoner, would be meeting No 1, that is Mr Chandler? Is that it?** Yes, my Lord.
315. **Is that why you have got no 1 in the column over January 19<sup>th</sup> opposite the prisoner's name?** Yes, quite. That was the arrangement of the schedule when we drew it up.
316. **I asked the simple question, does that mean that he was playing with Mr Chandler that night?** Yes. According to our arrangement, he should have played with Mr Chandler that night.
317. **And he was playing with Mr McCartney?** Yes.
318. **That was no 4?** Yes, my Lord.
319. **MR HEMMERDE: You often find a number of these people do not turn up, I suppose?** Yes. They do not turn up and the dates have to be rearranged.

MR ROLAND OLIVER: He ought, according to the list, have played Mr McCartney on the 24<sup>th</sup> November and apparently, he had not, and this was a play-off because Mr Chandler was not there.

MR JUSTICE WRIGHT: Yes, it is obvious it is subject to variation. (To the witness). This was prepared somewhere in November.

THE WITNESS: In October, my Lord.

MR HEMMERDE: I can tell your Lordship now, there is no light fitted in that telephone box at all. The nearest light is 24 feet away.

MR JUSTICE WRIGHT: You can call the evidence.

MR ROLAND OLIVER: My informant apparently is misinstructed.

MR HEMMERDE: I am making no point of it. I simply wanted to be helpful.

MR JUSTICE WRIGHT: You can call the witness if you like.

MR ROLAND OLIVER: I do not want him.

MR HEMMERDE: My friend does not want him but we shall be calling him presently.

MR JUSTICE WRIGHT: Very Well.

**JAMES CAIRD SWORN. EXAMINED BY MR WALSH.**

320. ***Is your name James Caird?*** Yes.
321. ***You are a grocer and live at 3, Letchworth Street, Liverpool?*** Yes.
322. ***Are you a member of this Chess Club at the City Cafe?*** Yes.
323. ***Do you know the accused well?*** Yes.
324. ***You live actually within a few minutes of his house?*** Yes.
325. ***MR JUSTICE WRIGHT: How long have you known him?*** About 14 or 15 years.
326. ***MR WALSH: Do you remember going to this Chess Club on the 19<sup>th</sup> of January?*** Yes.
327. ***What time would you arrive there about?*** At about 25 minutes to 8.
328. ***What time did the accused arrive?*** I should think about a quarter to 8.
329. ***I understand that you asked him to play a game but he refused?*** Yes, that is so.
330. ***And he played a game with Mr McCartney?*** That is so.
331. ***A little later, did you go with Mr Beattie to speak to the accused?*** Yes, I did accompany Mr Beattie.
332. ***Did you hear Mr Beattie say anything to him?*** Yes, he said he had a message for him.
333. ***From whom?*** From somebody of the name of Qualtrough.
334. ***Did he say where he had got the message?*** Over the telephone.
335. ***Can you remember what the accused said in answer to it?*** Well, he was a second or two before he took any notice and then he looked up and said: "Qualtrough! I do not know anybody of that name".
336. ***Did Mr Beattie say anything then?*** Mr Beattie said: "Well, if you do not I do not".
337. ***MR JUSTICE WRIGHT: When he said: "I do not know anyone of that name", what was said then?*** Mr Wallace said he did not know anybody of that name and Mr Beattie said: "Well, if you do not I do not".
338. ***MR WALSH: Was there some discussion then as to where this address was?*** Yes.
339. ***Did you hear Mr Beattie say anything to the accused as to there it was?*** It was at Menlove Gardens, East.
340. ***Did you hear him say where Menlove Gardens, East, was or Menlove Avenue?*** He was trying to explain; he did not know where Menlove Gardens, East, was, but we knew it was in the Menlove Avenue district.

341. **Did you hear the accused say anything to Mr Beattie after that discussion and if so what did he say?** He said he had a tongue in his head and he could ask when he got in the vicinity in the district.
342. **That night you went home with the accused and a Mr Bethurn?** Yes.
343. **And you and the accused got off the car at Belmont Road?** Yes.
344. **And you walked towards home?** That is right.
345. **Did Mr Wallace say anything to you while going home?** He talked about winning the game that he had played with Mr McCartney and seemed very pleased at having done so.
346. **Did he say anything about this message that he had received?** Not until we got very close home.
347. **Then what did he say?** He said: "Qualtrough? Have you heard of that name before?" I said: "I have only heard of one person of the name of Qualtrough".
348. **Anything else?** Then we discussed about going out to Menlove Gardens East and I proposed that he should go on the bus from Queen's Drive, but he said he would take the most direct course and go into town and from there out to Menlove Avenue.
349. **Did he say anything else?** No, nothing else. I do not think there was anything else discussed that night.
350. **Did he say whether he was going to go?** No, he was not sure about going. He said if he did to that was the way he would go, but he was not sure about going at all.
351. **You saw the accused again a little later on the 22<sup>nd</sup> with Mr Beattie at the corner of Lord Street and North John Street?** Yes.
352. **Can you say what Mr Wallace said to Mr Beattie or what Mr Beattie said to Mr Wallace?**

MR HEMMERDE: We need not have that that is not really disputed.

MR ROLAND OLIVER: No. It has not been cross-examined about. I say at once, my Lord, having read the deposition many things are repeated which I shall not cross-examine to.

MR JUSTICE WRIGHT: You can watch for them as it goes along.

MR ROLAND OLIVER: If you Lordship pleases.

CROSS-EXAMINED BY MR ROLAND OLIVER.

353. **Do you know what time Mr Wallace finished his game that night or about what time?** Well, it would be about a quarter to 10 because I do not think he played another game afterwards. The Cafe keeps open to 10 or a quarter past and it was near the end.
354. **I am instructed it was nearly half past.** It may have been but I could not say about that.
355. **Did you notice anything wrong about his manager that evening?** Nothing whatever; he was just his usual self.
356. **You have known him for 15 years?** Yes.
357. **What sort of a man is he as known to you?** Wall, a man who is intellectual and varied in his habits of study and that sort of thing.
358. **With regard to his behaviour, is he a violent person or what?** Oh no, not at all, a placid man.
359. **Have you ever seen any signs of violent temper about him or anything like that?** Nothing whatever.

360. **Would it be right to describe him as a studious man?** Yes.
361. **You knew his wife, did you not?** Yes.
362. **And family?** Yes.
363. **Are his habits known to you scientifically?** Yes.
364. **He has some kind of laboratory fixed up in his house?** Yes, in the back room he had a chemical laboratory.
365. **Do you know that at one time or other he was giving lectures?** Yes, in the technical school in Byrom Street.
366. **And playing violin – music?** Yes, he was only a beginner at that.
367. **And chess?** Yes.
368. **How long had you known his wife?** Well, not quite that long.
369. **But a good many years?** Yes, years, as to how long I could not exactly say.
370. **Have you seen them often together?** Yes. I have met them many a time. I used to meet them in the Park and in the street.
371. **Would it be right to say so far as you know they were generally together when he was not a work?** Oh, yes.
372. **So far as their relations were concerned, they were happy?** Yes.
373. **So far, as you could observe?** So far as I could see.
374. **You have never seen anything to the contrary?** Nothing whatever.
375. **Let us come to the time when you saw a good deal of them. Last year he had to go to hospital, did he not, for a kidney operation?** Yes.
376. **Was he there for some time?** Yes.
377. **Was he an invalid for some time after he came out of hospital?** Yes.
378. **During that period of convalescence used you to go round and see them?** Yes, I did, on two or three occasions; I do not know how often.
379. **To play chess with him?** I have played chess with him but I do not think I did on this occasion.
380. **At any rate, you visited him and that was a recent as last year?** Yes.
381. **Were their relations still just the same?** Yes, quite good.
382. **Would it be fair to suggest that from your observation they were a devoted couple?** Yes.
383. **Would that be putting it too high? Use your own phrase?** Well, I should say they were a happy couple, a very happy couple.
384. **Did she appear to take an interest in his health?** Oh, yes.

RE-EXAMINED BY MR HEMMERDE.

385. **Can you tell us as to which of them seemed more interested in the other?** I should think it was about even.
386. **You think it was?** Yes.

JAMES EDWARD ROTHWELL, SWORN. EXAMINED BY MR HEMMERDE.

387. **Your name is James Edward Rothwell?** Yes.
388. **Are you Police Constable 206 G of the Liverpool City Police Force?** Yes.

389. **How long have you know the accused?** Approximately two years.
390. **You knew him as a collector for the Prudential?** Yes.
391. **He use to call at your home?** Yes, he did.
392. **Have you met him from time to time in the street?** Yes, from time to time in the street.
393. **On the 20<sup>th</sup> of January, last were you cycling in Maiden Lane?** I was.
394. **In uniform?** Yes, in uniform.
395. **About what time?** About 3.30 pm.
396. **Did you see the accused?** I saw the accused about 30 yards distant coming along Maiden Lane.
397. **How was he dressed?** He was dressed in a tweed suit, a light fawn raincoat, a mackintosh.
398. **MR JUSTICE WRIGHT: A raincoat?** Yes, my Lord.
399. **MR HEMMERDE: What was he doing? Did you notice anything about him?** His face was haggard and drawn and he was very distressed – unusually distressed.
400. **What signs of distress did he show?** He was dabbing his eye with his coat sleeve and he appeared to me as if he had been crying.
401. **Had you ever seen him like that before?** I have never seen him like that before.
402. **Were you quite close to him?** Quite close to him, I passed him.
403. **I think you simply continued on your duty?** I simply continued on and went to Anfield Police Station and thought no more about the matter at the time.
404. **Not until after you heard?** About the murder at 29, Wolverton Street.
405. **MR JUSTICE WRIGHT: You did not speak to him?** No, my Lord, I did not.
406. **MR HEMMERDE: Generally speaking, when you met him did you speak to him?** Yes, I do, just pass the time of day to him.
407. **But on this occasion, you did not?** No, I did not.
408. **Why was that?** I noticed his eyes were on the ground and I failed to attract his attention.

CROSS-EXAMINED BY MR ROLAND OLIVER.

409. **I understand he sometimes collected insurance premiums at your house?** Yes.
410. **You knew him as a collector?** Yes.
411. **And the time you saw him in Maiden Lane was half past 3 on the 20<sup>th</sup> of January?** Yes, that is right.
412. **This is a number of hours before the murder?** Yes.
413. **You did not take any notice of it until after you heard there had been a murder?** I did take notice of it when I seen him coming along the road.
414. **You did not say anything about it until after you heard there had been a murder?** Yes.
415. **After you heard about it, you made a report?** Yes, I made a report to my superior officers.
416. **I wonder if it occurred to you that your eyes could water in the cold. Has that ever happened to you?** Yes. It is quite possible.
417. **And you might rub them?** Yes, quite possible.

418. **He is rather a sallow complexioned man?** Yes.
419. **Do you know he was doing his work among his clients the whole of that afternoon right up to 6 o'clock?** He may have been.
420. **What I am suggesting to you is that you are mistaken in thinking that the signs you saw were signs of distress occasioned by committing a crime?** No, I do not think so.
421. **About his being distressed, you do not think you could be mistaken.** No.
422. **Although you never spoke to him?** He gave me that impression, as if he had suffered from some bereavement.
423. **Have you ever made a mistake in your life?** I daresay I have.
424. **If I were to call about 25 people who saw him that afternoon about that time or round about that time and they said he was just as usual, would you say you had made a mistake?** No. I should stick to my opinion.
425. **You would?** Yes.

MR ROLAND OLIVER: Then I shall have to call them.

**ALAN CROXTON CLOSE, SWORN. EXAMINED BY MR WALSH.**

426. **Is your name Alan Croxton Close?** Yes.
427. **You live at 51, Sedley Street, Anfield?** Yes.
428. **You are 14 years of age?** Yes.
429. **Do you live with your father who is a dairyman?** Yes.
430. **Do you take out milk?** Yes.
431. **Between half past 5 and half past 6?** Yes.
432. **Did you deliver milk at 29, Wolverton Street?** Yes.
433. **Did you know Mr Wallace and Mrs Wallace?** Yes.
434. **How long have you delivered milk at their house?** About 2 years.
435. **Do you remember the day that Mrs Wallace was murdered?** Yes.
436. **Did you deliver milk there that night?** Yes.
437. **What time?** Half past 6.
438. **How do you know that time?** When I passed Holy Trinity Church, it was 25 minutes past 6 and it takes me 5 minutes to get to Mrs Wallace.
439. **Can you say why you noticed the time 25 past 6?** I generally glance at the clock when I pass.
440. **When you delivered the milk who took it in?** Mrs Wallace.
441. **Your sure about that?** Yes.

CROSS-EXAMINED BY MR ROLAND OLIVER

442. **Just a little more detail about this. When you saw the Church clock, were you walking?** Yes.
443. **Your cycle we are told was broken?** Yes.
444. **So you had to walk?** Yes.
445. **When you said it usually takes you 5 minutes to get to Wolverton Street was that when you got a bicycle?** No.

446. ***You generally have a bicycle, do you not?*** Yes.
447. ***How often do you have to walk?*** When it is raining or when the bike is out of order.
448. ***When you passed the Church clock – we have been told where it is. It is just at the corner of Breck Road and Richmond Park – were you on your way to the dairy in Sedley Street?*** Yes.

MR ROLAND OLIVER: Your Lordship sees now why I had this scaled off.

MR JUSTICE WRIGHT: Yes, how did you go down the Richmond Road?

MR ROLAND OLIVER: Down Breck Road?

THE WITNESS: Go along Sedley Street and through the opening.

449. ***Where is your shop?*** In Sedley Street.
450. ***I want to take you carefully because this is very vital, absolutely vital.***

MR JUSTICE WRIGHT: Your shop is in Sedley Street, you say?

THE WITNESS: Yes, my Lord.

451. ***MR ROLAND OLIVER: May I take it at 6.25 when you pass the clock you walk down Breck Road, turn into Sedley Street and go into your shop?*** Yes.
452. ***Do you there get some fresh cans of milk?*** Yes.
453. ***And you would then start on a fresh round?*** Yes.
454. ***Along Sedley Street up Letchworth Street where you have got customers?*** Yes.
455. ***Turn to the left at the top of Letchworth Street into Richmond Park?*** Yes.
456. ***How many customers have you in Letchworth Street?*** One.
457. ***And how many in Richmond Park?*** One.
458. ***I suppose you have to ring at the bell?*** No, knock on the door.
459. ***And someone comes and opens it and takes the milk in?*** Yes.
460. ***Then you walk along into Richmond Park?*** Yes.
461. ***There you deliver the milk and go through the same process again I suppose?*** No, put two bottles in the garden.

MR JUSTICE WRIGHT: You go up Letchworth and turn to the left to Richmond Park? Yes.

462. ***MR ROLAND OLIVER: And up the entry to Wolverton Street?*** Yes.
463. ***There is a narrow entry which turns to the right and goes up like that?*** Yes.
464. ***Let us see what you have done since you passed the clock at 6.25. You have covered a distance of 500 yards and you have been to the shop. Do you put away your empty cans?*** Yes.
465. ***Where do you put them?*** Leave them on the counter.
466. ***Then pick up fresh cans, walk down this street and make the delivery in Wolverton Street?*** Yes.
467. ***Do you really say you did that in 5 minutes?*** Yes, I have been over the ground with two detectives and it took me five minutes.
468. ***Doing all the same things?*** Yes.
469. ***When did you do that?*** Just after.

470. **MR JUSTICE WRIGHT: Last January, do you mean?** After January, my Lord.
471. **You passed the Church and you were going down Breck Road and then you turned into Sedley Street and you go to your shop. Where about is that?** About the middle.
472. **You do not make any delivery in Sedley Street?** No.
473. **Then you go to Letchworth Street and deliver some there?** Yes.
474. **Then you go into Richmond Park, that is turning to the left?** Yes.
475. **Then you go back, I suppose and go up to Wolverton Street?** Yes.
476. **Do you deliver to the front or the back?** The front.
477. **Then you go up to Wolverton Street by a little back passage. Is that it?** Yes.
478. **So you traverse that ground and make two deliveries on the way, one in Letchworth Street and the other in Richmond Park. Whereabouts in Richmond Park is your customer?** Just at the corner by the entry when you are passing Letchworth Street at the entry.
479. **You pass by a little back passage which takes you up to Wolverton Street?** Yes.
480. **And in passing up that, you deliver the milk at this house?** Yes.
481. **MR ROLAND OLIVER: When you are doing your round in the ordinary way do, you always walk as fast as you can?** Not always.
482. **If you see any friends in the street, do you sometimes have a chat with them?** Not often.
483. **MR JUSTICE WRIGHT: Did you meet anybody that day?** I met a girl and said: "Hullo" that is all.
484. **MR ROLAND OLIVER: You met Elsie Wright in Letchworth Street?** Yes.
485. **Did you pass the time of day with her?** No, only just said: "Hullo".
486. **MR JUSTICE WRIGHT: You did not stop?** Yes.
487. **MR ROLAND OLIVER: It was Elsie Wright?** Yes.
488. **If Elsie Wright says that the time was then something like 20 to 7 you would not agree with her. Is that right?** No sir.
489. **Do you know the Belmont Institute?** Yes.
490. **Do you know the bells of it when they ring?** Yes.
491. **Did you hear them ring that night?** No.
492. **What time do they ring?** Well, 5 to 6 I think.
493. **Was there any half past 6 service that evening?** I did not hear any.
494. **Do you know a boy named Wildman?** No.
495. **Do you remember this, that as you stood on Mrs Wallace's doorstep was there a paperboy delivering papers at the next house?** I do not remember.
496. **Do you go to the Collegiate School?** Yes.
497. **Would you have your Collegiate School cap on that evening?** Yes.
498. **When Mrs Wallace spoke to you when you gave her the milk – I suppose she took the milk in at the door?** Yes.
499. **Did she go into the house leaving you standing there?** No. I knocked at the door and left it and went to Mrs Johnston and when I came back, she had taken it in.
500. **MR JUSTICE WRIGHT: You never saw her then?** I saw her when she came back.
501. **You say you knocked at the door and left it on the step and went somewhere else, that was next door?** Yes.
502. **And then you say you came back to pick up the can?** Yes.



503. **MR ROLAND OLIVER: You leave it in the cans?** Yes.
504. **She takes it in, empties the can and either hands you the can back or puts it down outside.** She gave it to me back.
505. **Into your hands?** Yes.
506. **That is what I thought?** Yes.
507. **MR JUSTICE WRIGHT: Then you saw her when she gave it to you back?** Yes, my Lord.
508. **Did she tell you to hurry up home because you had a cough?** Yes.
509. **And did she not say she had one too?** I do not remember.
510. **She might have?** She might have.
511. **I suppose the next day your heard of the murder, did you not?** Yes.
512. **You did not go at once to the Police, did you?** No.
513. **We have got now to the 21<sup>st</sup>. On the evening of the 21<sup>st</sup> did you have a conversation with the girl, Elsie Wright?** Yes.
514. **Were there also there another boy names Metcalf?** Yes.
515. **And someone called Caird?** Yes.

MR JUSTICE WRIGHT: A boy?

MR ROLAND OLIVER: Yes, my Lord.

516. **That is right, is it not, he is a boy?** Yes.
517. **I want you to try and remember, if you will, a conversation that took place then. Did the boy Metcalf when you went up to the group say: "You ought to go and tell the Police you were at Wallace's".** Yes.
518. **Did he ask you this: "What time were you there"?** I do not remember.
519. **Just try and remember, will you? Perhaps this next thing will bring it back to your mind. Did you say: "At a quarter to 7"?** No, sir.
520. **Think. I suggest to you, in the presence of Kenneth Caird, Elsie Wright and this boy Metcalf, you said that you were there at a quarter to 7?** No, between half past 6 and a quarter to 7.
521. **Did you say that?** I think so.
522. **You were there between half past 6 and a quarter to 7. That was true, was it?** Yes.
523. **Why have you sworn today you were there at half past 6?** Well, I was not sure then.
524. **Why are you sure now?** Because I have been over the ground and it has taken 5 minutes to cover that ground and that added to 25 past 6 makes it half past.
525. **When did you think that?** Later on.
526. **But when?** The following Sunday.
527. **Since you gave evidence before?** No.

MR JUSTICE WRIGHT: No, the following Sunday, the Sunday after the 22<sup>nd</sup> or the 23<sup>rd</sup>. That is what he says.

MR ROLAND OLIVER: I cannot catch everything he says because he is so indistinct.

MR JUSTICE WRIGHT: Yes, it is a difficulty to everybody.

528. **Did Metcalf come and persuade you to go to the Police?** One of them did.

529. **Did Elsie Wright or Metcalf go with you to the police at the house?** Yes.

MR JUSTICE WRIGHT: Where was that?

MR ROLAND OLIVER: At the house in Wolverton Street.

530. **I think you had been there before that afternoon with Elsie Wright to see if they wanted any milk there?** Yes.

531. **And when you got to the house did the policeman say to you: "What, you again?"**  
No, he said he did not want any.

532. **That was the first time but when you went back with Elsie Wright and Metcalf was the door opened by a policeman?** Yes.

533. **Did he say to you: "What, you again?"** No, I do not think so.

534. **Never mind; it does not matter very much. I must put this to you quite seriously as I may be allowed to call evidence about it: that you in the presence of those other boys and that girl that evening said that it was a quarter to 7 when you were at Mr Wallace's. Now you think hard. Is not that right? (A pause).**

MR JUSTICE WRIGHT: What do you say about it? Do not shake your head. Perhaps he is tired.

MR ROLAND OLIVER: I do not want to distress or bully him.

535. **Are you feeling all right?** Yes.

536. **Will you just apply your mind to what I put to you? Did you not say to those other boys and girls that night that you took the milk to Mrs Wallace at quarter to 7?** No, between half past 6 and a quarter to 7.

537. **It has taken you a long time to answer. You were not feeling ill, were you?** No.

MR JUSTICE WRIGHT: He shook his head several times and could not bring himself to speak.

538. **MR ROLAND OLIVER: Do you remember, still on the question of the quarter to 7, the boy Metcalf saying this to you: "The Police ought to know because in the papers it said Mr Wallace went out at a quarter past 6 and if you saw her at a quarter to 7 the people could not think Mr Wallace had done it".** No.

539. **Do you say you cannot remember or he did not say it?** I am sure he did not say it.

540. **Nothing like it? You see what I am putting to you. He said: "It is important you should tell that the police because it is said in the papers Mr Wallace went out at 6.15 and if that is so people could not say he had done it"?** No.

541. **Are you prepared to swear he did not say that?** No.

542. **He did not say it?** No.

543. **Nothing like it?** He persuaded me to go to the police.

544. **Yes, but do not you remember the newspapers had said quite wrongly Mr Wallace went out at 6.15?** No.

545. **You do not remember that?** No.

546. **Are you sure then that nothing of that sort was said?** I cannot swear to it.

547. ***That is quite honest. You may have forgotten. Can you remember you put your thumbs in your waistcoat like that? (Illustrating) and said: "Well, I'm the missing link"?***  
No.
548. ***Nothing like that?*** No, sir.
549. ***You have said they were present and persuaded you to go to the Police. What I am putting to you is this, that you were rather reluctant to go to the Police?*** Well, naturally.
550. ***And you said you were the missing link?*** No.
551. ***MR JUSTICE WRIGHT: You say you were reluctant to go?*** No.
552. ***MR ROLAND OLIVER: He said naturally he was reluctant?*** No, naturally I was not reluctant.
553. ***If they were to say, you used that expression that is quite wrong is it?*** Yes, sir.
554. ***Have you ever used such an expression?*** I do not think so.
555. ***"The missing link"?*** No.
556. ***It is a funny thing to invent, do not you think?*** Yes.
557. ***Do not answer carelessly. Just think if during that evening you did not use that expression?*** No, sir.
558. ***Nobody is saying it is very wicked if you did. I am only trying to find out what you did say.*** Well, I did not say it.
559. ***You swear you did not?*** Yes, sir.

RE-EXAMINED BY MR HEMMERDE.

560. ***Did you know that it was said in the papers that the prisoner had left at 6.15?*** Yes.
561. ***You knew that?*** Yes.
562. ***I suppose you know whether it was 6.30 or 6.45. That was after 6.15?*** Yes.
563. ***Are you quite clear you remember seeing the clock 6.25 before you went to the dairy on your way there?*** Yes.
564. ***When you went to the Police, I think you said you went over the ground again with them?*** Yes.
565. ***To see how long it took you?*** Yes.
566. ***Did you do that more than once?*** Yes.
567. ***Do you remember giving evidence at the Police Court on the 20<sup>th</sup> February this year?*** Yes.
568. ***Do you remember how long before it was that you went with them, I think for the second time?*** Not long. I think it was about two days before.
569. ***I think you may take it from me it was the day before. Who did you go with then?***  
Inspector Gold and Sergeant Bailey.
570. ***Had you previously been over the ground with another officer?*** Yes.
571. ***And another gentleman?*** Yes.
572. ***Was it about the same time you took?*** One-minute difference.
573. ***What were the two times you took?*** Six minutes and five minutes.
574. ***When you go back to the dairy and put in your old cans, are the fresh cans ready for you?*** They were that evening.
575. ***You remember them being so that evening?*** Yes.

576. ***In going over the ground, have you tried to do similar things, taking cans in, getting fresh cans and calling at the same houses?*** Yes.
577. ***And trying to stop the same time at each house?*** Yes.
578. ***And as far as you can gather from those two tests, one was 5 minutes and the other was 6 minutes?*** Yes.
579. ***Which one was 6 minutes?*** The first one.
580. ***And the second time you did it a bit quicker?*** Yes.
581. ***Until you had timed it in this way had you any idea how long it took you?*** About 7 or 8 minutes.
582. ***You thought so. How often do you walk the ground?*** Every time it rains or the bike is out of order.
583. ***Was there anything in particular that made you notice the clock that night?*** No, sir.
584. ***Were you early or late that evening?*** Late.
585. ***What time do you generally finish your work?*** I should finish about half past 6.
586. ***How late did you finish that night?*** About 20 to 25 minutes late.
587. ***So you were anxious being late?*** Yes.

**JOHN PATTERSON SWORN. EXAMINED BY MR WALSH.**

588. ***Is your name John Patterson?*** Yes.
589. ***You are a clock winder employed by Messrs Condliffe & Co, 93 Dale Street, Liverpool?*** Yes.
590. ***And live at 29, Settrington Road, West Derby?*** Yes.
591. ***And is it part of your duty to regulate and wind the clock at Holy Trinity Church, Breck Road?*** Yes.
592. ***Do you do that every Friday?*** Yes.
593. ***You did those duties last January, on Friday, the 16<sup>th</sup>?*** Yes.
594. ***Did you then regulate and set the clock correctly?*** Yes.
595. ***When you went on the 23<sup>rd</sup>, that would be the following Friday, was the clock right?*** Yes.
596. ***It did not need any regulation?*** No, sir.

MR ROLAND OLIVER: No question.

**THOMAS CHARLES PHILLIPS SWORN. EXAMINED BY MR HEMMERDE.**

597. ***Is your name Thomas Charles Phillips?*** Yes.
598. ***Are you a tram conductor in the employ of the Liverpool Corporation living at 44, Elaine Street, Liverpool?*** Yes.
599. ***On the 20<sup>th</sup> of January last did you leave the Smithdown Road Tram Depot with our car, No 229, at 5.04.*** Yes.
600. ***Going to the Pier Head via Wavertree?*** Yes.
601. ***After leaving the Pier Head, did you go to Wavertree as a No 4 car?*** Yes.

602. **And on that route did you pass the junction of Lodge Lane and Smithdown Lane?**

Coming round with the No 5, yes.

603. **Were you engaged that night on this route?** Yes.

604. **Do you remember what time you left Lodge Lane?** As near, as I can say it would about 7.06 or 7.10.

605. **What is your schedule time there?** 7.01.

606. **You were running late?** Yes.

MR JUSTICE WRIGHT: At the junction of Smithdown Lane and Lodge Lane is where he was?

MR HEMMERDE: Yes, my Lord, Smithdown Road and then you get to Lodge Lane.

MR JUSTICE WRIGHT: He does not go down Lodge Lane, he merely crosses it.

MR HEMMERDE: Yes my Lord.

607. **You cross the junction?** Yes.

608. **Then you go down Smithdown Road towards Penny Lane?** Yes.

609. **Up to where Penny Lane crosses. Is that right?** Yes.

610. **At that time, were cars running rather late because of the subsidence in Dale Street?** Yes.

611. **The road had given way?** Yes.

612. **And the traffic was diverted?** Yes.

613. **Do you remember that evening having a conversation with the accused?** Yes.

614. **Was that before you started or after you had started from Lodge Lane?** Before and afterwards.

615. **Both?** Yes.

616. **Before you started what did he say to you?** He asked me if the car went to Menlove Gardens East and I said: "No, you can get on No 5, 5A, 5W or a No 7 car."

617. **Did you tell him what he had better do?** After I told him about the cars he could take I suddenly changed my mind and told him to keep on my car and told him I could give him a penny ticket for the transfer.

618. **MR JUSTICE WRIGHT: That means it would take him up to Penny Lane?** Yes, my Lord.

619. **MR HEMMERDE: Then he gets a transfer and walks across to the other tram?** Yes.

620. **From there he gets the tram up Menlove Avenue towards Calderstone. Is that right?** Yes.

621. **When you told him that, did he get on the car?** Yes.

622. **What did he say to you?** He says that he was a stranger in the district and that he had come important business or calls – I am not sure whether it was business or call, it was important business or calls – and he wanted Menlove Gardens East.

623. **Did he then take a seat in the car?** Yes.

624. **A little later, did you get to collect your fares?** Yes.

625. **And did he again say something to you?** Yes, he asked me again about Menlove Gardens East.

626. **Do you remember the exact words he said then?** I think he said: "You won't forget, Mister, I want Menlove Gardens East".

627. **I think you punched him a penny ticket and went on to collect fares?** Yes.

628. **When you came down again did he speak to you again?** Yes. He said something to me again about Menlove Gardens East and I told him to change at Penny Lane.
629. **That was the third time he had spoken to you?** Yes.
630. **When you got to Penny Lane what did you do?** I shouted: "Menlove Gardens change here" and I looked around and saw him on the No 7 car in the loop heading for Calderstone and I told him if he hurried, he would get that car. There was a No 5 coming down and I shouted to him: "Either that one or the one in the loop".
631. **Either would go there?** Yes.
632. **And you saw him go towards the Calderstone Car?** Yes.
633. **MR JUSTICE WRIGHT: You saw him go towards No 7 car?** Yes.
634. **And lost sight of him?** Yes, my Lord.

CROSS-EXAMINED BY MR ROLAND OLIVER.

635. **About that time. You say your car was running late that night?** Yes.
636. **Have you any means of knowing how late you were?** Only by the business.
637. **On the Wavertree side during the vacation of Dale Street, during that time, you went via Cross Hall Street and sometimes you were turned into Church Street and with the congestion of the traffic, it would always delay you anywhere from 5 to 10 minutes?** Yes.
638. **You do not keep any record in writing of what the delay is?** No.
639. **You might have to; that is why I am asking, but you do not as a matter of fact have to?** No.
640. **You simply guess, that is what it comes to. From your general recollection of the traffic, you probably were what, 5 minutes late?** It all depends which car it is and where you were running.
641. **MR JUSTICE WRIGHT: On this day, you give yourself something like 5 to 9 minutes late. You have a scheduled time and you say you get to Lodge Lane about 7.06 or 7.10, that is 5 to 9 minutes.** Yes.
642. **But you have no record?** No, but the inspector perhaps can tell you.
643. **MR ROLAND OLIVER: I daresay he can, but can you tell us?** No.
644. **How long does it take to get from Lodge Lane to Penny Lane?** Ten minutes.
645. **So that if you were as late at 7.10 you would not have got to Penny Lane till 7.20 in the ordinary way?** If I left at 7.10 probably or perhaps a little before.
646. **I am suggesting 10 minutes is about right?** That is the time we are allowed.
647. **Do you know that your brother conductor, Arthur Thompson – you know him, I suppose?** Yes.
648. **– Has said, and I suppose will say again, that the accused was on his tram at 7.15.** this is very easily explained.
649. **There are many explanations but he could not have flown from Smithdown Lane to Penny Lane and change and get on to another tram in 5 minutes, could he?** I daresay the car would go down quicker than 10 minutes especially if there is no traffic because the car could proceed much quicker.
650. **You are not to argue the case. You are going to help me find out the truth, are not you?** Yes.

651. **You say 10 minutes is the ordinary time and you say there was congestion in the traffic and you were 10 minutes late?** Yes.
652. **If your brother conductor says, he was on his tram at 7.15 it must have been something, 7.05 or 7.06, after you left the first place?** Somewhere near that time.

MR ROLAND OLIVER: We are only trying to fix things. I am not attacking you in any way.

RE-EXAMINED BY MR HEMMERDE.

653. **When you talk about congestion, do you mean congestion in town or congestion out in the Menlove Avenue district?** Congestion in Town.
654. **You are made late by the roads in Town, but there is nothing to prevent your car getting along afterwards?** No.

MR ROLAND OLIVER: If my friend is going to put that kind of leading question upon my cross-examination, he is putting the answer into his mouth.

MR JUSTICE WRIGHT: Yes, I think you are quite right. The note I have made is, the congestion was in the Town.

MR ROLAND OLIVER: Yes, my Lord.

655. **MR HEMMERDE: What is the routine here when you reach certain points? Is there any inspector that notes the time you arrive or leave?** You get stamped off at Penny Lane at one end of the journey and stamped off at the Pier Head, that is the other end of the journey.
656. **Where is Portman Road?** About the fourth stop down on the left-hand side of Smithdown Road from Lodge Lane.
657. **How long would it take you to get down from Lodge Lane to Portman Road?** I should say 3 to 5 minutes.

MR HEMMERDE: Portman Road, your Lordship, is some 20 yards up just past Smithdown Road, just following Smithdown Road.

MR JUSTICE WRIGHT: Yes, I see. It is not a very striking place.

MR HEMMERDE: No, my lord, but that happens to be a stop.

THE WITNESS: That is so.

658. **Did an inspector get on there, do you remember?** No, I think he would get on somewhere round Lodge Lane.
659. **Would you mind looking at that paper? (Same handed).** Yes.

MR HEMMERDE: My Lord, what I want to put to him is the document signed. Would your Lordship just look at it?

MR JUSTICE WRIGHT: Yes. (Same handed).

MR ROLAND OLIVER: If my friend has got an entry that someone or other was at Portman Street at 7.10 I am content. I do not want to object to it.

MR HEMMERDE: That is what he says and I am trying to show he is right. He says 3 or 4 minutes.

MR JUSTICE WRIGHT: You had better look at this.

MR ROLAND OLIVER: I have said I will accept it.

MR JUSTICE WRIGHT: This is your signature for the purpose?

THE WITNESS: Yes, my Lord.

660. ***That says: Number of car, 229. Whose car is that?*** My car.
661. ***Then there is something I cannot read.*** Earl Road.
662. ***Yes, and then there is Portman.*** That is where the inspector gets on.
663. ***He joined the car at Earl Road and left it at Portman Road and there is the time, 7.20. Was that when he got off?*** Yes.
664. ***At Portman Road?*** Yes.

MR JUSTICE WRIGHT: That shows he got to Portman Road at 7.10.

MR HEMMERDE: That is 3 or 4 minutes from Lodge Lane.

MR ROLAND OLIVER: It makes no difference to me whether the tram started at 7.06 or 7.10, I am content with that.

MR JUSTICE WRIGHT: I shall say it left Portman Road at 7.10 and it was about what from Lodge Lane?

THE WITNESS: Four minutes from Lodge Lane.

MR JUSTICE WRIGHT: That agrees with our first figure, 7.06.

MR HEMMERDE: Yes, my Lord.

MR JUSTICE WRIGHT: That agrees with the other figure 7.15 for all practical purposes?

MR HEMMERDE: Yes, my Lord.

**ARTHUR THOMPSON SWORN. EXAMINED BY MR WALSH.**

665. ***Your name is Arthur Thompson?*** Yes.
666. ***You are a tram conductor in the employ of the Liverpool Corporation?*** Yes.
667. ***An you live at 16 Arnold Road, Wavertree, Liverpool?*** Yes.
668. ***On the 20<sup>th</sup> of January what time, did you leave the Smithdown Road Tram Depot?***  
At about 9 or 10 minutes past 7.
669. ***You went down to Penny Lane?*** Yes, I went down to the tram terminus at Penny Lane.
670. ***What time would you arrive there?*** I arrived there at 13 minutes past 7.
671. ***Do you there report to the Inspector on duty?*** Yes.
672. ***Then you board a tramcar, 5A, going to Calderstone?*** Yes.
673. ***At what time?*** It was quarter past 7.
674. ***Was there anyone sitting on the tramcar?*** Yes, there were several passengers on the car.
675. ***Did one of them speak to you?*** A passenger sitting on the left-hand side of the car spoke to me just after leaving Penny Lane.
676. ***Can you recognise that passenger?*** I believe it is the accused.
677. ***What did he ask you?*** Whether I would put him off at Menlove Gardens East.
678. ***When the car arrived at Menlove Gardens West, what did you do?*** I beckoned to the prisoner and he came to the platform and I pointed out Menlove Gardens West to him



and said: "That is Menlove Gardens West; you will probably find the street you want, Menlove Gardens East is in that direction" and I described it as well as I could and as well as I knew the vicinity.

679. **When you described it, what did he say?** "Thank you, I am a complete stranger round here".

CROSS-EXAMINED BY MR ROLAND OLIVER.

680. **You say you boarded your tram about 7.15?** Yes, 7.13 at Penny Lane and I had to wait about 2 minutes.

681. **You did not look at a watch, I mean, to take any particular time?** I looked at the clock at 7.30. Within a minute of that?

682. **MR JUSTICE WRIGHT: That was at Penny Lane terminus?** Yes, that was at the terminus before the car arrived.

683. **MR ROLAND OLIVER: Then when your car arrived you had to get that way?** Yes.

684. **And he was already sitting on it?** I could not say he was sitting on it then but he was on it when we left the terminus.

685. **Was the car you drove the same car that the last witness drove?** No.

686. **It was a different car?** Yes.

687. **The reason why I ask was because it continues up. As long as I have got it clear. He was already in your car when you saw him and had to change?** Yes.

688. **MR JUSTICE WRIGHT: Your car was 5A?** Yes, my Lord, going to Calderstone, the other car had turned round to Church Road that he had got off.

RE-EXAMINED BY MR HEMMERDE.

689. **Some of the cars run straight through and on some you have to change?** Yes.

690. **It depends on the number?** Yes.

KATIE MATHER SWORN. EXAMINED BY MR WALSH.

691. **Are you Katie Mather?** Yes.

692. **Are you the wife of Richard Mather?** Yes.

693. **You live at 25 Menlove Gardens West?** Yes.

694. **Do you remember the evening of the 20<sup>th</sup> January?** Yes.

695. **Was there a knock at your front door?** No, a ring.

696. **I see, a ring, and you went to the door and saw a tall, slight man?** Yes.

697. **He asked you for something and then went away?** Yes.

MR ROLAND OLIVER: I do not object to my friend asking what it was.

698. **MR WALSH: What did he ask?** He asked if a man of the name of Qualtrough lived there and he asked me if that was Menlove Gardens East.

699. **MR JUSTICE WRIGHT: I suppose you said no?** Yes, my Lord.

700. **Did he ask you anything more?** He asked me if a man named Qualtrough lived there.
701. **And you said no?** Yes.
702. **And he went away?** Yes.

CROSS-EXAMINED BY MR ROLAND OLIVER.

703. **Is that a fairly newly built district?** Yes.
704. **Is there not building going on there still?** Do you mean in the actual Gardens?
705. **Anywhere round about?** Yes.
706. **They are building houses now?** Yes.
707. **Are you making fresh streets?** Fresh streets with names I do not know just round the corner.
708. **MR JUSTICE WRIGHT: Built houses?** Yes.
709. **And given them names which you do not know?** Yes.

SIDNEY HUBERT GREEN SWORN. EXAMINED BY MR HEMMERDE.

710. **Is your name Sidney Hubert Green?** Yes.
711. **You are a clerk living at 16, Towers Road, Wavertree, Liverpool?** Yes.
712. **On the 20<sup>th</sup> January, last did you leave home?** Yes.
713. **What time was it?** Ten past 7.
714. **Did you proceed down Menlove Gardens West?** Yes.
715. **I think there you were accosted by a gentleman?** Yes.
716. **Do you recognise him?** Yes.
717. **Where is he?** There (Pointing to the prisoner).
718. **What did he ask you?** Whether I could tell him where Menlove Gardens East was.
719. **How soon after you, left home was this?** About 3 minutes.
720. **MR JUSTICE WRIGHT: Where is your place?** Off Woolton Road, a short distance away.
721. **What is the road where you live?** Towers Road. It is the top of Woolton Road.

MR HEMMERDE: I do not think it is of any importance, my Lord.

722. **MR JUSTICE WRIGHT: No, Anyhow it took you about 3 minutes to get to Menlove Gardens West?** Yes, my Lord.

MR HEMMERDE: Your Lordship will see it about 3 inches above the top right circle bearing slightly to the left.

MR JUSTICE WRIGHT: Yes, I see it now.

723. **MR HEMMERDE: You think he spoke to you then?** Yes.
724. **He asked you where Menlove Gardens East was.** Yes.
725. **What did you tell him?** That there was no such place.

726. **What did he say to you?** He told me he had been asked to call at No 26 Menlove Gardens East, I think it was.
727. **You do not know which of them he said. Did he tell you what he would do?** He left me and said he would try No 26 Menlove Gardens West.
728. **Whatever the number was?** Yes.
729. **And then I think he said "Good night" and left you?** Yes.

CROSS-EXAMINED BY MR ROLAND OLIVER.

730. **Are you confident it was 10 past 7 you left your home?** Yes.
731. **Exactly that?** Yes.
732. **It would take you 10 minutes to walk to where you met him?** Yes.
733. **And you met him at 10 past 7?** Yes.
734. **If he was sitting on a tramcar at Penny Lane at a quarter past 7 that could not be right?** No.
735. **How far away is Penny Lane?** I should say three-quarters of a mile.
736. **Did you take any particular notice of this interview at the time?** No, not at the time.
737. **With regard to what you said to him, may you have said: "I do not know the place" or "There is not such a place"?** Yes, it is possible.

RE-EXAMINED BY MR HEMMERDE.

738. **What was it you thought you did say?** I told him there was no such place.
739. **Do you know that district well?** Very well.
740. **And you told him that?** Yes, that is what I think I told him.
741. **MR JUSTICE WRIGHT: what made you say it was 7.10; what made you notice the time?** I was going to keep an appointment and I know the time I left home and I know the time I boarded the car at Penny Lane.

JAMES EDWARD SERJEANT, SWORN. EXAMINED BY MR HEMMERDE.

742. **James Edward Serjeant, you are Police Constable 229 F of the Liverpool City Police?** Yes.
743. **On the 20<sup>th</sup> January, were you on duty round about Menlove Gardens and Green Lane?** Yes.
744. **Do you remember what time you left the Allerton Police Station?** 7.40.
745. **The Allerton Police Station is in the extreme lower corner of plan No 16. You left at 7.40 and did you cross over to the junction of Green Lane and Allerton Road?** I did.
746. **When you were there, did someone come up to you?** Yes.
747. **Who was that?** It was the accused.
748. **What did he ask you?** He said: "Do you, or can you tell me of Menlove Gardens East?" I said: "There is no Menlove Gardens East; there is a Menlove Gardens North, South and West". He said: "I have been to Menlove Gardens West No 25. The person I am looking

for does not live there and the numbers are all even”, and I suggested to him he should try 25 Menlove Avenue. He said: “Whereabouts is it”? I said: “In the second or third block”. He said: “Thank you” and turned as if to go away and said: “Do you know where I can see a directory”? I said: “Yes, you can see one down Allerton Road or if you do not see on down there you can see one down at the Police Station” which I pointed out to him.

749. ***Or at the Post Office?*** Or at the Post Office.

750. ***Had he said anything to you about who he was?*** He said:” I am an insurance agent looking for a Mr Qualtrough who rang up the Club and left a message for me to my colleague to ring Mr Qualtrough up at 25 Menlove Gardens East”.

751. ***Was anything said about the time?*** Yes. He then said: “It is not 8 o’clock yet” and pulled out his watch. I also did the same. He said: “It is just a quarter to”. I glanced at my watch and said it was a quarter to. He then left and walked across down Allerton Road. I did not see the accused afterwards.

CROSS-EXAMINED BY MR ROLAND OLIVER.

752. ***This conversation is a little important. Is this what happened at the end of the conversation: “Is there anywhere I can see a directory”?*** I beg your pardon.

753. ***Near the end of the conversation, did he say to you: “Is there anywhere I can see a directory”?*** Yes.

754. ***And did you say “Yes, at the Police Station”?*** At the Post Office or the Police Station.

MR JUSTICE WRIGHT: That is not the order in which you gave your evidence before.

MR ROLAND OLIVER: I said at the end of the conversation, my Lord.

MR JUSTICE WRIGHT: It was after he had turned away and then turned back again. Is that what you mean?

THE WITNESS: That is correct.

755. ***It was after you said something about 7.45?*** that was before he left me.

MR ROLAND OLIVER: I am challenging that, my Lord.

MR JUSTICE WRIGHT: “At the end of the conversation” means after he had turned away.

THE WITNESS: Yes, my Lord.

756. ***MR ROLAND OLIVER: “Is there anywhere where I can see a directory”. Was that after he had turned away or earlier?*** That was after he had turned away.

757. ***Yes?*** “Can you tell me where I can see a directory” are his correct words.

758. ***And you said: “At the Post Office or the Police Station”?*** Yes.

759. ***Did you show him where the Post Office was?*** No, I pointed down the street.

760. ***Or the Police Station pointing back over the bridge?*** Yes.

761. ***The Jury can see it. Did he then say: “It is not 8 o’clock yet”?*** Yes.

762. ***That would mean the Post Office would still be open, would it not?*** I do not know what he meant by it.

763. ***Is it the fact that the Post Office would be open till 8?*** Not that I am aware of.

764. **When does it shut?** Seven I believe.
765. **This was long after 7?** Yes, I know. I am not sure whether it shuts at 7 or 8 o'clock.
766. **At any rate, whenever it does shut, he said: "It is not 8 o'clock yet" and looking at his watch he said: "It is a quarter to". Is that right?** Yes.
767. **And he was right?** Yes.
768. **MR JUSTICE WRIGHT: When you gave your evidence a minute ago after mentioning the Post Office or the Police Station, you gave evidence that he said something about who he was and what he was doing?** Yes, my Lord.
769. **Before you referred to 8 o'clock?** That is correct.

MR JUSTICE WRIGHT: that is what I understood learned Counsel was challenging.

MR ROLAND OLIVER: I am not quite sure that I follow that.

MR JUSTICE WRIGHT: This was the order: "He turned away and he then turned back again and asked where he could see a directory. I told him he could see one at the Post Office or the Police Station and he then said: 'I am an insurance agent and was looking for a Mr Qualtrough who had rung up the Club and left a message'. He then said: 'It is not 8 o'clock, must be a quarter to 8 and pulled out his watch'".

770. **MR ROLAND OLIVER: Is that the correct order?** Yes, that is the correct order.
771. **Did you make any note?** No.
772. **So it is only your recollection?** Yes.
773. **I suppose your recollection was fresher when you gave evidence on the 20<sup>th</sup> February that it is today?** Just the same.
774. **Did you give the things in their right order on the 20<sup>th</sup> February?** Yes, I did.

**Let me read what you said then: "At 7.40 pm I left Allerton Road Police Station" etc, (reading to the words) "I also did the same. He said it was just a quarter to. I saw that was the correct time". You observe at the Police Court the order in which you put things is long before he had turned away.**

775. **MR JUSTICE WRIGHT: It is not the order in the Police Court. According to this, he had said all he did say about Qualtrough then and being an insurance agent and so on before he had, as you say, half turned away. Then when he spoke to you, again, he spoke about the directory and you told him about the time?** That was afterwards, my Lord.
776. **What was?** After he turned back again.
777. **I know, but you are being asked by Mr Roland Oliver when he mentioned about being an insurance agent and about having a telephone message from a man called Qualtrough?** That was after he had asked me about the directory.
778. **MR ROLAND OLIVER: What makes you say it is different today from what you said it was on the 20<sup>th</sup> February? Have you been thinking about it or has someone spoken to you?** No, no one has spoken to me.
779. **What has made you change the order of things?** My recollection of it is correct.
780. **Is your recollection different now?** No.

**You swore it and signed it.**

MR JUSTICE WRIGHT: Just look at this and see. Learned Counsel wants to know what the order was. You gave the order of the different conversations differently when you were at the Police Court. I do not know why it matters but perhaps Mr Oliver wants to connect the time with the Post Office.

MR ROLAND OLIVER: Yes, my Lord, that is what I want to do. A good deal of this was made in opening that it was unnatural to look at the watch.

MR JUSTICE WRIGHT: Yes, it may or may not matter, but anyhow you are entitled to pursue it.

781. **MR ROLAND OLIVER: You can read it. I have read it through to you. You can see you gave evidence in a different order?** Yes.

MR ROLAND OLIVER: I am content with that. I can comment on it later.

782. **MR JUSTICE WRIGHT: As far as you can remember which is correct?** As far as I have said today.

783. **If that is so the natural question is, why did you not put it in a different order in the Police Court?** That was through giving it out slow. In Police Court, it was put out of order.

MR HEMMERDE: Today I let him go on with his story. I did not know what the order was going to be. He told his story in his own way. That is all I can say.

MR JUSTICE WRIGHT: What do you say now; which is the true order of the conversations?

THE WITNESS: The true, after he turned away.

784. **The true order is what you have given today?** That is correct, my Lord.

MR ROLAND OLIVER: May I ask one more question of this witness?

MR JUSTICE WRIGHT: Yes, certainly.

785. **MR ROLAND OLIVER: When did you first make a report about these incidents?** The next day.

786. **On the 21<sup>st</sup>?** The 21<sup>st</sup>.

787. **MR JUSTICE WRIGHT: What made you do that?** I was called out on parade; I was asked on parade.

788. **MR ROLAND OLIVER: Because Wallace had said, he had spoken to a policeman at that place at that time?** Yes.

789. **And then you were asked to report?** Yes.

**LILY PINCHES SWORN. EXAMINED BY MR WALSH.**

790. **Lily Pinches, you are the manageress of the newsagent shop, 130 Allerton Road, Liverpool?** Yes.

791. **You live at 56, Micawber Street, Liverpool?** Yes.

792. **On the 20<sup>th</sup> January, were you in your shop?** Yes.

793. **Did the accused come into the shop?** Yes.

794. **What time was it when he came in?** It was after 8. I cannot say the exact time.

795. **Did you hear him ask for anything?** Yes, he asked for a directory.
796. **When he got it, did he say anything?** No, not till after he had looked through it.
797. **What did he say then?** He asked me did I know what he was looking for and I said "No". He said: "No 25, Menlove Gardens East".
798. **What did you say?** I said there was no 25, Menlove Gardens East; there was only South and West.
799. **Then I understand you looked up you account book?** Yes.
800. **And you found there was a 25 West?** No, they are not customers of our shop.
801. **Did the accused say anything then to you?** No.
802. **After you had said there was no 25 West in your account book, did he say anything; did he say he had been there?** When I told him, we had no 25 West he said he had been there and it was not the people he wanted.
803. **Do you know what time the Post Office in Allerton Road closes?** 7 o'clock.
804. **MR JUSTICE WRIGHT: Is that what is called a sweet shop?** Yes.

CROSS-EXAMINED BY MR ROLAND OLIVER.

805. **Your shop is a newspaper shop?** Yes.
806. **Is the Post Office in Allerton Road besides being a Post Office a shop?** Yes.
807. **What sort of a shop?** A sweet shop.
808. **That is open when the Post Office is shut?** Yes.
809. **And if you went in and asked for anything after the Post Office is shut would you get it?** I do not know; it would depend on the Post Office being closed.
810. **At any rate, you could get into it?** Yes.
811. **How long was the prisoner in your shop, do you think?** Ten minutes.
812. **Let us see how clear your recollection about it is. How long after 8, do you say he arrived?** About 10 minutes after 8 o'clock.
813. **When he arrived?** Yes.
814. **Arriving at 10 minutes past 8 and stopping 10 minutes he would then leave at 20 past would he not?** Yes.
815. **Is that what you think he did?** Yes, but I do not know the exact time.
816. **No, not the exact time?** No.
817. **Do you remember giving your evidence before? You said it was a good while after 8 o'clock when he arrived?** Yes.
818. **Has anyone spoken to you about that?** No.
819. **No one at all?** No.
820. **You did not give it in the same way as today. You said it was after 8 but I do not know when?** No, but I know it was a while after 8 – it was after 8 o'clock.
821. **I am suggesting you are utterly wrong about it. Do you know how far it is from your shop to Wolverton Street?** No, I do not know where Wolverton Street is.
822. **It is in another part of Liverpool altogether and you cannot help me with regard to the time it would take. Did he not tell you he wanted to look at the directory in order to find a man named Qualtrough?** No.
823. **Did he ever mention that name to you?** Yes.
824. **Are you sure?** Yes.

825. **He was in your shop for 10 minutes?** Yes, about that.
826. **Do you remember everything that was said?** Yes.
827. **Let me suggest to you he said: "I am trying to find a man named Qualtrough in 25 Menlove Gardens East" and you said "There is no Menlove Gardens East"?** He did not mention no name.
828. **Are you sure about that?** Yes.
829. **We have been told that he was mentioning that name to everybody else?** No, he did not mention no name.
830. **You swear he did not mention it to you?** No.
831. **To the lady at No 25, to the clerk in the street, to the policeman, everybody else. How long did he sit and look at the book before he said anything to you about it?** Only just a few minutes.
832. **Studying the book?** Yes.
833. **Do you really say that after studying the book he said to you "Do you know what I am looking for"?** Yes.
834. **Did you think he was a long time?** No.
835. **How could you know what he was looking for?** I would know no more than anybody else would know.

RE-EXAMINED BY MR HEMMERDE.

836. **Are you quite clear those were the words he used?** Yes.
837. **Have you seen anyone at all since the Police Court proceedings in connection with the case?** No.
838. **How soon afterwards did you give this information at all, do you remember? How soon after were you seen by the police?** About a month afterwards.
839. **Your evidence was taken, I gather, on the 20<sup>th</sup> February?** Yes.
840. **How soon before it was taken had you seen the police? The day before? The day before?**  
**MR JUSTICE WRIGHT: The next day?**  
**THE WITNESS: After Mr Wallace came into my shop.**
841. **MR HEMMERDE: You saw them the very next day?** I saw Mr Wallace the same night and I saw Detective Bailey on the Wednesday morning on the 21<sup>st</sup> January.
842. **MR JUSTICE WRIGHT: Did you give a statement then?** Yes, my Lord
843. **MR HEMMERDE: You gave a statement to him then?** Yes.

ADOLPHUS FOTHERGILL SWORN. EXAMINED BY MR HEMMERDE.

844. **Your name is Adolphus Fothergill?** It is.
845. **You are Detective Sergeant in the Liverpool City Police and on the 26<sup>th</sup> January last did you in company with an officer called Bailey leave the back door of 29 Wolverton Street?** I did.
846. **At what time?** 6.49 pm.
847. **Did you follow the route that is marked in red on the plan WHW 15, Plan A?** Yes.



848. **Did you follow as far as Belmont Road and when you came as far as Belmont Road to the tram stop near Castle Road did you jump on to a tram?** I did.
849. **Where did you get upon the tram?** At the junction of Smithdown Road and Tunnel Road.
850. **That is Lodge Lane, is it?** Yes.
851. **Let us keep Tunnel Road out of it. Lodge Lane terminus or changing station?** Yes, that is it.
852. **Then having reached that Lodge Lane junction, what did you do then?** Cross over.
853. **What time by the way did you get there? What time did you first get on to the tram?** 6.53.
854. **You left at 6.49 and got on the tram at 6.53?** Yes.
855. **What time did you reach the Lodge Lane junction?** We crossed over the road and it was then 4 minutes past 7.
856. **Did you make the same journey again?** Yes, in the evening, night.
857. **On that occasion, did you follow the route shown in red right down as far as St Margaret's Church?** I did.
858. **What time did you leave?** 6.45 pm.
859. **What time did you board the tramcar?** 6.52.
860. **What time did you arrive at the tram stop at Smithdown Lane?** Three minutes past 7.
861. **So, on the first occasion it took 15 minutes?** Yes.
862. **And the second, 18 minutes?** That is so.
863. **On the second occasion, you walked further?** Yes and there were two minutes wait for a tramcar?
864. **You had two minutes wait. You mean if you had been lucky, you might have done it in two minutes less?** That is so.
865. **Are the trams very frequent?** Fairly frequent.
866. **What sort of pace were you walking?** A good walking pace.

CROSS-EXAMINED BY MR ROLAND OLIVER.

867. **On the first of your tests, you took 15 minutes. You got on to a moving tramcar that happened to be passing Belmont Road as you came to it?** Yes.
868. **That came, I suppose, as a bit of luck?** Yes.
869. **Then on your second experiment, you did not do that, but you did what the prisoner says he did, namely, after getting into Belmont Road turning to the left and walked as far as there and then took the tram?** Yes.
870. **On your second experiment, which took 18 minutes, did you board the tram at the Church corner at 6.52?** Yes.
871. **Were Gilroy and Hill on that tram?** No.
872. **They were not?** No.
873. **How often do trams go along there? Is it every 5 or 6 minutes?** I should think it would be about 5 or 6 minutes, but I do not know definitely.

MR ROLAND OLIVER: There ought to be some way of proving it.

MR HEMMERDE: I will see if I can by tomorrow morning.

WILLIAM PRENDERGAST SWORN. EXAMINED BY MR WALSH.

874. ***Your are William Prendergast, Constable 95E of the Liverpool City Police?*** I am.  
875. ***On the 27<sup>th</sup> January, did you go with Detective Sergeant Fothergill from Wolverton Street to Smithdown Road Correct?*** I did.  
876. ***Did you see how long it took you?*** I did.  
877. ***How long did it take?*** 18 minutes.  
878. ***From 6.45?*** From 6.45 to 7.03.

MR ROLAND OLIVER: No question.

JAMES REGINALD HILL SWORN. EXAMINED BY MR HEMMERDE.

879. ***Are you a Detective Sergeant of the Liverpool City Police?*** I am.  
880. ***On the 27<sup>th</sup> of January, last did you leave the back door of 29 Wolverton Street at 6.49?*** I did.  
881. ***I think you were with an officer called Gilroy?*** I was.

***MR JUSTICE WRIGHT: That is the same date as Prendergast?***

***MR HEMMERDE: That is so, my Lord, but at different times.***

882. ***Did you go along the route shown in red as far as Belmont Road?*** I did.  
883. ***And did you pick up a tram there immediately?*** Yes, there was a car there as we arrived at the junction of Castlewood Road.  
884. ***Did you go on that as far as Lodge Lane?*** I did.  
885. ***Did you notice what the time was when you got on to it?*** 6.52 pm.  
886. ***Did you notice what the time was when you arrived at the junction of Lodge Lane?*** I did, it was 6 minutes past 7.  
887. ***So you had taken 17 minutes?*** That is so.

***CROSS-EXAMINED BY MR ROLAND OLIVER.***

888. ***You boarded the car not at the Church but immediately you got into Belmont Road?*** That is so.  
889. ***Was it coming along as you went out?*** Yes. Just as we got out, we stopped the car.  
890. ***You headed it off?*** That is so.

***WILLIAM BROWN GILROY SWORN. EXAMINED BY MR HEMMERDE.***

891. ***Is your name William Brown Gilroy?*** Yes.  
892. ***You are a Detective Constable in the Liverpool City Police?*** I am.  
893. ***On the 27<sup>th</sup> of January last, did you accompany the witness Hill on the journey?*** I did.  
894. ***And you corroborate his evidence?*** Yes.  
895. ***On the previous evening, had you made the same journey?*** Yes.

896. **Leaving the back door at 6.53?** Yes.  
897. **And did you do that journey in 17 minutes also?** Yes.

**MR ROLAND OLIVER: No question.**

**WALTER OLIVER STANLEY SWORN. EXAMINED BY MR WALSH.**

898. **Walter Stanley Oliver, you are a Detective Constable in the Liverpool City Police?** I am.  
899. **On the 27<sup>th</sup> of January last with Sergeant Hailey, did you leave the rear of 29 Wolverton Street?** Yes.  
900. **What time was it?** At 6.53 pm.  
901. **Did you go to St Margaret's Church by the route shown in red on the plan?** Yes.  
902. **When you got to St Margaret's Church, did you board a tram going towards Lodge Lane?** Yes.  
903. **Had you had to wait for a tramcar?** Yes. The car was coming towards us from the corner of Castlewood Road. We had to wait about 2 minutes.  
904. **What time did you actually board the tramcar?** At 7 pm.  
905. **What time did you arrive at the corner of Lodge Lane and Smithdown Lane?** We left the car at the corner of Lodge Lane and Earl Road and crossed over to the car going south and arrived at that corner at 7.13.  
906. **So, from the house, 29 Wolverton Street, to where you were at Lodge Lane to 20 minutes?** Yes.

**MR ROLAND OLIVER: No question.**

**JOSEPH CREWE SWORN. EXAMINED BY MR HEMMERDE.**

907. **Is your name Joseph Crewe?** Yes.  
908. **I think you are a Superintendent in the employ of the Prudential Insurance Company?** Yes.  
909. **And you live at 34, Green Lane, Mossley Hill Liverpool?** Yes  
**MR HEMMERDE: Your Lordship will see where 34 Green Lane is and the Jury had better see. It is a little way up Green Lane looking down the car corner straight up from Mather Avenue just before one comes to Silver Beach Avenue.**  
**MR JUSTICE WRIGHT: I see it.**  
**MR HEMMERDE: It is only a short way below Menlove Avenue.**
910. **I think the accused has been under your supervision for some 12 years?** Yes.  
911. **Did you go and live at your present address some 3 and half years ago?** Yes.  
912. **Had the accused visited you there?** Yes.  
913. **Often?** Yes.  
914. **How many times altogether?** Five times?  
915. **Some time ago, did he suggest anything to you about music?** Yes.

916. **What was it?** Well, he suggested he would like to play the violin and asked me if I knew anything about it and I said I knew a little bit.
917. **Did you play yourself?** Yes, I did and I went with him to buy one. I asked him who was going to teach him and he said he did not know, but he was going to get one and I said I would give him a few lessons till he got one.
918. **You undertook or suggested you should give him a few lessons?** That is right.
919. **How many lessons altogether did you give him?** Five.
920. **MR JUSTICE WRIGHT: Did he come to your house to get them or how?** He came to my house, my Lord.
921. **MR HEMMERDE: Apart from those lessons, did he come at any other time?** No.
922. **What time of day used he to come?** I should say about half past 7.
923. **What time of year was it he came?** In the winter.
924. **MR JUSTICE WRIGHT: Which winter, this winter or last?** No. It is about two years ago.
925. **MR HEMMERDE: Have you ever been at his house?** Yes.

**CROSS-EXAMINED BY MR ROLAND OLIVER.**

926. **Five times two years ago, he came to your house for violin lessons?** Yes.
927. **To get to you would the best way be the ordinary way to take the tram that comes along the Allerton Road and get off at the corner?** Get off at Green Lane.
928. **Your house is marked on this plan No 34. So that tram would take him nearly to your door; that tram would not take him within sight of Menlove Gardens, would it?** No.
929. **Did you as a matter of fact know whether there was a Menlove Gardens East or not?** Menlove Gardens are behind the main road and I would suggest very few people, only those that reside in those Gardens, ever came through them.
930. **Just answer my question. Did you know whether there was such a place or not?**  
No.

**MR JUSTICE WRIGHT: Such a place as what?**

**MR ROLAND OLIVER: Menlove Gardens East.**

931. **How long have you known Mr Wallace?** 12 years and a few months.
932. **What is your opinion of his character?** An absolute gentleman in every respect.
933. **Have you ever seen any sign of violence or ill temper about him?** None whatever.
934. **Scrupulously honest?** Absolutely.
935. **What about his accounts, were they always in order?** Always to a penny.
936. **There was no question of his ever being wrong in his accounts?** None whatever.
937. **Did you know his wife?** Yes.
938. **Have you been to their house and seen them together?** Yes.
939. **What do you say about their relations with each other?** The best possible.
940. **Is there any possible foundation for suggesting that he was indifferent to her as far as appearance went?** None whatever. I suggest that Mr Wallace appeared to be very fond of her.
941. **I think the phrase you used before was that "they appeared to be all in all to one another"?** That is so.

942. **With regard to the violin lessons were they 5 weeks running?** Yes, 5 weeks running.
943. **What part of the year was it?** I could not tell you the months but I know it was during the winter.
944. **I mean was it after dark that he came?** Yes.
945. **Was his job in life collecting money for the Prudential?** Yes.
946. **How long had that been his job?** 15 years.
947. **When he had collected the money did he account to your for it?** He accounted to the office each week.
948. **What did he do with the cash?** Keep it.
949. **How did he get rid of it eventually?** He had to remit it each week.
950. **MR JUSTICE WRIGHT: Remit where? What do you mean?** Remit the cash to the District Office in Dale Street.
951. **MR ROLAND OLIVER: You mean hand the cash over to the District Office?** Yes.
- MR JUSTICE WRIGHT: What day of the week?**  
**THE WITNESS: Wednesday and sometimes Thursday.**
952. **MR ROLAND OLIVER: Was Wednesday the normal account day?** Wednesday was the normal day.
953. **Would the account include the Wednesday's money or only the Tuesday's money?** It would include the Wednesday morning.
954. **At any rate, anyone who knew him or knew about his habits or employment might expect him to have the bulk of his cash by Tuesday night?** Yes.
955. **What sort of sum would he collect, because they were not always the same but ordinarily what sort of sum would he be collecting a week?** Anything from £50 to sometimes over £100.
956. **Sometimes over £100?** Yes.
957. **And sometimes less than £50?** Anything from £30, I said.
- MR JUSTICE WRIGHT: I thought you said £50.**  
**MR ROLAND OLIVER: So did I my lord.**  
**THE WITNESS: I said £30.**
958. **Some of his collections would not be much, I suppose?** I suggest mostly cash.
959. **Would he occasionally collect a cheque?** Yes, no doubt.
960. **I have some hundreds here. Three National Insurance receipts. Would they be cash?** No, they are not cash. That is cash paid out to the clients and those are the receipts for the cash paid out.
961. **MR JUSTICE WRIGHT: You mean for payments due to them in some National Insurance?** No, sickness benefit due to the member and receipts for the cash paid out by Mr Wallace.
962. **Something paid to a member?** Yes.
- MR JUSTICE WRIGHT: You do not want to trouble about that.**  
**MR ROLAND OLIVER: No, my Lord, it is only the cash I wanted.**

963. ***This district, I gather, would include Menlove Gardens?*** No.
964. ***He would have a district, I suppose, somewhere round his house?*** Yes.
965. ***Would he have any right to have business in such a district as Menlove Gardens?***  
Every right.
966. ***Just tell us why that would be right?*** Because he is only restricted to his own area for industrial premium, that is weekly premiums; for any other class of business he can go where he likes.
967. ***You mean for such a thing as a proposal for an endowment policy?*** Yes, he can go where he likes.
968. ***Something has been said about a 21<sup>st</sup> birthday party. Do people sometimes give endowment policies to their children?*** Yes.
969. ***MR JUSTICE WRIGHT: Ordinary life policies?*** He could go anywhere in the country.
970. ***And he could get life policies or endowment policies?*** Yes.
971. ***What else?*** The general branch, fire insurance and motor cars and that sort of thing.
972. ***MR ROLAND OLIVER: So far as life and endowment is concerned, anything that is not a weekly premium but a yearly premium?*** Yes.
973. ***What commission would he get on an endowment or life policy? Would it be something worth having?*** Yes, 20 per cent of the yearly premium, that is the first premium.
974. ***20 per cent of the yearly premium?*** Not of the yearly, the first.
975. ***No more?*** No.

***Look at exhibit No 44.***

***MR JUSTICE WRIGHT: I think these names will have to be mentioned. I quite appreciate the reasons and if I could see my way to keep the names, back I would but I do not think it is right to have any mystery in the case.***

***MR ROLAND OLIVER: I want to ask this witness if that is true and your Lordship sees if the name is mentioned it makes it worse.***

***MR JUSTICE WRIGHT: I know, but we cannot keep the name back.***

***MR ROLAND OLIVER: If your Lord pleases.***

976. ***“Mr Gordon R Parry of Derwent Road, Stoneycroft, is a friend of my late wife’s and myself. He is now an agent for the Gresham Insurance Company but I’m not quite sure of the company. He was employed by the Prudential department to about 12 or 15 months ago and he then resigned to improve his position. Although nothing was known officially to the company detriment to his financial affairs it was know that he had collected premiums which he did not pay in and his Superintendent, Mr Crewe, of Green Lane, Allerton, he told me that he went to Parry’s parents who paid about £30 to cover the deficiency. Mr Crewe’s office is at 2 Great Nelson Street. Parry is a single man about 22 years of age”. Is that statement true?*** Partly true.
977. ***Which part is true?*** The £30 is a little bit exaggerated.
978. ***It is not so much as that?*** Not so much as that, not from his parents.
979. ***But there were deficiencies and there were payments by the parents?*** Yes.

***MR ROLAND OLIVER: Having said that I do not know whether the Press need publish that.***

**MR JUSTICE WRIGHT: I am not concerned with what the press does, but I only mean as far as the truth of the case before the Jury is concerned there will be no suppression of the names. The Press will do what they think is right a proper. They always do.**

RE-EXAMINED BY MR HEMMERDE.

980. **Do I understand that the money was collected by him all the week and then paid over at the end?** By whom?
981. **By any Prudential agent?** Yes.
982. **That is so, and by the prisoner, it would be similarly collected?** Yes.
983. **Would that be paid over to you?** No, it is paid in the District Office in Dale Street to a clerk.
984. **MR JUSTICE WRIGHT: You would have nothing to do with taking that cash?** No, my Lord.
985. **What do you do? You are said to be an Inspector or Supervisor. What are your duties?** Supervise the agents' work, see that the accounts are in order and see that they attend to the business properly.
986. **MR HEMMERDE: You cannot help us perhaps as to what his cash returns were per week?** I can.
987. **Will you?** Yes.  
**That week particularly, for instance, the 21<sup>st</sup>. The day you said was the 21<sup>st</sup>, a Wednesday.**  
**MR JUSTICE WRIGHT: Wednesday was the 21<sup>st</sup>; Tuesday was the 20<sup>th</sup>.**  
**MR HEMMERDE: Yes my Lord.**  
**MR JUSTICE WRIGHT: When had he last made a return?**  
**THE WITNESS: The week before, my Lord, on the Thursday.**  
**MR JUSTICE WRIGHT: That would be the 15<sup>th</sup>.**
988. **Was it not the Wednesday it was made?** Our accounts are all dated for the Monday of that particular week. The agent is debited with an amount each week on a Monday, whatever day he pays it in during that week; it is all for that Monday. On the 5<sup>th</sup> January, Mr Wallace paid in £35 2s 11d. On the 12<sup>th</sup> January, that is for the Monday, he paid in £89 0s 9d.
989. **MR JUSTICE WRIGHT: What about 19<sup>th</sup> January?** The 19<sup>th</sup> January only £10 11s 0d was paid in, for the simple reason either the police or someone else had taken the cash and the police have a portion of that cash yet.
990. **MR HEMMERDE: What makes you say that?** Well, I understand the police have at least £18 cash and I have asked for it.
991. **What makes you say that; where did you get it from?** Because they took, it and I have asked for it.
992. **MR JUSTICE WRIGHT: When was the £10 11s 0d paid in? Was it paid in, in cash?**  
 No, the £10 11s 0d was paid in on the Thursday, the 21<sup>st</sup> January.
993. **MR HEMMERDE: Paid in by whom?** By Mr Wallace.

994. **Will you tell my Lord and the Jury what makes that to be different between the 5<sup>th</sup> and the 12<sup>th</sup>? I think you call that return a debit, do you not, in the Prudential?** Yes, that is right.
995. **And the return is made up from industrial subscriptions, pennies a week, and that sort of thing?** Yes.
996. **Do you find as a rule they vary very much at that?** The reason they vary is this. On the 5<sup>th</sup> January he paid £36 2s 11d in. The following week, the 12<sup>th</sup> January, is what we call a monthly week. He also collects weekly premiums and monthly premiums. That accounts for the £89 being paid that week. Another item in that particular week he paid £9 10s 7d ordinary branch premiums in and £1 19 18s 0d general branch premiums. That accounts for the amount being larger.
997. **The monthly premiums are paid in on a regular date just the same as the weekly premiums?** They are paid in once a month.
998. **And the date of the quarter's monthly premiums always means a much larger sum?** Yes.
999. **MR JUSTICE WRIGHT: All paid in the same week?** The weekly and monthly are paid in at the same time.
1000. **MR HEMMERDE: It is always four weeks apart?** Yes.
1001. **MR JUSTICE WRIGHT: And they swell the weekly return when they come?** Yes.
1002. **And apparently, they come here on the 12<sup>th</sup>?** Yes, they come on the 12<sup>th</sup>.
1003. **MR HEMMERDE: The 12<sup>th</sup> would be the big amount?** Yes, four weeks apart.
1004. **MR JUSTICE WRIGHT: What ought to be the proper return for the week ending the 19<sup>th</sup>?** The proper return should have been about £30.
1005. **MR HEMMERDE: Much the same as the 5<sup>th</sup>?** Yes, much the same as the 5<sup>th</sup>.  
**MR JUSTICE WRIGHT: I thought you said the 5<sup>th</sup> was £35?**  
**MR HEMMERDE: I thought he said £50.**  
**MR JUSTICE WRIGHT: Yes, so did I at first.**
1006. **What do you say it is?** £35. That particular week there should have been £30 of industrial branch premiums collected.
1007. **MR HEMMERDE: Not necessarily by the Tuesday night?** No.
1008. **They would collect also on the Wednesday morning?** Yes.
1009. **MR JUSTICE WRIGHT: If they did not pay the money till Thursday they would have the whole of Wednesday?** They usually take the cash on Wednesday afternoon.
1010. **MR HEMMERDE: And they often do on the Thursday?** Yes.
1011. **A collection of £30 is thought to be a fairly average debit?** Yes, that is a fair average debit, but I do not want you to overlook this point, that there is the ordinary branch premiums to collect also in the same week.
1012. **I am taking merely the weekly debit?** Yes.  
**MR JUSTICE WRIGHT: I think he is saying £30 is only industrial.**  
**MR HEMMERDE: Yes, that is so, and that is what I meant to put to him. We have had all this out in the Civil court during this Assize. That is why I am rather familiar with it.**



1013. **Is your name Lily Hall?** Yes.
1014. **Are you a typist employed by Messrs Littlewoods Limited, Charles Street, Liverpool?** Yes.
1015. **Do you live with your parents at 9, Letchworth Street, Liverpool?** Yes.
1016. **We know Letchworth Street is just by. I think you know the Johnstons who used to live at 31 Wolverton Street?** Yes.
1017. **Did you know the accused personally?** No.
1018. **Did you know him by sight?** Yes.
1019. **For how long have you known him by sight?** 3 or 4 years.
1020. **When did you last see Mr Wallace before this tragedy?** On the 19<sup>th</sup>.
1021. **You saw him on the 19<sup>th</sup>?** Yes.
1022. **That was the Monday?** No, the Tuesday.
1023. **You mean the Tuesday the 20<sup>th</sup>?** Yes.
1024. **On the Tuesday where was it you saw him?** The bottom of the entry to Richmond Park.  
**Would you look at the plan and point out where you say it is?**  
**MR JUSTICE WRIGHT: Is that the passage which goes up to Wolverton Street?**  
**MR HEMMERDE: My Lord, I am told it appears better if we take the plan No 14, where you get the entry shown there. (Same handed).**
1025. **There, Letchworth Street comes down into Richmond Park. That is right, is it not?** Yes.
1026. **Then if you turn to the left into Richmond Park is there a little street marked or a little entry on the same side as Letchworth Street? Do you see it there?** Yes.
1027. **Is that the one you are alluding to?** Yes.  
**MR HEMMERDE: It is just beyond the "d", my Lord, in Richmond, the little entry there.**  
**MR JUSTICE WRIGHT? Coming down from the south into Richmond Park.**  
**MR HEMMERDE: Yes, my Lord.**
1028. **On that day, the 20<sup>th</sup>, the Tuesday, were you standing near there or where were you walking rather? Were you walking along Richmond Park?** Yes.
1029. **In which direction?** Towards Letchworth Street.
1030. **Coming towards Letchworth Street whom did you see there?** Mr Wallace.
1031. **What time was that?** About 20 past 9.
1032. **Was Mr Wallace alone there?** No.
1033. **MR JUSTICE WRIGHT: 20 past 9 at night?** Yes.
1034. **MR HEMMERDE: Who was he with?** Talking to a man.
1035. **Did you pass them?** Yes.
1036. **Quite close?** I was on the other side and I crossed over.
1037. **Could you see them quite clear?** Yes.
1038. **Was it light there?** There was a lamp further along.
1039. **MR JUSTICE WRIGHT: Which side was he?** The side of the entry.
1040. **Which side where you?** The passage side.
1041. **Then you had to cross over to get into Letchworth Street?** Yes.
1042. **MR HEMMERDE: Did you then cross over when you passed him?** Yes.

1043. **So as to get into Letchworth Street?** Yes.
1044. **As you crossed over towards Letchworth Street what was the last thing you saw?**  
They parted.
1045. **And where had they gone?** One went straight along and one down the entry.
1046. **One went down the entry and the other in the opposite direction, do you mean?**  
Towards Breck Road.
1047. **Are you still talking about the same entry still?** Yes.
1048. **That little entry?** Yes.
1049. **MR JUSTICE WRIGHT: Which entry are you talking about?** The one I was standing by.
1050. **MR HEMMERDE: That is right down the little entry down the Church Institute?** Yes.
1051. **Could you see there which one went there and which one went along towards Breck Road?** No.
1052. **What made you notice the time?** I was going to the Pictures.
1053. **And was there a clock there which you could see as you came along?** Yes.
1054. **What time do the pictures begin?** About 10 to 9.
1055. **And you noticed from the clock it was 8.35?** Yes.
1056. **MR JUSTICE WRIGHT: Which clock?** Holy Trinity Church.
- MR HEMMERDE: That we know already, my Lord, is in Breck Road.**
- MR JUSTICE WRIGHT: yes.**
1057. **MR HEMMERDE: As you passed there, you noticed the time came straight along and saw him turn up?** Yes.
1058. **Have you any doubt about it being him?** No.

**CROSS-EXAMINED BY MR ROLAND OLIVER.**

1059. **How often did you see him?** Not very often.
1060. **Do you remember every time you saw him or used you to remember every time you saw him?** I do not think I often saw him.
1061. **I suppose you saw a good many other people about the streets?** Yes.
1062. **You never gave those a thought at the time, did you?** No.
1063. **No. Why should you? Then there was a murder. How long after the murder, did you give your statement to the Police, about a week?** I think it was about a week, but I am not quite sure.
1064. **It was a long time to wait, was it not? You were living in Letchworth Street almost next to the house where the murder had been committed, were you not?** Yes.
1065. **I am only suggesting you have made a mistake. What made you wait all that long time before going to the Police?** I was ill in bed for one thing.

**MR ROLAND OLIVER: That would not prevent you from sending for them.**

**RE-EXAMINED BY MR HEMMERDE.**

1066. **Are you living with your parents?** Yes.
1067. **You are living with your father and mother?** Yes.

1068. **You were asked when you first made a statement to the Police and you said about a week later?** As far as I can remember.
1069. **Had you made a statement to anyone else about what you had seen?** On the morning.
1070. **Which morning?** The Wednesday morning.
1071. **On the Wednesday morning the very day after. To whom was, that statement made?** To my sister.
1072. **To anyone else besides your sister? How many of you are there at home?** Two.
1073. **Your sister and father and mother?** Yes, and me.
1074. **Were you ill for two or three days?** A week.
1075. **Just after this?** I think it was on the Thursday.
1076. **Your were taken ill?** Yes, it was on the Thursday.
1077. **You told your sister about this on the Tuesday morning and you were taken ill on the Thursday?** Yes.
1078. **And that is all you know about it?** Yes.
1079. **Was your statement actually taken by the Police when you were in bed?** Yes.

**Did you know how they heard about it?**

**MR ROLAND OLIVER: Well!**

**MR HEMMERDE: Very well, I will get it from them. Now we will come to the Johnston evidence, my Lord.**

**MR JUSTICE WRIGHT: that will take some time.**

**MR HEMMERDE: I am afraid it will, my Lord.**

**MR JUSTICE WRIGHT: then it will be a convenient time to adjourn.**

**(Adjourned till tomorrow morning at 10 o'clock).**

**SECOND DAY: Thursday, 23<sup>rd</sup> April, 1931.**

**JOHN SHARPE JOHNSTON SWORN. EXAMINED BY MR WALSH.**

1080. **Is your name John Sharpe Johnston?** Yes.
1081. **You are an engineer, and you live at 358 Townsend Avenue, Liverpool?** Yes.
1082. **Did you move there in January last from Wolverton Street?** Yes.
1083. **You lived next door to the prisoner?** Yes.
1084. **I understand you have not seen Mrs Wallace this year?** No.
1085. **Do you remember the night she was murdered?** Yes.
1086. **At about a quarter to nine, you were going out of your house?** Yes.

**MR JUSTICE WRIGHT: That was on the 20<sup>th</sup> January?**

1087. **MR WALSH: Yes, my Lord. (To the witness): You were with your wife?** Yes.
1088. **How do you know the time?** By the clock before I came out.

1089. **When you are looking at your front door in Wolverton Street, Mr Wallace's door is on the left of your door?** Yes.
1090. **So looking at the back door his back door is on your right?** That is right.
1091. **Which way out did you go out that night?** The back way.
1092. **Can you say whom you saw when you went out?** As I opened the door to let Mrs Johnston go out, Mr Wallace just passed.
1093. **Had he come from the top of the entry, the top of the passage?** From the Breck Road end.
- MR JUSTICE WRIGHT: Just repeat that answer. The prisoner, you say, just passed, and then you said something about the entry?**
- MR WALSH: He says he came from the Breck Road end, my Lord. If your Lordship looks at plan Exhibit "14", Breck Road is on the right.**
- MR JUSTICE WRIGHT: Yes.**
1094. **MR WALSH: You say he passed your door?** Yes.
1095. **Tell me what you mean exactly by "passed"? Was he hurrying, walking or running?** Walking in the ordinary way towards his back door.
1096. **Did your wife say something to him?** My wife said "Good evening Mr Wallace".
1097. **Did you think there was anything unusual from his manner?** He seemed anxious when he asked Mrs Johnston a question.
1098. **When your wife had said "Good evening, Mr Wallace" what did he say?** He said "Have you heard anything unusual tonight".
1099. **Then what did your wife say?** She said: "No – why? What has happened?"
1100. **Did Mr Wallace say anything?** Yes. He said he had been round to the front door, and also been to the back, and could not get in, the doors were fastened against him.
1101. **Can you think of his exact words, if possible; can you remember?** Yes. Those were the words he said to me, as far as I can remember.
1102. **MR JUSTICE WRIGHT: Say it again. He said "I have been" - ?** Yes, "To the front and to the back door, and they are looked against me.
1103. **MR WALSH: what did you say to him then?** I suggested that he tried the door again, as if it was the back door and if he could not open it, I would get my key of my back door and try.
1104. **By "the back door", you do not mean the yard gate?** No – into the house.
1105. **MR JUSTICE WRIGHT: the door into the house?** Yes, my Lord.
1106. **Was he talking about the back door?** I was talking about the back door.
1107. **What was he talking about?** He just told me he had not been able to get in at either door.
1108. **MR WALSH: Whereabouts were you when this conversation took place?** We were all standing in the entry before the door into the entry had been opened.
1109. **MR JUSTICE WRIGHT: "The Entry" means that little back passage from the back of the house?** Yes, my Lord.
1110. **MR WALSH: you were all in that entry just outside his door?** Yes.

1111. **When you said "Try again" and you would see, what did he do?** He went up to the door.
1112. **Which door do you mean?** The door in the house.
1113. **MR JUSTICE WRIGHT: You were still in the entry?** Yes, my Lord.
1114. **Did you go into the yard?** No, my Lord.
1115. **Could you see into the yard?** Yes.
1116. **MR WALSH: Did Mr Wallace say anything when he went in or when he went up the yard?** When he got to the door, he called out "It opens now".
1117. **Were you able to hear from where you were whether he tried with his key or anything?** No, he did not seem to try the key; he seemed to turn the knob in the usual way.
1118. **And said "It opens now"?** Yes.
1119. **MR JUSTICE WRIGHT: Could you see?** Yes, I could see him at the door, my Lord.
1120. **And it seemed to open quite easily?** Yes. There was o violence in the action of opening the door.
1121. **MR WALSH: When he went in did you say anything?** Yes. I said I would wait and see till he saw everything was right.
1122. **MR JUSTICE WRIGHT: You said what?** I would wait, or we would wait and see.
1123. **MR WALSH: Did you notice anything about the house while you were waiting outside?** Yes: the light in the middle bedroom was low, and the small one in the back room.
1124. **MR JUSTICE WRIGHT: In the middle bedroom the windows look on to the yard; you would see them?** Yes, my Lord.
1125. **You could see a small light in both of these windows?** Yes, my Lord.
1126. **MR WALSH: Then he had gone in, while you were seeing these lights were you still in the passage?** In the passage.
1127. **You had not come into the yard at all?** No.
1128. **MR JUSTICE WRIGHT: You were in the entry?** Yes.
1129. **MR WALSH: Did you hear anything when Mr Wallace had gone in?** After he entered the house, I heard him call out twice.
1130. **Did you hear what it was?** No, I could not make out the name.
1131. **MR JUSTICE WRIGHT: He called out something?** Yes, a word.
1132. **MR WALSH: Did you notice anything else?** Yes; just after he called out, the light was turned up in the middle bedroom.
1133. **That was the one that was lowered that you had seen before?** Yes, at the yard door.
1134. **MR JUSTICE WRIGHT: You could not say, I suppose, where he was when he called out?** I should say he would just be at the top of the stairs, my Lord.
1135. **MR WALSH: Did you notice anything else after the light had been turned up?** Yes; a match, I think, had been struck in the small room at the top of the stairs which looks into the entry.

**MR WALSH: There is a window showing there, my Lord.**

**MR JUSTICE WRIGHT: Is that the window looking into the yard?**

**THE WITNESS: Yes, my Lord.**

1136. ***A match had been struck in that small room; was that before the light was turned up in the middle bedroom, or after?*** That match was struck after the light had been turned up.
1137. ***MR WALSH: What happened then?*** Shortly after Mr Wallace came out into the yard.
1138. ***Can you say how long after, or give a rough idea?*** Do you mean after the light was struck?
- Yes, after the light was struck.***
1139. ***MR JUSTICE WRIGHT: After the match was struck, how long was it before Mr Wallace came out into the yard?*** I would say a minute and a half at the most.
- MR JUSTICE WRIGHT: A very short time.***
1140. ***MR WALSH: A minute and a half after he came out?*** Yes.
1141. ***MR JUSTICE WRIGHT: Can you give any idea how long it was that he called out twice after he went into the house? Have you any idea of that?*** It would take about the same time, my Lord.
1142. ***Then I will say "After about a minute and a half". It is only rough, or course – a short time, you mean?*** Yes, a short time.
1143. ***MR WALSH: You say he came out to you?*** Yes.
1144. ***You remember before he passed your door, this time he came out: can you say what he was like: did he run out, or just walkout?*** He hurried out.
1145. ***What did he say?*** He said: "Come and see; she has been killed".
1146. ***Are you sure that is what he said?*** Yes.
1147. ***What was his manner when he said that?*** He seemed a bit excited.
1148. ***When he said that did you go into the house?*** Yes, we all went in.
1149. ***You and your wife?*** Yes.
1150. ***What did you see?*** Mrs Wallace lying on the floor.
1151. ***MR JUSTICE WRIGHT: You first went into the kitchen, I suppose?*** I went through the kitchen my lord.
1152. ***You all went in through the kitchen into the sitting room?*** Yes, my Lord, right into the front room.
1153. ***MR WALSH: Just say exactly what you saw?*** As we went in, I saw the body lying diagonally across the room, the feet towards the fireplace and the head towards the door.
1154. ***Have you seen these photographs? (Indicating).*** Yes.
1155. ***Just take that in your hand. (Photograph handed to the witness). Look at photograph No 7: is that how she was lying?*** No, she was not like that when I went in; there was no mackintosh when I was there.
1156. ***But apart from the mackintosh?*** I was not in a position to tell that, because I did not come past from the door.
1157. ***MR JUSTICE WRIGHT: I think No 6 would give a better idea, because that is taken in the region of the door. Look at No 6; what about that?*** That is the position, lying across the room, but the right arm was not showing when I went in.
- MR WALSH: My Lord, on the photograph the right arm is the one on your left.***

- MR JUSTICE WRIGHT: That is what I thought. You say the right arm was not showing; I will say it was something like photograph No 6.**
1158. **MR WALSH: I want you to tell me if you can, how far her head would be from the door?** The position of the head when we were all in I should say was 18 inches from the edge of the door.
1159. **MR JUSTICE WRIGHT: That is your estimate, about 18 inches?** Yes, my Lord.
1160. **MR WALSH: Was there a light on in the room?** Yes.
1161. **Which one was it that was lit?** The light near the window.
1162. **To the right hand?** Yes.
1163. **On Photograph 6?** Yes.
1164. **Was it a good light?** A medium light; it was not what you would call a bright light. It was sufficient to show the outline of the room.
1165. **MR JUSTICE WRIGHT: Was it an incandescent light?** Yes my, Lord.
1166. **MR WALSH: When you looked at photograph No 7 you said there was no mackintosh?** That is correct.
1167. **When you went in did you not see one?** No.
1168. **Did you see anything that was like one?** Nothing whatever.
1169. **MR JUSTICE WRIGHT: Nowhere?** No, my Lord.
1170. **Nowhere in the room?** No.
1171. **MR WALSH: How near the body did you go?** Well, I stooped down after I got into the room, and the wife also stooped down.
1172. **MR JUSTICE WRIGHT: You have not said how far you went into the room. The door was open you say?** Yes.
1173. **Did you stop at the door, or did you step in?** I had not got up to the end of the sideboard, my Lord.
1174. **I see; you did not get as far as the end of the sideboard?** Correct.
1175. **MR WALSH: What did you do when you stooped down?** I just looked over the body.
1176. **Then what did your wife do? Did she do anything?** Yes, my wife held Mrs Wallace's hand.
1177. **Which hand?** The left hand.
1178. **You went out then, I understand, the three of you?** Yes, we went out.
1179. **Where did you go – into the kitchen?** Into the kitchen.
1180. **What did the accused say when you went into the kitchen?** He pointed to a lid on the floor which he said belonged to a cabinet which had been wrenched off.
1181. **What did he say?** Then he reached up on to a shelf and took a cash box down.
1182. **Is that the cabinet there? (Same produced).** I only saw the lid.
1183. **Is that the lid? (Indicating).** The lid was lying this way.
1184. **MR JUSTICE WRIGHT: Is that the lid?** Yes, my Lord.
1185. **You mean the cabinet would stand the other way round; it is really the door of the cabinet?** Yes, my Lord.
- MR JUSTICE WRIGHT: Show it to the Jury. I should call it the door, but it does not really matter.**
1186. **MR WALSH: He pointed that out and said it had been wrenched off?** Yes.
1187. **MR JUSTICE WRIGHT: You say he reached up?** Yes, and took down a cash box.

- MR WALSH: Where did he reach? Look at photograph No 8. (Same handed to the witness). Can you see there where it would be?**
1188. **MR JUSTICE WRIGHT: He reached up to the top of the bookshelf?** That is correct.
1189. **MR WALSH: when he had taken down this cash box what did he say?** I asked him was anything missing.
1190. **And then?** He replied "About £4", but he could not say exactly until he had seen his books.
1191. **Did you say anything else to him?** Yes, I said "Will you look upstairs and see if everything is all right before I go for the police and a doctor?"
1192. **Did he go upstairs?** Yes.
1193. **How soon did he come down?** Up and down immediately; he did not stay any length of time at all.
1194. **Then, when he came down, what did he say?** He said "There is £5 in a jar they have not taken".
1195. **Then I understand you left for the police?** Yes, I went for the police.
1196. **Can you tell me what his attitude, his demeanour, was during this time after he had gone in with you from the yard into the front room and gone into the kitchen, and reaching down this cash box?** He appeared to me as though he was suffering from a shock. He was quiet, walking around; he did not shout or anything like that.
1197. **He did not shout?** No.

CROSS-EXAMINED BY MR ROLAND OLIVER.

1198. **How well did you know your neighbours?** Just in a neighbourly way. I used to go out early in the morning for about twelve hours till about a quarter to six at night – just ordinary, but not on visiting terms.
1199. **Did you ever see the Wallaces together?** Yes.
1200. **So far as you could judge, what were they?** A very loving couple, very affectionate, I thought.
1201. **You never heard any quarrelling going on?** No, never.
1202. **I want to come straight to this evening, and I want to understand. As you stood at the entry there, you could see the only lights of the house which were possible on the first floor?** Yes, in the bedroom on the first floor.
1203. **As far as you could see, nothing else was lit up?** No. There was not light from the kitchen.
1204. **As you go into this house you go into the kitchen, do you not?** Yes, through the back kitchen.
1205. **Through the back kitchen into the front kitchen?** Yes.
1206. **Just outside the front kitchen door there is a staircase?** Yes, facing the door.
1207. **I do not say you heard him go up, but you know he went up from what you saw?** Yes.
1208. **And did you hear him call a word?** Yes, twice.
1209. **Might that have been a name?** It might have been.
1210. **The name of his wife?** Yes, but until that evening I did not know Mrs Wallace's name was Julia.



1211. ***I only want to get the sort of sound. It was as if he was calling a name?*** Yes; that is how it appeared to me.
1212. ***After these two callings of a name, you saw the bedroom lamp go up?*** Yes.
1213. ***You next saw a match struck in the room we know as a laboratory?*** Yes.
1214. ***Then there was a pause?*** Yes.
1215. ***Would that pause give him sufficient time to come down stairs and go to the front room?*** Yes, it would.
1216. ***And lights the gas and come out again?*** Yes.
1217. ***It is very hard to estimate it in minutes?*** It is a very short distance, a matter of fifteen stairs, I think.
1218. ***When he went up to the back door to go in, as I understand, he said at once "It opens now"?*** Yes.
1219. ***And there was no pretence of fumbling or pushing or anything of that kind?*** Nothing whatever.
1220. ***He went straight in?*** Straight in.
1221. ***With regard to the distance of Mrs Wallace's head from the door, of course the door was on its hinges?*** Yes.
1222. ***When you give the distance of 18 inches, do you mean from the edge of the door when the door was open?*** The door would be like that, and Mrs Wallace's head is about here. (Illustrating).
1223. ***Would you look at the photograph No 6. Do you see that her feet are touching the fender?*** Yes.
1224. ***She was not a tall woman, was she?*** No.
1225. ***Five feet two inches, or something of that kind, but we can find out. She was lying diagonally across the room, which we are told is 10 feet square, and I suggest to you that her head might be 18 inches from the door, which opened inwards, if the door was quite open past her head?*** It was past the centre of her head.
1226. ***Your distance of 18 inches is from the edge of the open door, not from the doorway?*** No, from the edge of the door itself.  
**MR ROLAND OLIVER:** We can calculate the distance ourselves.
1227. ***MR JUSTICE WRIGHT: The door opens inwards?*** Yes, to the right.
1228. ***And the 18 inches is from the extreme edge of the open door?*** Yes.
1229. ***I did not quite understand that; I was going to ask about it. That you are clear about?*** Yes, my Lord. Of course, the door is not against the wall; it was open.
1230. ***How far was it open?*** I think there was a chair behind the door, my Lord.
1231. ***How far was it open?*** As far as it would go against the chair, I think.
1232. ***Do you mean the chair by the side of the sideboard?*** I could not see the chair, so I could not recognise it.
1233. ***Where was the chair standing; do you remember?*** Behind the door.
1234. ***MR ROLAND OLIVER: Might I ask you to look at photograph No 7. You see on No 7 next to the piano a chair?*** Yes, and there is one against the wall there.
1235. ***MR JUSTICE WRIGHT: There are two against the wall?*** One in front of the other.
1236. ***You mean the one against the wall alongside of the other?*** Yes.
1237. ***MR ROLAND OLIVER: That is the chair you mean the door was up against?*** Yes.

**MR ROLAND OLIVER:** Now we understand what you mean.

1238. **MR JUSTICE WRIGHT:** *It was open against the chair at the wall beside the piano; is that right?* Yes, my Lord.

1239. **MR ROLAND OLIVER:** *Now would you look at photograph No 6. Do you see there right in front of you with its back to the big piece of furniture, the sideboard or whatever it is, a chair?* Yes, I see one here.

1240. *Did you notice that on the night?* No.

1241. *Do you think it was there?* No.

1242. *You see it practically blocks the room?* Yes, but I did not see a chair there.

1243. **MR JUSTICE WRIGHT:** *You do not think the chair was there then?* No, my Lord.

**MR JUSTICE WRIGHT:** *It could not very well have been.*

**MR ROLAND OLIVER:** *No, my Lord, I should have thought not.*

**MR JUSTICE WRIGHT:** *I understand it had been removed.*

**MR ROLAND OLIVER:** *What the police witness said was that was the position in which it was and he only moved it out of the way in order to get round to photograph the other end of the room.*

**MR JUSTICE WRIGHT:** *You mean the photographer.*

**MR ROLAND OLIVER:** *Yes, my Lord.*

**MR JUSTICE WRIGHT:** *He was not there at the time; he was only speaking of the position as he found it.*

**MR ROLAND OLIVER:** *My Lord, the point was made against my client.*

**MR JUSTICE WRIGHT:** *Yes, but I have not followed the police court proceedings; I never do.*

**MR ROLAND OLIVER:** *I meant it was made here, my Lord. My learned friend made it in opening; but at all events, it is cleared up now.*

**MR JUSTICE WRIGHT:** *Yes, this witness is quite clear about it.*

**MR ROLAND OLIVER:** *Quite, my Lord.*

**FLORENCE SARAH JOHNSTON SWORN. EXAMINED BY MR WALSH.**

1244. *Is your name Florence Sarah Johnston?* Yes.

1245. *You are the wife of Mr John Sharpe Johnston?* Yes.

1246. *You lived next door to Mr Wallace at 31 Wolverton Street, did you not?* Yes.

**MR JUSTICE WRIGHT:** *Do not repeat things that are being taken as a matter of course in the case of the last witness. We know exactly how the two houses were. You do not want that, do you, Mr Oliver?*

**MR ROLAND OLIVER:** *No, my Lord, not at all.*

**MR JUSTICE WRIGHT:** *You may get her account of what she saw. It is important to have her independent account, if she has an independent account.*

1247. **MR WALSH:** *If your Lordship pleases. (To the witness): About a quarter to nine on the 20<sup>th</sup> January you were coming out with your husband from your back door?* Yes.

1248. *You then saw Mr Wallace?* Yes.

1249. *He passed your door, I understand: is that right?* He came toward us.

1250. **Was he hurrying?** Yes.
1251. **He was hurrying?** Yes.
1252. **You said to him "Good evening, Mr Wallace", did you not?** Yes.
1253. **Then he asked "Is there anything unusual?"?** Yes.
1254. **And you replied "No; what has happened?" Is that right?** Yes, that is right.
1255. **Tell me, if you can, in his exact words what he replied to you?** He said: "I have been out this evening since a quarter to seven, and now on my return I find the front door – both doors – locked against me. I have been to the front and to the back", and to the front again, I understand, because he was coming from the front door. Then my husband said "Try again, Mr Wallace, and if you cannot manage I will get my key"; if it was only a common lock in all probability, our key would open his door.
1256. **At this time, you were all in the passage just outside?** Yes; just on the step really.
1257. **When Mr Wallace went in to try, again did you hear him say anything?** Yes; he looked over his shoulder and said "She", meaning Mrs Wallace, "Will not be out; she has such a bad cold".
1258. **MR JUSTICE WRIGHT: When did he look over his shoulder?** Going up the yard.
1259. **And when he went towards the door?** Yes. He would be just by the scullery window when he said that.
1260. **He said "She will not be out because she has a bad cold"?** Yes.
1261. **MR WALSH: He got up to the door?** We could not see the door from where we stood, you see, and Mr Wallace appeared to put his hand on the knob and try it, and he called out "It opens now".
1262. **When Mr Wallace had gone in did you notice anything about the house?** We saw the lights in the back bedroom over the living room turned up, and then a match, apparently, or a light of some kind flickered in the little room, the little workroom.
1263. **Then how soon would it be after that match had flickered when Mr Wallace came out?** I should say two or three minutes.
1264. **Was it a long time?** Well, it seemed, of course, a very long time
1265. **When he came out to you what did he say?** "Come and see; she is killed".
1266. **MR JUSTICE WRIGHT: Did you hear any sound from him while he was in the house?** No, I heard nothing.
1267. **He came out and said "Come and see; she is killed"?** Yes.
1268. **MR WALSH: What was his manner when he came out and said that?** In a distressed tone, his words, and very hurried, you know.
1269. **MR JUSTICE WRIGHT: Do you mean agitated?** Yes.
1270. **He hurried as if he was agitated?** Yes.  
**MR WALSH: When he said "Come and see; she is killed", did he say it calmly or hurriedly, or what?**  
**MR JUSTICE WRIGHT: She said "in a distressed tone".**
1271. **MR WALSH: Yes, my Lord, but he could say it quickly if he was distressed; but never mind. (To the witness): You followed him through the kitchen into the parlour?** Yes.
1272. **There what did you see?** We saw Mrs Wallace's body lying on the rug.
1273. **Diagonally, with the feet near the fender?** Diagonally across the rug, the feet near the kerb and her head towards the piano and the door.

1274. **MR JUSTICE WRIGHT: Did you see a mackintosh anywhere?** I did not notice a until Mr Wallace drew my attention to it.
1275. **Tell us about that in order of time. At that stage, you did not notice the mackintosh; is that right?** Yes, that is right.
1276. **MR WALSH: Can you say how far it appeared to you Mrs Wallace's head was from the door?** From the door itself? The door was standing open.  
**MR WALSH: The door standing open.**
1277. **MR JUSTICE WRIGHT: The door was open about half way, I think?** Yes – I should think about a foot or so, but of course, it might be a little more.
1278. **MR WALSH: How far did you go into the room?** I stood right behind Mrs Wallace.
1279. **How do you mean, right behind her?** Behind her shoulders, just where the mackintosh lay.
1280. **MR JUSTICE WRIGHT: You had not seen the mackintosh?** No, I had not, but I know where the mackintosh was now.
1281. **You had not noticed the mackintosh then?** No, I had not, but I was just behind her shoulder, perhaps a little further into the room, I should say.
1282. **MR WALSH: On the left or right hand side of the body as you went in?** On the right hand side, the sideboard side. I did not cross the room at all.
1283. **MR JUSTICE WRIGHT: I should have thought that was your left hand side, was it not?** Yes, I thought you meant the side of the body.
1284. **It was on your left?** Yes.
1285. **MR WALSH: On your left hand as you went in?** Yes.
1286. **What kind of light was on in the room?** Just a fair light – of course not a brilliant light, but you could see everything in the room.
1287. **What did you do when you went in?** Mr Wallace stooped at the other side of Mrs Wallace and felt her hand, and I did the same.
1288. **MR JUSTICE WRIGHT: That was her left, was it?** Yes, her left hand. I did not see the right hand.
1289. **MR WALSH: You mean the body of Mrs Wallace was between you and Mr Wallace?** Yes.
1290. **Which light was it that was lit?** Near the window.
1291. **Have you seen these photographs?** Yes.
1292. **Will you look at this photograph? (Indicating).** Is it essential that I look at them?  
**MR JUSTICE WRIGHT: Loot an No's 6 and 7.**
1293. **MR WALSH: Yes; No 7 for the moment. (Same handed to the witness). Is that like the room when you went in?** Well, the furniture is the same, but of course, as I said before, in the other Court, it looks like a faked room, as I did call it, because it looks so very strange to me. I know it is the condition it was in.
1294. **Just explain what do you mean when you say "It looks so strange"?** I know interiors always looks so different to the actual thing.
1295. **MR JUSTICE WRIGHT: You mean when they are photographed?** Yes. When they are photographed, it looks so hard and bright, does it not.
1296. **That is true.** I was sat in the room looking at it like this, and even so, the door is not there. (Indicating).

1297. **No; the perspective is all wrong?** It is. It is quite different to the eye. I suppose the camera is in a different position.
1298. **MR WALSH: Can you remember when you went in where the chairs were the two or three chairs, just somewhere near the door?** There is a chair near the sideboard.
1299. **Look at No 7: is it there?** Yes.
1300. **Was it there when you went in?** Yes.  
**MR JUSTICE WRIGHT: Are you looking at No 7 now?**  
**MR WALSH: Yes, my Lord, and it is the chair to the right in front of the sideboard, or where it is now.**  
**MR ROLAND OLIVER: She said where it is now in No 7.**  
**THE WITNESS: Is this the side of the sideboard?**  
**MR WALSH: Yes?** No, it was in front of the sideboard.
1301. **MR JUSTICE WRIGHT: We want to hear what you said without anyone prompting you at all. Look at these two photographs, No's 6 and 7. They both show us a chair near the door. If you look, you see that the chair in No 7, if I follow rightly, is in a different position from the chair in No 6?** Yes. Well, it was in the position of No 6.
1302. **Where was that chair: Was it in the No 6 position or the No 7 position?** No 6 position.  
**MR JUSTICE WRIGHT: It is the same chair Mr Oliver?**  
**MR ROLAND OLIVER: Yes, my Lord.**
1303. **MR JUSTICE WRIGHT: Which position was it in when you went into the room and saw it?** In the position of No 6.
1304. **That is, standing between the sideboard and the body?** Yes.
1305. **There was a chair in front of the sideboard between it and the body as shown in No 6: is that right?** Yes.
1306. **MR WALSH: So you had to pass between those two chairs in No 6 to get to it?** Yes.
1307. **You have already said that you did not notice the mackintosh before you went in?** No.
1308. **When you all went out into the kitchen, did you see the accused point to that cabinet and reach down the cash box?** Yes.
1309. **And he went upstairs and said there were £5 missing?** Yes.
1310. **When your husband had gone for the doctor and the police what did you and Mr Wallace do?** We were in the kitchen for a few minutes and then Mr Wallace returned to the sitting room; I did also.
1311. **Did you go together, or did Mr Wallace go first and you follow some time afterwards, or what?** Mr Wallace went first; I went right behind him, almost altogether, you see.
1312. **What did Mr Wallace do then?** Mr Wallace stooped over Mrs Wallace and he said "They have finished her; look at the brains", and I said "Whatever have they used?" glancing around the room.
1313. **Did he say anything further, or do anything?** Mr Wallace rose and came to the other side to leave the room, and he said "Why, whatever was she doing with her mackintosh and my mackintosh".
1314. **You say he came to the other side. Which side had he been on?** On the window side.

1315. **He came round the body and said "Whatever was she doing with her mackintosh and my mackintosh"?** Yes.
1316. **MR JUSTICE WRIGHT: You mean he had gone across from the door to the window side of the body?** Yes; and I forgot to say he felt her hand, and I did also: that was for the second time.  
**MR WALSH: My Lord, I do not know whether your Lordship has got it down that when he said "What was she doing with my mackintosh as well as her own" she said he came from the left hand, from the door side, to the window side.**  
**MR JUSTICE WRIGHT: To get to the window side he must have come from the door.**
1317. **MR WALSH: Yes, my Lord. (To the witness): And he said it was his mackintosh?**  
Yes.  
**MR JUSTICE WRIGHT: She has not said that so far; he said "Whatever was she doing with her mackintosh and my mackintosh".**  
**THE WITNESS: Yes, and I said "Is it your mackintosh?"**
1318. **What were you asking about then; what mackintosh; was there a mackintosh there?** Well, Mr Wallace stooped and fingered the mackintosh. When I said "Is it your mackintosh" of course then you could not recognise it as a mackintosh; that is what I meant to convey to you. In the position it lay there I would not have known it was a mackintosh.
1319. **When it was shown to you and you saw it was a mackintosh did you remember if you had seen it there when you first went in?** Well, it appeared to be something roughed up, you know; I did not know really, what it was.
1320. **But what you saw when it was pointed out to you as a mackintosh you had noticed before, although you had not known what it was?** Yes.
1321. **It was not something fresh that was not there when you first went in?** No.
1322. **That I follow.** But it was almost hidden under the body, you see.
1323. **MR WALSH: And he stooped down and said "It is mine"?** Yes.
1324. **You then went into the kitchen again?** Yes.
1325. **What kind of fire was there in the kitchen, can you remember when you went in?**  
Very nearly out, just a few live embers.
1326. **Was anything done about lighting the fire?** Yes. I said "Well, we will have a fire". I felt I must do something; inaction was terrible.
1327. **When was this? When did you say this?** We had been in the kitchen I dare say two or three minutes.
1328. **Yes, but I mean was it before you went into the sitting room a second time?** No, after.
1329. **After you had talked about the mackintosh?** Yes.
1330. **Did the accused do anything about the fire?** Yes, he assisted me.
1331. **A little later, there was a knock at the door, I understand?** Yes.
1332. **Did you try to open the door?** Yes.
1333. **Were you able to?** No, it is a different lock to mine and I think I was agitated, so I drew back and let Mr Wallace open it.
1334. **And the police constable came in?** Yes.
1335. **Did Mr Wallace, while the police were examining the house, say anything?** Yes; he did say "Julia would have gone mad if she had seen all this", meaning the strangers knocking about the house.

1336. **Can you tell me what his attitude was the whole of this time? Did he seem excited, or did he seem calm, collected or what?** At first, he was quite collected.
1337. **What do you mean by "at first"?** Before my husband left for the police.
1338. **He was quite collected?** Yes.
1339. **And then?** Then twice he showed emotion by putting his hands to his head, and he sobbed.
1340. **Where were you when he did that?** In the kitchen.
1341. **Was there anybody else in?** No.
1342. **How long would it be that he was showing this emotion by sobbing?** Just momentary.
1343. **Apart from that, what was he like?** He was mostly collected.

CROSS-EXAMINED BY MR ROLAND OLIVER.

1344. **With regard to that, did he appear to be like a man who was suffering from a shock before your husband left?** Yes, to some extent.
1345. **It is very difficult to judge, of course, what is passing in other people's minds? Manners are so different are they not?**
1346. **Yes. Your husband said "He appeared to me as if he was suffering from shock"?** Yes.
1347. **Would you agree with that, as far as you are able to judge?** Yes, he looked very pale.
1348. **Twice you say while you were with him some time later he broke down altogether?** Yes, he sobbed.
1349. **I call that breaking down. Is it not unusual for a man to sob?** No.
1350. **Were both those times when you were alone with him?** Yes.
1351. **From time to time police officers were coming in and out of the room?** Afterwards. That was before they arrived, before Constable Williams arrived.
1352. **The two times you saw him break down, were before the police arrived at all?** Yes.
1353. **After that, you were quite a time with him in the kitchen, were you not?** Yes.
1354. **During that time, did he not display emotion from time to time?** Yes; and then if we were left in the kitchen alone he appeared as if he would break down, and he seemed to pull himself together when a great many were knocking about.
1355. **When the police came?** Yes.
1356. **He made an effort to control himself?** Yes, he made an effort to control himself.
1357. **But when you were alone with him before the police came, he showed signs of breaking down?** Yes.
1358. **You were with him a considerable time?** Yes.
1359. **Did you think there was anything suspicious about his manner from beginning to end?** No, I did not.
1360. **Nor do you now?** No.
1361. **I want to ask you about the photographs. My learned friend showed you No 7, and you said at the police court you had made a mistake in calling it a faked photograph; that was your own expression?** Yes.

1362. ***It was not about that one that you used the expression “a faked photograph”, but when you saw No 6 you said “That is not like the room at all: that looks like a faked up room”, and then you were shown No 7 and you said “That is more like it”. Would you like me to read what you said?*** Yes. I do not remember the numbers.
1363. ***Look again at No 6 again?*** Yes, looking at both.
1364. ***I only want to read to you what you said at the police court. “The room in the photograph No 6 is not like Mrs Wallace’s room; it looks like a faked up room” etc (reading to the words): “the photo No 7 looks more like the room, except the position of body is not the same”. Of course, doctors had been interfering with the body, so that is quite natural?***  
Yes.
1365. ***It is right that I should tell you, with regard to the position of the chair in front of the sideboard, you husband has said it was not there when you went in?*** No.
1366. ***But it was by the side of the sideboard?*** Yes.
1367. ***Thinking again, looking at that narrow space now, do you not think that the chair was beside the sideboard?*** No, I do not.
1368. ***You do not?*** No, it was in front of the sideboard.
1369. ***MR JUSTICE WRIGHT: You mean the chair in No 6?*** Yes.
1370. ***MR ROLAND OLIVER: Photographs are deceptive. At any rate, was there room to get round the body?*** Yes. I was there twice and my husband was only there once.
1371. ***I understand you had a much better opportunity of observing?*** Yes.
1372. ***MR JUSTICE WRIGHT: How does the door open as you go in? Looking at No 6, supposing you were standing in the doorway, it opens inwards of course?*** Yes, against the piano.
1373. ***That is to the right?*** Yes, to the right.
1374. ***MR ROLAND OLIVER: Yes, my Lord. (To the witness): Were you a friend of Mrs Wallace?*** Yes, as neighbours.
1375. ***You liked her, did you not?*** Yes.
1376. ***I see that you have said (I do not think you have said it here) that when you saw her dead you exclaimed “Oh, you poor darling”?*** Yes, but it is a word I have never used except under strong emotion. I think I have only used it once, when I was very upset.
1377. ***So far as you know, were their relations together quite happy?*** Yes, as far as I know.
1378. ***Let us move to the beginning of what you heard that evening. Your two houses are absolutely touching each other?*** Yes.
1379. ***And I suppose you can hear what goes on in one house from the other?*** Yes.
1380. ***He said he was knocking?*** Yes.
1381. ***Did you hear that?*** Yes, I heard that knock.
1382. ***You heard knocking on the back door: was that before you went out?*** Yes, just a few minutes. We were getting ready to go out.
1383. ***A few minutes before you went out?*** Yes.
1384. ***That would support his story so far when he said that he knocked at the back door and could not get in and went round to the front?*** Yes. It was so usual we did not take any notice.
1385. ***What sort of a knock was it?*** Either with the flat of his hands or his closed fist.
1386. ***Just a bang with his fist?*** Yes.



1387. **You knew the noise?** Yes, two or three minutes before we went out.
1388. **In the sitting room, did you see any spent matches, and if so where?** Two spent matches just in the doorway.
1389. **By the body?** Yes, close to the body.
1390. **Did you see a matchbox?** Yes, on a table near the window.
1391. **Did you make any remark about it?** Yes. I said to Mr Wallace "Are those Mrs Wallace's matches?" and he said "Yes".
1392. **What were they – Bryant and May's matches?** Yes, I think they were.
1393. **Where were the two spent matches near the body – the middle of it?** No, near the shoulder.
1394. **Two spent matches close together?** Yes; and one spent match in the kitchen close to the doorway. I noticed that because we mentioned was the house lit, and Mr Wallace said "No", and we had to light the kitchen and the sitting room, and I particularly noticed the matches lying there.
1395. **He said he had to light it?** Yes.
1396. **When you went into the house was the kitchen gas light on?** Yes.
1397. **And the blinds were drawn?** Yes.
1398. **So you could not see there until you got in?** No.
1399. **So you lit the kitchen and the sitting room light?** Yes.
1400. **MR JUSTICE WRIGHT: Which table was it?** The one right in the window.
1401. **MR ROLAND OLIVER: The one with the plant on it?** They both have plants.
1402. **The little table?** No, the larger table near the window.
1403. **You say when you first saw the mackintosh the body was on top of it: is that right?** Yes, it appeared so to me. There was very little of it to be seen.
1404. **Under the shoulders?** Yes, under the shoulders.
1405. **What colour was it?** I think it was grey.
1406. **A slate grey colour?** Yes.
1407. **What colour was it?** I could not say positively.
1407. **For a light dress?** Yes.
1408. **You could not see what shape it was?** No; it was not moved.
1409. **But it looked not a material of which a mackintosh would be made?** Yes.
1410. **MR JUSTICE WRIGHT: It was not moved at all?** No.
1411. **MR ROLAND OLIVER: That is what I wanted to ask you. Is that it? (Handed to the witness).** Yes.
1412. **MR JUSTICE WRIGHT: You mean from the first time you saw the body to the last time you saw the body the mackintosh was in the same place?** Yes.
1413. **MR ROLAND OLIVER: He never pulled it out from under the head?** No, he only fingered it.
1414. **You did not, I suppose?** No.
1415. **MR JUSTICE WRIGHT: It was when you fingered it that you noticed it?** Yes, when he remarked on it I looked at it.
1416. **When you looked at it, you unconsciously remembered that it had been there all the time although you had not noticed it?** No, I had not noticed it.

1417. **MR ROLAND OLIVER: I ought to put something to you about what you said he said. The words you say he used were "Why, whatever was she doing with her mackintosh and my mackintosh"?** Yes, that is exactly what he said.
1418. **What I suggest he said was: "Whatever was she doing with a mackintosh and my mackintosh"?** No, her mackintosh.
1419. **There was only one across there?** Yes, but I take it he possibly thought she had her mackintosh and then he realised it was his – still, I do not know really what he thought.
1420. **It is almost the same thing and it might be you are mistaken – "Whatever was she doing with a mackintosh and my mackintosh"?** Yes, it might be a mistake on my part; he might have said "a mackintosh" but I am almost positive he said "her mackintosh".
1421. **MR JUSTICE WRIGHT: You think he said "her mackintosh and my mackintosh"?** Yes, because he hesitated after "her mackintosh", and then said "and my mackintosh", as though there were two mackintoshes there.  
**MR ROLAND OLIVER: Yes – "Whatever was she doing with a mackintosh and my mackintosh"?**
1422. **MR JUSTICE WRIGHT: "Whatever was she doing with her mackintosh and my mackintosh"?** Yes.
1423. **He might have been correcting himself and saying "a mackintosh" – "and my mackintosh"?** Yes.
1424. **MR ROLAND OLIVER: With regard to the mackintosh, I want to know this. He at once pointed it out to you, and even pointed out to you that it was his own?** Yes.
1425. **Did you later on in the evening hear him acknowledge it to anybody else?** Yes.
1426. **Tell us how that was and when it was?** He was sitting in the chair in the kitchen.
1427. **MR JUSTICE WRIGHT: That is later?** Yes, after the police had arrived. A tall man – I should not recognise him – came to the doorway and said "What about this mackintosh, Mr Wallace?", and he said "Oh, it is mine".
1428. **That tall man we must presume was an officer of the police?** Yes. He was a heavily built man – he was exceptionally so.
1429. **A tall, exceptionally heavily built man?** Yes.
1430. **At all events, it was in the kitchen, nowhere near the sitting room, that that acknowledgement was made?** Yes.
1431. **With regard to this position of the mackintosh under the body, you say it was under the shoulder? You did say so?** Yes, I did.
1432. **Do you think it was possible, from the position it was in, that it had been thrown round her shoulders to go to the front door?** I could not say as to that.
1433. **Of course, not, that is true.**  
**MR JUSTICE WRIGHT: You mean she had thrown it on?**  
**MR ROLAND OLIVER: Yes, to go and open the door; that is my suggestion.**  
**THE WITNESS: That was my idea; I thought that was the object.**
1434. **You had the idea too?** It just flashed across my mind, because it was a peculiar thing, a mackintosh.
1435. **I quite agree – that the woman might have thrown it over her shoulders to go and open the door?** Yes.
1436. **Do you know that she had a cold?** Yes.

1437. **Did you know that she had seen the doctor for bronchitis some ten days before?**  
No, I did not, but I know she had been very poorly.
1438. **Williams was the first policeman to arrive?** Yes.
1439. **When he came, he was let in through the front door, was he not?** Yes.
1440. **I understood he first knocked and you went to the door and could not open it?** Yes.
1441. **Then Mr Wallace opened it?** Yes.
1442. **Do you know whether or not the door was bolted?** I do not.
1443. **If he says he undid the bolt you would not contradict him, would you?** I do not know whether he did, but I cannot remember that.

RE-EXAMINED BY MR HEMMERDE.

1444. **Are you used to a lock like that?** No.
1445. **What would you try and do with it?** I cannot say exactly; I suppose I just placed my hand on it.
1446. **And tried to turn it?** Very likely I did.
1447. **Have you ever seen one like it?** Yes, we had one ourselves until we replaced it with a Yale type.
1448. **You say you knew the Wallaces as neighbours?** Yes.
1449. **Had you ever been in their house?** Yes.
1450. **How often?** About three times.
1451. **In how many years?** Ten years.
1452. **In ten years, you have been in three times?** Yes, in the front room only, where the body lay, the sitting room.
1453. **Where they both there on those three occasions, the two of them?** No, only Mrs Wallace.
1454. **Have you ever seen them together in the house?** No.
1455. **I think you said "I would not have recognised it as a mackintosh"?** Yes.
1456. **You said something about his stooping down. Can you remember: was the stooping down before or after he had said "Whatever was she doing with my mackintosh" or "her mackintosh"?** He stooped on both occasions, the first time we were in the room and the second time.
1457. **When he said, "Why, whatever was she doing"?** That was just as we were leaving the room to go into the kitchen.
1458. **How far was he from it when he said that?** From the body?
1459. **Yes?** Quite close.
1460. **What did he do?** Stooped down and fingered the mackintosh when I said "Is it your mackintosh?"
1461. **I know you said that before you had asked him "Is it your mackintosh?" When he said "Why, whatever was she doing with her mackintosh and my mackintosh". What I asked you was was he stooping down or not before he said that?** Yes, he was on the other side, the window side.
1462. **On the window side?** Yes.

FREDERICK ROBERT WILLIAMS QUESTIONED.

1463. **Is your name Frederick Robert Williams?** Yes.
1464. **You are police constable 191 "G" in the Liverpool City Police?** Yes.
1465. **On the 20<sup>th</sup> January, last were you on duty in Anfield Road shortly after nine o'clock?** I was.
1466. **In consequence of what you were told, did you go to 20 Wolverton Street?** Yes.
1467. **When you got there what did you do?** I knocked at the front door.
1468. **What happened?** After a few seconds, fumbling by somebody inside, the front door was opened by the accused. He spoke to me and said "Something terrible has happened, officer".
1469. **While the fumbling was on, did you or did you not hear any bolt drawn?** I did not.
1470. **I think you are on sick duty now and not at all well?** Yes.
1471. **He said "Something terrible has happened", you went into the house and into the sitting room?** Yes.
1472. **What did you see?** In the sitting room on the mat in front of the fireplace, I saw the body of a woman who I now know to be Mrs Julia Wallace; her head was towards the sitting room and her feet were towards the right hand side of the fireplace. She was lying in a twisted position. I felt her right wrist and could feel no pulsation.
1473. **Just look at photograph No 6. (Same handed to witness). Does that represent the position in which you found her?** That would be the position of the body.
1474. **I think you said you felt her right wrist?** Yes.
1475. **And felt no movement?** I could feel no movement.
1476. **What was the flesh like?** Slightly warm.
1477. **What did you do then?** I spoke to the accused and said "How did this happen?" The accused said "I do not know".
1478. **He replied, "I do not know"?** Yes. "At 6.45 pm I left the house in order to go to Menlove Gardens, and my wife accompanied me to the back yard door. She walked a little way down the entry with me and she returned and bolted the back yard door. She would then be alone in the house. I went to Menlove Gardens to find the address which had been given me was wrong. Becoming suspicious, I returned home and went to the front door. I inserted my key in the front door, to find I could not open it. I went round to the back, round to the back entry door: it was closed, but not bolted. I went up the yard and tried the back kitchen door, but it would not open. I again went to the front door, and this time found the door was bolted. I hurried round to the back and up the back yard and tried the back kitchen door, and this time found it would open. I entered the house and this is what I found."
1479. **Did you make a note of that conversation at the time?** Not at the time.
1480. **Immediately afterwards?** When it was convenient to do so.
1481. **In the house?** I made a rough note of the statement in the first person.
1482. **But in the house?** Yes, in the house.
1483. **Did you then proceed, accompanied by the accused, to search and examine the house?** Yes.
1484. **What did you find in the middle bedroom?** In the middle bedroom the gas jet was lit. I asked the accused if this light was burning when he entered the house. He replied: "I changed myself in this room before leaving".

1485. **MR JUSTICE WRIGHT: You asked him if it was burning before he entered the house.**  
Yes, my Lord, before he entered the house.
1486. **MR HEMMERDE: And he replied?** “I changed myself in this room before leaving and probably left it on myself”.
1487. **Did you notice anything on the mantelpiece? On the mantelpiece, I noticed an ornament from which five or six £1 notes were protruding.**
1488. **You had better identify that, (Exhibit handed to witness).** This is the jar.
1489. **MR JUSTICE WRIGHT: Is that an ornament?** It was taken from the mantelpiece my Lord.
1490. **MR HEMMERDE: Are those the notes? (Indicating).** I cannot identify the notes.
1491. **You cannot?** No.  
**MR JUSTICE WRIGHT: What is the number of that exhibit?**  
**MR HEMMERDE: No 17, my Lord.**  
**MR ROLAND OLIVER: Let me see the notes. (Same handed to learned counsel).**
1492. **MR HEMMERDE: They will be identified later. (To the witness): Meanwhile, what did the accused do?** The accused took hold of the ornament and partly extracted the notes and said “Here is some money which has not been touched”.
1493. **What did you do?** I requested the accused to replace the ornament and the notes in their original positions, and this he did.
1494. **What did you do next?** To the right of the fireplace I noticed a curtained recess. I approached this, and the accused said: “My wife’s clothes are out there; they have not been touched”.
1495. **Did you look into the recess?** I looked into the recess, and apparently, they were undisturbed; they were all right.
1496. **When you looked into the recess, did the accused say anything?** The Accused said “There appears to have been no one here”.
1497. **Then I think there is a back room which has been converted into a laboratory?** Yes.
1498. **Did the accused say anything there?** He said: “Everything seems alright here”.
1499. **Did you then go into the bathroom?** Yes.
1500. **Was there any light there?** There was a small light there.
1501. **Did you say anything to the accused?** I am not quite sure whether I said “Was this light burning when you entered the house” or “Is this light usually kept on”.
1502. **What did he say?** He replied: “We usually have a light here”.
1503. **Did you go into the front bedroom?** Yes.
1504. **Was there a light there?** No.
1505. **What condition was it in?** The room was in a state of disorder: the bed clothes were half on the bed and half on the floor; there were a couple of pillows lying near the fireplace; there was a dressing table in the room containing drawers and a mirror, and also a wardrobe: the drawers of the dressing table were shut and the door of the wardrobe was shut.
1506. **Nothing was open on the dressing table or in the wardrobe?** Nothing whatever.
1507. **There did you go then?** We returned downstairs to the kitchen.  
**MR JUSTICE WRIGHT: I should like to see his notes. (Same handed to his Lordship).**
1508. **MR HEMMERDE: You returned downstairs and you went into the kitchen?** Yes.

1509. **When in the kitchen did you notice anything?** I noticed the door of a small cabinet had been broken in two pieces.
1510. **Is that the cabinet and broken door? (Indicating).** Yes, that is the cabinet and that is the broken piece of the door.
1511. **Did the accused point out anything to you?** The accused pointed out to me a small cash box which was lying on top of the bookcase to the left of the fireplace.
1512. **Is that the cash box there? (Indicating).** Yes, that is the cash box.
1513. **Did he say anything to you about it?** He said there was about £4 together and it was gone.
1514. **Did he pick up anything else and show it to you?** The accused picked up a lady's handbag which was lying on the chair near the table. The chair was half-way under the table.
1515. **You mean the seat of the chair was under the table?** Yes.
1516. **Have you got the handbag there?** Yes, this is the handbag. (Indicating).
1517. **Did he do anything with the bag?** The accused opened the bag and took out a £1 note and some silver. He did say something, which I do not remember, referring to his wife's money.
1518. **You do not remember what it was?** No.
1519. **Did you go into the sitting room?** I did. The accused accompanied me into the sitting room
1520. **Where did you stand?** I entered first and the accused stood close behind me just near the door.
1521. **You were slightly in front?** I was slightly in front and standing near the open door.
1522. **What do you say as to the blinds?** The window blinds were drawn. There was a small gas jet burning, and the lights from the fireplace.
1523. **MR JUSTICE WRIGHT: You say you went in and he stood near the door?** He stood near the door behind me: I was slightly in front my Lord.
1524. **MR HEMMERDE: Will you look at photograph No 6? (Same handed to witness). Did you notice where the chair was, the one near the sideboard there?** The one near the sideboard here appears to me to have been moved.
1525. **Where do you think it was?** I think it was this side of the sideboard near the door. (The witness indicated the position).
1526. **Look at photograph No 7?** That is the correct position.
1527. **That is your recollection of where it was as it appears in photograph No 7?** Yes, that is so.
1528. **MR HEMMERDE: I think we shall be able to clear that up definitely, my Lord, because somebody made a sketch. (To the witness): We have heard how the light to the right was lighted?** The light to the right of the fireplace was lit when I entered the room. The light on the left was not lit.
1529. **When you entered the room as you were looking round what did the accused do?** The accused stepped round the body near the sideboard and lit the gas mantle.
1530. **Did you then leave the room?** We did. I closed the room door behind me.
1531. **Up to that time, when you have just told my Lord and the jury that he lighted the other light, what had been the demeanour of the accused?** He was cool and calm – well, I thought he was extraordinarily cool and calm.

1532. **Had you asked him to light the light?** I did not.
1533. **After that, you went into the kitchen, I think?** Yes, we returned to the kitchen.
1534. **Did you say anything to him there?** I noticed the window of the kitchen was covered with heavy curtains; these I slightly parted. I said to the accused, "Did you notice any lights in the house when you entered?" He said: "With the exception of the lights upstairs the house was in darkness". I then asked him, when he first entered the yard did he notice any light escaping through the curtains, and he replied that the curtains would not allow the light to escape.
1535. **Did you say anything to him then?** I said "I will try them".
1536. **What did he say to that?** The accused said "It is no use now; you have disturbed them". I had disturbed the curtains.
1537. **MR JUSTICE WRIGHT: You say he said the house was in darkness except for the lights upstairs?** Yes.
1538. **Did you ask him, or did he say whether or not when he went into the kitchen there was any light there?** He did tell me there was no light in the kitchen.
1539. **MR HEMMERDE: When he entered?** Yes, when he entered.
1540. **And it was after he said that that you asked him about whether he had noticed anything when he came up the yard?** Yes.
1541. **A little time later, did you again enter the sitting room?** I did.
1542. **And at that time had Police Sergeant Brisling arrived?** He had.
1543. **When you went into the sitting room, did you say anything to the accused?** I spoke to both the accused and Police Sergeant Breslin and said "That looks like a mackintosh".
1544. **Where were you when you said "That looks like a mackintosh"?** I was inside the room.
1545. **Were you standing up or sitting down?** Standing up.
1546. **When you said "That looks like a mackintosh" what did the accused say?** The accused was standing in the doorway. He looked into the hall, at the same time saying "It is an old one of mine".
1547. **Did you see him look into the hall?** I did; I noticed him do it.
1548. **And he said "It is an old one of mine". Anything else?** That is all.
1549. **That is all you remember?** Yes.
1550. **You do not remember when he looked into the hall whether he said anything – I mean about the mackintosh? Never mind that; you do not remember?** That's all I can remember – "It is an old one of mine".
1551. **I think shortly after this happened Professor MacFall arrived?** He did.
1552. **And also Mr Moore and other officers?** Yes. I have not told you the position of the mackintosh as I saw it. The mackintosh was lying near the body and was all crumpled up and spattered with blood.
1553. **Did you notice what its condition was when you looked at it?** Only that it appeared to be a blue grey colour, and it was spattered with blood.
1554. **You noticed that it was spattered with blood?** Yes.
1555. **I do not think you can actually identify it. I do not think there is any dispute about it?** No. There it is.
- MR ROLAND OLIVER: No.**

CROSS-EXAMINED BY MR ROLAND OLIVER.

1556. **You say when you said "This looks like a mackintosh" he looked back into the hall and said "Yes, it is mine"?** He said: "Yes, it is an old one of mine".
1557. **Did he not add to that "It usually hangs here"?** Yes, he did say that.
1558. **That is the explanation of his looking back into the hall: you see that?** Yes. I had just forgotten that for the moment.
1559. **It does explain it, does it not?** It explains his looking in the hall.
1560. **We have been told by Mrs Johnston, who was with the accused all the time that no one moved the mackintosh or touched it except to finger it until you came in. When you came in and saw them was the mackintosh partly under the body?** It was.
1561. **And partly under the shoulder?** Yes.
1562. **And only sort of rumpled bits of it sticking out?** Yes, near the back of the head.
1563. **And you had no difficulty in assuming that that was a mackintosh?** I did not assume it there and then; it was some time later that I assumed it was a mackintosh.
1564. **When you looked at it standing up you said "This looks like a mackintosh"?** No, that was a later occasion.
1565. **When you first made that observation, no one had moved it?** When I first made the observation, no one had moved the mackintosh.
1566. **MR JUSTICE WRIGHT: That is what you said when you and Sergeant Breslin went back to the sitting room?** Yes.
1567. **When you were standing in the doorway, you said "That looks like a mackintosh"?** Yes, my Lord.
1568. **MR ROLAND OLIVER: Up to that time, you had not particularly noticed it?** I had been in the room twice before that and I had noticed the material there, but I had not come to the conclusion.
1569. **You knew something was there, but you had not thought it was a mackintosh?** That is so.
1570. **And then when you saw it the second time you said "That looks like a mackintosh"?** Yes.
1571. **And up to that time, no one had touched it from the first time you saw it?** Not to my knowledge.
1572. **MR JUSTICE WRIGHT: "As far as I know, it was where it had been all the time"?** Yes, my Lord.
1573. **MR ROLAND OLIVER: You had been with Wallace all the time: he could not have moved it?** No.
1574. **You stopped with him from the moment you got in?** Yes.
1575. **And it was as it was when you first went in, was it not?** Yes.
1576. **Did you make you note after you had so to speak made your round with Wallace of the house?** I made my note when the first police officer arrived on the scene.
1577. **That was after Breslin came?** No.
1578. **Who was the first?** Not Inspector Kelly.
1579. **Who was the first to arrive after you?** Superintendent Moore: he came at half past ten.
1580. **What time did Breslin come?** About a quarter of an hour before that.



1581. **Superintendent Moore was not the next one: the next after you was Breslin?** Yes.
1582. **Would that be about ten to ten?** Near enough ten to ten.
1583. **How soon after Breslin came in did you have the conversation about the mackintosh?** Immediately.
1584. **Had you then made your note?** I had not made any notes. The time had been spent going over the house.
1585. **I am not complaining. How long after Breslin came in do you think you made your notes of all the conversations?** I made no notes outside till Superintendent Moore came in and took charge.
1586. **You told my learned friend that at some time or other you made notes: I am only trying to find out when it was?** I should say it would be about half past ten when I made my rough notes of what I had ascertained.
1587. **You could not do more than make rough notes, and no doubt, later you made a report?** Later I made a full report.
1588. **So, at half past ten you sat down to record, quite properly, what had happened during the last hour and a quarter?** I did not sit down to do it.
1589. **Then stood up and recorded your impression of what had happened during the last hour and a quarter. When did you get to the house?** Twenty past nine.
1590. **To record the number of conversations and number of events that is what you had to do?** Yes.
1591. **I am not attacking you in any way at all; I only want to see what you did. With regard to the first statement that the accused made to you, he first made a statement beginning "How did this happen? I do not know", and then that long statement?** Yes.
1592. **I am prepared to accept everything except one thing. Let me read what is not disputed. "My wife accompanied me to the back door" – that is not disputed – "and walked a little way down the entry with me and she returned and bolted the back yard door". Are you sure, he said she walked down the entry with him and not down the back yard?** I am emphatic that he said she walked down the entry.
1593. **It is a funny thing to do. I am going to suggest that he said she walked down the back yard and let him out. You are confident you are right?** I am confident, absolutely.
1594. **Have you ever made a mistake?** I dare say I have, but I am confident I never made a mistake, because I thought of the probability at the time of somebody having sneaked into the house while the accused and his wife were a few yards down the entry. That is how I remember it.
1595. **With them in the entry?** It is a peculiar neighbourhood.
1596. **Is it a peculiar neighbourhood? What is peculiar?** As regards the laying out of it, the planning of it.
1597. **There have been troubles there occasionally, have there not?** I do not know.
1598. **Perhaps someone else does? At any rate, I am suggesting that you are mistaken about that. Are you quite clear that he told you she bolted the back yard door?** Absolutely.
1599. **When you were going round the house, amongst other places did you go into the bathroom?** Yes.
1600. **When you got into the bathroom how was the light?** There was a low light a very low light.

1601. **The light was turned low?** Yes, low.
1602. **Did you turn it up?** No.
1603. **Did you not?** Not in the bathroom.
1604. **Just had a look in and went out?** I had my torch with me.
1605. **Did you flash that around?** Yes, I did.
1606. **Did you notice whether there were any towels in the bathroom?** I could not say that with certainty.
1607. **You did not stop there, no doubt, longer than necessary?** A second or two.
1608. **With regard to the notes in what has been apparently called the ornament on the bedroom mantelpiece, do you say the accused fingered them to this extent, that he withdrew them wholly or in part from the ornament or pot?** The accused got hold of the ornament with his right hand. I will illustrate with the ornament.
1609. **Yes, do.** Presume that is the mantelpiece. I am here and the accused is here, and there is the window. He took hold of it like that and partly extracted the notes, and as he did so, I requested him not to do so and put it back again. (The witness illustrated).
1610. **But his fingers had touched the notes?** Yes, his fingers had touched the notes.
1611. **And they were partly withdrawn, so if there was any blood on his hands it would have gotten on the notes?** Yes, it is quite possible.
1612. **You see the possibility of that?** Yes.
1613. **Both these mackintoshes were steeped in blood, where they not.** Not the mackintosh.
1614. **You have said so?** I did not.
1615. **Spattered with blood; I do not mean it was soaking. We have other evidence about it.**  
**MR JUSTICE WRIGHT: He did not say "steeped in blood".**  
**MR ROLAND OLIVER: It was an inaccurate expression, my Lord. What I meant was, there was a lot of blood.**

RE-EXAMINED BY MR HEMMERDE.

1616. **Will you put those notes back in the ornament exactly as you found them?** I did not put them back; the accused did.
1617. **But as far as you know, how they were.** As far as my recollection goes, the notes were like that, and with my height and the lowness of the mantelpiece, I could see there were notes in the pot. (The witness illustrated).
1618. **You did not draw attention to them first?** No, I did not.
1619. **MR JUSTICE WRIGHT: You mean the notes are right inside?** Yes, my Lord.
1620. **MR HEMMERDE: I want this quite clear. How far did he lift them out before you stopped him?** I should say about that. (Indicating).
1621. **Then you told him to drop them?** To replace them.
1622. **And they were replaced?** Yes, he put them back.  
**MR JUSTICE WRIGHT: About an inch or an inch and a half.**
1623. **MR HEMMERDE: About halfway, my Lord, and then he put them back. (To the witness): Apart from that, was anything done to disturb them or arrange their order?**  
 Nothing at all.

1624. **You are sure?** Yes.
1625. **Did you on that evening at any time see any blood upon him?** I did not.
1626. **Hands, clothes or anywhere?** I did not.

**MR JUSTICE WRIGHT:** *I have been looking at these notes and shifted their order, but I suppose that does not matter now.*

**MR HEMMERDE:** *No, my Lord.*

**MR ROLAND OLIVER:** *Has your Lordship shifted their order?*

**MR JUSTICE WRIGHT:** *I have.*

**MR ROLAND OLIVER:** *It is only that the one with the bloodstain upon it should have been right in the middle.*

**MR JUSTICE WRIGHT:** *If there is some witness who can put them back again, not harm will have been done. I assumed that was to, otherwise, I would not have looked at them at all.*

**MR HEMMERDE:** *They shall be put back in order by the appropriate witness, my Lord.*

**MR JUSTICE WRIGHT:** *Yes.*

1627. **MR HEMMERDE:** *With regard to the mackintosh, is this the order of events: you go in there first with him and you do not notice the mackintosh?* Not as a mackintosh.
1628. **Then you have told my Lord and the jury that just as you were leaving the room he stepped across and lighted another light?** That was on the second occasion that we visited the room.
1629. **Then was it the third occasion that the remark was made about the mackintosh?** Yes, the third occasion.
1630. **So when you came back on the third occasion there was much more light in the room as this other light had been lighted?** The second gas jet had been lit.
1631. **As you went out the second time, he lighted the light?** Yes.
1632. **When you came back with that extra illumination, you then pointed this out and said "That looks like a mackintosh"?** I did.
1633. **That is the order of events?** Yes.
1634. **MR JUSTICE WRIGHT:** *You drew attention to it?* Yes.
- MR ROLAND OLIVER:** *My friend put it that as he went out of the room he lighted the gas jet. That is not what he said in chief.*
- MR HEMMERDE:** *I think it is.*
- MR ROLAND OLIVER:** *Would your Lordship tell me what he said in chief? I have not a note of it.*
- MR JUSTICE WRIGHT:** *"I then went into the sitting room. We were both near the door. The light on the left was not lighted. The accused stepped round the body and lit the light.*
- MR HEMMERDE:** *Yes. "Then we went out".*
- MR JUSTICE WRIGHT:** *"Then we went into the kitchen. I noticed the window was covered with heavy curtain" and so on. Then "A little later I went into the room; Sergeant Breslin had arrived. I said to the prisoner and the sergeant "That looks like a mackintosh".*

**MR HEMMERDE: Exactly, my Lord.**

**MR JUSTICE WRIGHT: "He drew attention to it, I think it was on the third occasion but I have not counted them, when he went into the sitting room".**

1635. **MR HEMMERDE: Yes, that was the third occasion when the extra light was on? It was on the third occasion.**

**MR HEMMERDE: That is all I want.**

**JANE SARAH DRAPER, SWORN. EXAMINED BY MR HEMMERDE.**

1636. **Is your name Sarah Jane Draper? Yes.**

1637. **Are you a widow living at 38 Tollerton Street? Tollerton Road.**

1638. **How long have you known the accused and Mrs Wallace? Nine months.**

1639. **Used you to go to their house once a week to do some cleaning? Yes.**

1640. **What day used you to go? A Wednesday morning.**

1641. **I think the last time you went before Mrs Wallace's death was on the 7<sup>th</sup> January? Yes.**

1642. **You had not been on the 14<sup>th</sup>? No.**

1643. **Did you go on the 21<sup>st</sup> with Detective Inspector Gold? Yes.**

1644. **Did you find anything missing that you had been used to finding there? Yes.**

1645. **What was it that you found missing? A poker out of the kitchen.**

1646. **How large a poker was that? About nine inches long.**

1647. **A small poker? Yes.**

1648. **I mean a thin poker? Yes.**

1649. **Did you also notice something else was missing? Yes.**

1650. **What was that? A piece of iron out of the sitting room fireplace which was always kept there.**

1651. **Can you give us any idea of the size and thickness of it? Perhaps it might help you if you would look at a few things here to give you some idea, because measurements are always vague?**

1652. **MR JUSTICE WRIGHT: When you say "a piece of iron", you do not mean a lump? No – a straight piece, round.**

1653. **MR HEMMERDE: Was it anything like those? (Two bars handed). Like that one.**

1654. **Shaped like that sort of thing? It was a bit rougher than that.**

1655. **But that sort of thickness? Yes.**

1656. **And length? Yes.**

1657. **Do you know what it was used for? For cleaning under the gas fire.**

1658. **I suppose cigarette ends and things get in? Yes, and spent matches.**

1659. **Was it as heavy as this? (Handed). That is the one you picked? Yes, about the same weight.**

1660. **Only rougher? Yes.**

**MR JUSTICE WRIGHT: Let me see that. (Same handed to his Lordship). I do not know whether you would like to look at it or not, members of the jury, but you can. (Same handed to the jury).**

1661. **MR HEMMERDE: Do you remember particularly when you last saw it there?** On the 3<sup>rd</sup> January.
1662. **What makes you remember that particularly?** I used it that morning.
1663. **For what?** Under the gas fire, to find a screw that had come off the gas bracket.
1664. **You mean to rake for a screw which had come off the gas bracket?** Yes.
1665. **It was a screw off the gas bracket which you were trying to get from under the fire?** Yes.
1666. **Who was there when you were doing that?** Mrs Wallace.
1667. **Used it to stand up there?** Sometimes it stood by the fireplace and sometimes it was laid underneath the kerb.
1668. **Was it there the whole time you were attending at their house?** Yes.
1669. **And you found it missing?** Yes, on the 21<sup>st</sup>.

CROSS-EXAMINED BY MR ROLAND OLIVER.

1670. **You say it stood up where it could be seen and other times it was close under the kerb?** Yes.
1671. **Do you know which room the Wallaces generally sat in: was it the kitchen which they generally used for living in?** Yes.
1672. **How long used you to be there at a time?** Four hours.
1673. **You would know that then?** Yes.
1674. **Did you ever hear them play music together?** No.
1675. **Did they ever use the sitting room while you were there?** No.
1676. **You have never seen them in it?** No.
1677. **All you know about their habits is from when you were there?** Yes.
1678. **They got on pretty well together, as far as you could see?** Yes, I always found them on pretty friendly terms.

RE-EXAMINED BY MR HEMMERDE.

1679. **You would go there on Wednesday, every week?** Yes.
1680. **Were they generally both in when you went?** Yes.
1681. **On the Wednesday morning?** Yes.

ALFRED WILLIAM ROBERTS SWORN. EXAMINED BY MR HEMMERDE.

1682. **Is your name Alfred William Roberts?** It is.
1683. **Are you Chief Detective Inspector in the Liverpool City Police, and did you receive from Detective Inspector Gold the lock Exhibit "WHW21" on the 26<sup>th</sup> January last?** I did.
1684. **Did you hand it to the locksmith, James Sargent?** I did.

**MR ROLAND OLIVER: No questions.**

JAMES SARGINSON SWORN. EXAMINED BY MR WALSH.

1685. **Is your name James Sargent?** It is.
1686. **You are a locksmith carrying on business at 86 and 88 Dale Street, Liverpool?** Yes.
1687. **And you live at 10 Larkfield Road, Aigburth?** Yes.
1688. **On the 26<sup>th</sup> January, were you handed by Chief Inspector Roberts that lock?**  
**(Indicating).** Yes.
1689. **Did you examine it?** Yes.
1690. **What did you find?** I found that it was dirty and rusty. I took the back off the lock, and on examining the wards, I noticed that the little springs which should have pressed the wards down were missing. I also noticed that the wards were stuck in a neutral position: that is, they had been lifted at some time and remained in that position.
1691. **What do the wards do?** They had security to the lock. If the wards are not lifted up to a certain height, you cannot open the lock.
1692. **What kind of lock it is?** It is a two-lever night latch.
1693. **Can you tell whether that has been damaged recently, or has it been like that for a long time, or what?** In my opinion, it has been in that condition for a long time. I also noticed that the pinhole at the back of the lock is worn, that the part which is operated by the key is also worn, and that when you insert the key into the lock and turn it instead of stopping just over halfway it goes a complete revolution and that allows the latch to slip back again.
1694. **Have you the key there?** Yes, the key is here.
1695. **Just show the jury?** When you put the key in and turn it, it goes right round: this is due to the wear of the lock.
1696. **And not to any recent damage, or anything like that?** In my opinion, there is no evidence or recent damage at all.
1697. **It has been like that for some time?** Yes.
1698. **For anyone who knew that lock was like that it would be perfectly easy to open the front door?** Yes.
1699. **MR JUSTICE WRIGHT: Because he would stop at the proper, time and hold it?** Yes. Anybody familiar with it would hold it like that, but a stranger who did not know it would turn the key right round.
1700. **And he would have to start afresh?** Yes.
1701. **MR WALSH: On the 16<sup>th</sup> November, did Inspector Gold hand you another lock?** Yes, he did.
1702. **That is Exhibit 22. Did you examine it?** I did.
1703. **What did you find?** I found that the locking bolt was rusty, but in good working order. It was stiff for want of oil.  
**MR JUSTICE WRIGHT: Where was Exhibit 22 from?**  
**MR WALSH: Detective Inspector Gold handed it to the witness, my Lord.**  
**MR JUSTICE WRIGHT: What part of the house?**  
**MR WALSH: I beg your pardon, my Lord – the back door.**  
**THE WITNESS: It would be from the back kitchen door, my Lord.**
1704. **MR WALSH: You say the locking bolt was rusty?** Yes, but it was in good working order; and then the spring bolt, the crank which actuates the spring bolt, was grinding on the base of the lock, so that when you turned the lock the spring bolt remained in. It required pressure to open it.

1705. ***Apart from being, rusty there was nothing wrong with it?*** Nothing else wrong. I also found a spring inserted in the lock, and that had evidently been put in at some time to assist the original spring, to force back the spring.
1706. ***MR JUSTICE WRIGHT: Was the condition in which you saw it of long standing or only recent?*** It was long standing, my Lord.

CROSS-EXAMINED BY MR ROLAND OLIVER.

1707. ***Is there any means of securing that latch on the inside when it is open?*** The night latch?
1708. ***On the back door?*** Only by locking the locking bolt.
1709. ***What happens?*** You insert the key and turn it and it shoots out the locking bolt, and it must be opened again either from inside or outside by the key.
1710. ***But you cannot secure that latch in any way?*** No.
1711. ***Is this the position with regard to that; it is exceedingly stiff?*** A portion of it is stiff.
1712. ***Is it very stiff? It is erratic in its operation and sometimes goes stiffer than at others?*** It has been like that for some considerable time.
1713. ***I am sure of it. I want to get this from you: is it in a condition in which it would open sometimes easier than others?*** Not always, because the crank is grinding against the back of the lock.
1714. ***It would be always the same every time you opened it?*** Yes, in my opinion it would.
1715. ***There are cases, are there not, where latches will open easily and sometimes with great difficulty: sometimes they feel stiff and sometimes they do not?*** That would be in most cases due to rust.
1716. ***That is rusty, is it not?*** Yes, it is rusty.
1717. ***The fact that a latch would sometimes open easily and sometimes stick is a possibility with regard to a lock?*** In this lock, no, because the crank which operates the spring bolt is grinding against the case of the lock. To make that work freely it would have been eased off by a file.
1718. ***I thought you said it depended up on whether it was rusty or not whether it worked freely or stuck?*** Not with this particular lock. I have only examined this lock.
1719. ***Does it sometimes depend upon what the thing is which it fits into?*** Into the strike of the lock, the part that fits on to the door?
1720. ***Yes, that is the strike?*** Yes.
1721. ***Does it depend sometimes on the condition there?*** Yes. I had one on my own shop door like that and I had to lift the door to turn the key.
1722. ***Do you know what the position of this door was?*** No.
1723. ***With regard to the possible grinding effect of rust or anything else on the strike, that might have the effect of making it sometimes difficult and sometimes easy?*** I do not think so in this case.
1724. ***Why?*** Because the stiffness is due to the internal workings of this lock.
1725. ***Leave them out and say to that extent it is always stiff?*** Yes.
1726. ***Now will you add to that the possibility that there may be something wrong with the fit in the strike?*** I cannot say that, because I have not seen it.

1727. ***That is a thing which will produce difficulty sometimes. I think you have said it. I am trying to find out, as you know, about these things. I thought you told me that sometimes the fitting of the latch into the strike is a thing which may produce stiffness by the latch grinding upon the strike?*** That is possible.

1728. ***Is not that a thing which is erratic sometimes and its operation stiffer than at others?*** Yes, that may be, but as regards this lock I cannot say anything about it. I have not been on the premises.

1729. ***MR JUSTICE WRIGHT: All that is suggested to you is that there might be sometimes some extra stiffness because of the adjustment of the strike?*** Yes.

1730. ***You say it must always be stiff, and you cannot say whether sometimes there was a little extra stiffness?*** I could not say because I have not seen it.

RE-EXAMINED BY MR HEMMERDE.

1731. ***So far as that particular lock is concerned, would there or would not there be difficulty with a person who is used to it?*** No, because they would know it required a little extra pressure and they would use that extra pressure.

JOHN EDWARD MACFALL SWORN. EXAMINED BY MR HEMMERDE.

1732. ***Is your name John Edward Wheatley MacFall, and you are Professor of Forensic Medicine in the University of Liverpool and (?) in Medical Jurisprudence in the Universities of Glasgow, Edinburgh, Manchester and Birmingham?*** I am.

1733. ***On the 20<sup>th</sup> January last were you called in to 29 Wolverton Street, and did you arrive at about 9.50?*** I did.

1734. ***When you arrived what did you see in the front parlour?*** I saw the dead body of a woman lying upon the hearthrug face downwards, and the face was turned to the left. The left arm was extended, and the right arm was by the side of the body. The body was fully clothed and lay diagonally across the hearthrug. The head was by the corner of the rug nearest to the door. The head was badly battered in on the left side above and in front of the ear, where there was a large open wound approximately half an inch by three inches, from which bone and brain substance was protruding. At the back on the left side of the head, there was a great depression of the skull, with severe wounds. The matted hair obscured the detail of the wounds, which I shall be able to describe later. There was a large patch of blood clot on the edge of the hearthrug on the side at the end nearest the sideboard, and a large patch of blood clot on the brain substance and bone, and pieces of bone by the edge of the hearthrug towards the door on which the head was lying. The hands were quite cold; the lower arms were cold, but the upper arms and the body was warm. Rigor mortis, the stiffening that follows death, was present in the upper part of the left arm and the neck. The head was turned to the left and fixed by post-mortem rigidity of the neck by about one o'clock that is approximately two hours afterwards.

1735. ***Three hours after?*** Yes, three hours afterwards; that was practically when I was leaving, and I was watching the body in between and watching the process of this stiffening; it was by this time, about one o'clock, the post-mortem rigidity had extended to the right arm and the right leg, but on my first observation when I noted that the neck was stiff and



the upper part of the left arm was stiff my opinion then was that death had taken place quite four hours before ten o'clock. On further examination of the body there was a little blood staining of the hair. There was nothing clenched in the hands, and nothing beneath the fingernails.

1736. **Before you go on, you say you formed the view of four hours. Could you give a definite minimum that it must have been? A certain time?** There is always a certain amount of possibility one way or the other, but the opinion I formed then was that it was over four hours since this woman had been dead.
1737. **MR JUSTICE WRIGHT: That is at ten o'clock at night?** That would bring it back from ten o'clock to six o'clock.
1738. **MR HEMMERDE: What would you regard as the possible margin of error in that calculation?** It could not possibly be in this case more than an hour; it is not possible, because post mortem rigidity is not merely beginning, it has begun and has progressed to a certain extent in the neck and in the arm.
1739. **MR JUSTICE WRIGHT: One hour's error would bring it to seven o'clock: half an hour's error would bring it to half-past six?** Yes, but there is the other way, and I formed the opinion then it was four hours or more.
1740. **MR HEMMERDE: Now, will you go on? You just said that there was some blood staining of the hands, nothing clenched in the hands and nothing beneath the finger nails?** I noticed particularly the blood clot. One gets a certain amount of experience, having seen a number of cases, and you form an opinion, immediately you see a blood clot, on its age. This is only approximate; it is by no means definite: it is an opinion that can be formed from a consideration of post-mortem rigidity, but still it is a good point. This clot, instead of being the bright red that one sees in blood that has been shed half an hour to an hour, had the dark appearance that one sees in a blood clot that has been shed two or three hours. I cannot go beyond that. It was getting a darker red. There was also serum, but that is very little to go upon, because the liquid portion of the blood, the serum, runs out very soon, but still there was a serum exudation. It is the general appearance of the clot. As I have to allude later to this exudation of serum, I note here that there was serum exudation in this clot on the floor.
1741. **Did you notice blood splashes?** There were blood splashes. I have here bits of paper that I had in my pocket at the time, and these are a very rough sketch of what I have already described.
1742. **What are these? You made a sketch, I think, first of all of the room, the body and the furniture?** Yes.
1743. **They probably would be very valuable?** Yes, they were made at the time, or very soon after.
1744. **May I see one of the room?**  
**MR ROLAND OLIVER: This is new evidence. I think we should have had an opportunity of seeing these before now.**  
**THE WITNESS: It is not new evidence.**  
**MR ROLAND OLIVER: The right of the prisoner in a criminal case is to see them at the time the evidence is given or at the time of the committal.**  
**MR JUSTICE WRIGHT: Was any reference made to them at the police court?**  
**THE WITNESS: No.**

- MR JUSTICE WRIGHT: If you want them (the case will not finish today), you can see them.**
- MR ROLAND OLIVER: I am not saying it to make a grievance, but I think we should have had them.**
- MR JUSTICE WRIGHT: You can see them.**
- THE WITNESS: I stated in my evidence that I had given them, and it was also stated by other witnesses that I had been seen making sketches.**
1745. **And nobody asked to look at them?** No, my Lord, they did not.
- MR HEMMERDE: I do not think it will embarrass anybody, but I want to get it on the Note.**
1746. **MR JUSTICE WRIGHT: We must exhibit it now. What is it?** It is the position of the chairs and the body roughly, as I saw them.
- MR JUSTICE WRIGHT: That will be Exhibit 56.**
- THE WITNESS: These are in the form of notes which I referred to.**
1747. **MR HEMMERDE: In this sketch you have marked here with a cross, two blood clots?** Yes.
1748. **And one brain tissue?** Yes, blood and brain tissues.
1749. **You sketch the position of the body as you found it, and you put in the position of the chairs?** Yes.
1750. **What time? It is marked at 10 pm?** Yes, soon after my arrival, about 10 pm.
1751. **You have actually put the time on it in ink – “10 pm”?** That was afterwards, when I was making a note upon it. I first made the sketch in pencil and then made the note upon it with my description after. That was the time it was written.
1752. **When was the note made with reference to the sketch, the ink?** I think I had that book and wrote it at the same time. The idea was to sketch it in pencil and put the other details in, in ink.
1753. **And do the details here as regards the position of the chairs represent what you saw at ten o’clock?** Exactly what I saw, that is one chair.
1754. **In front?** Yes, as I saw it.
1755. **MR JUSTICE WRIGHT: Let me see it. (Same handed to his Lordship). Is the chair in front of the sideboard?** Yes, that is how I saw it, a chair in front of the sideboard.
- MR JUSTICE WRIGHT: Members of the jury, you had better look at it (Same handed to jury). It agrees with the photo, apparently.**
1756. **MR HEMMERDE: Yes, my Lord. (To the witness): I would like you to look at the photograph that has been produced, photograph No 6. (Same handed to witness).** Yes, that is it, approximately, but there are one or two things different here. There is a music stand just about the corner of the rug, the right hand corner by the aspidistra there.
1757. **Look at No 7 and see if you can find it there?** Yes, but it had been moved, evidently.
1758. **You think that had been moved?** Yes. This is only approximate. The mackintosh is quite different to when I saw it there.
1759. **The chair is in the same position, approximately: the music stand you think is slightly moved?** Yes. In No 6, it is in proper position: in No 7, it is not.
1760. **I think we can now come to what I was going to ask you about blood splashes on the wall and about the place?** There were a large number of typical blood splash marks in a

circle from the edge of the sideboard: that is the edge of the sideboard as seen in No 7, the right hand side of the sideboard, and as seen in my sketch. These are notes and there is a rough sketch of this. (Handing same).

1761. **These are rough marks of the blood?** Yes. I can describe them, perhaps, better than you can see them there.

1762. **MR JUSTICE WRIGHT: Where are they, on the sideboard or walls or where?** I will explain that.

**MR HEMMERDE: If your Lordship has a magnifying glass, your Lordship can see them in the photograph.**

**THE WITNESS: I can lend your Lordship one. It is rather important that the direction of these should be seen. You can see two definite little specks: one is showing in the space at the back of the chair, and there is one just above the violin case. If you look at those two splash marks you will see they give a definite direction. They are what we call soda-bottle marks. When blood is projected through the air it travels as a sphere, and when it touches a surface the top sticks and the bottom tumbles and gives it its appearance. You can always tell the direction in which it comes from the appearance of these so-called soda-bottle marks.**

**MR JUSTICE WRIGHT: Members of the jury, you will see the marks. There is one just above the arm of the chair and there is one in that little gap.**

**THE WITNESS: That is so. There are one or two very small ones on the picture above, again; they all give direction, but the two more definite blood marks are on the top of the sideboard. They are not shown in the photograph, but they are shown in my sketch on the top of the sideboard just at the corner, and their direction goes towards the picture.**

1763. **There are two on the wall?** There are more than two; there are more behind my Lord. The direction is from in front of the sideboard a little going round the corner. No 6 shows you again, quite definitely under the picture: there the marks are round.

1764. **There are a lot of them?** Yes, and they are all round.

1765. **I can count seven?** They are all round, and from that one deduces that the blood has struck it directly, not glancing, but a direct hit, as it were. If you go still further round you will see on the side of the wall by the fireplace again some blood marks and they are not direct hits. They are shown tumbling over the top again.

1766. **Which are they?** There is one at the top in the circle at the side of the fireplace and just opposite to the arm of the chair.

1767. **There is one I see inside at the end of the arm?** Yes.

1768. **And one above that?** Yes.

1769. **Slightly to the left of it above?** Yes.

1770. **And then there are two above the arm of the chair?** Yes, and there are a lot on the picture.

MR JUSTICE WRIGHT: Are there?

MR HEMMERDE: Yes, my Lord, 20 or 30.

THE WITNESS: None of those that you can see on the picture or on the wall behind the chair show any diagonal direction, as it were; they are all direct.

1771. **Mr Justice Wright: You mean none of those shown in the photograph show any direction?** Only the two.
1772. **The two beside the fireplace?** Yes. There are a few of those which are as high as 7 feet, I think. In photograph No 7 even above the picture you can see small ones, but the majority that we have been examining now are about 4 feet high, or approximately that
1773. **MR HEMMERDE: Could you form a view as to where the blow was struck, where the deceased was at the time?** Yes. If you take these and concentrate them upon a central position, they concentrate fairly definitely in front of the chair.
1774. **The chair by the side of the fire?** The armchair on which is the violin case.
1775. **MR JUSTICE WRIGHT: Which armchair?** The armchair on the left of the fireplace.  
**MR HEMMERDE: Your Lordship sees the armchair in the photograph No 7?**  
**MR JUSTICE WRIGHT: Yes, but it is not by the fireplace.**  
**THE WITNESS: The chair is by the fireplace.**  
**MR JUSTICE WRIGHT: Yes, the chair is, but not the violin case.**  
**MR HEMMERDE: The case, not the stand.**
1776. **MR JUSTICE WRIGHT: Was the case lying on the chair?** When I saw it, the case was on the chair.
1777. **Then you say she was struck in front of the armchair to the left of the fireplace, the chair on which is the violin case?** Yes.
1778. **She was standing somewhere near the fireplace?** I think it is a little too low to be standing.
1779. **What do you deduce from that?** It is suggested to my mind that the person had been sitting on that chair with the head a little forward slightly turned to the left as if talking to somebody.
1780. **What about the violin case: would not that be in the way?** No, the violin case would not be in the way if she sat in the chair. I sat in the chair, and that did not interfere, if she was sitting in the front of the chair.
1781. **You think she was sitting in front of the chair turned a little forward towards the fireplace.** Yes. If you put the head in that position and imagine it in that position as the source of this blood, the blood goes exactly in every direction and fits in there exactly with the appearances found.
1782. **MR HEMMERDE: Was there any blood on the seat of the chair?** I did not see any.
1783. **That would rather bear out your theory?** Yes.
1784. **MR JUSTICE WRIGHT: Why?** Because if the person is seated on it there would not be any.
1785. **You mean if she had been anywhere else, the blood would have got on to the seat of the chair?** Yes, my Lord. There were also a very few small blood splashes between the door and piano on the side as shown in photograph No 7.
1786. **On the wall between the door and the piano, you mean?** Yes.
1787. **Can you see them?** You can see a small one, but they are very small indeed.
1788. **That is a long way off?** Yes.
1789. **You can see them in No 7 with the aid of the magnifying glass: just under the piano and violin stand.** Yes.

1790. **There are two angling upwards towards the doorframe?** Yes.
1791. **Are there only two or are there more?** I think there were more to the side of the chair, but I could not find any upon the chair. I expected to find them, but I could not see them. If they are small, they would be difficult to see.
1792. **MR JUSTICE WRIGHT: I will hand you this magnifying glass, members of the jury; perhaps you will be able to see them with the aid of that. They are rather small otherwise. (To the witness): If the head was struck of course, the woman would fall forward?** Yes.
1793. **And after that, she was stuck while on the ground?** Yes. I can prove that.
1794. **You are coming to that later?** Yes, my Lord.
1795. **MR HEMMERDE: Can you say how many blows were struck altogether?** Twelve, quite definite – eleven; I am sorry. It is rather doubtful as to the front so I have put it definitely as to eleven.
- MR ROLAND OLIVER: My Lord, might I be allowed to see all the notes and the sketches this witness made on that evening?**
- MR JUSTICE WRIGHT: Certainly.**
- THE WITNESS: There is this one as well, made at the post-mortem.**
- MR JUSTICE WRIGHT: Never mind the post-mortem.**
- THE WITNESS: There are three altogether.**

(ADJOURNED FOR A SHORT TIME.)

1796. **MR HEMMERDE: You had just said before the adjournment that you found traces of eleven distinct blows, eliminating one possible one in addition?** Yes.
1797. **Of those eleven distinct blows, which was the most severe?** The one in front in this position. (Pointing).
1798. **Did that appear to you to be the first blow struck?** It did, for reasons which I shall be able to give.
1799. **Will you just give those reasons?** The brain substance and small portions of bone I did not find below the head. The other blows on the back of the head, a position which I will describe, must have been produced afterwards, because the striking had produced great pressure upon the inside and had squeezed out the blood, the brain substance and small pieces of brain which lay around.
1800. **MR JUSTICE WRIGHT: Just repeat that. You are speaking about the first blow, and you said in that case the brain substance and small portions of bone were not below the head?** Not lying beneath it.
1801. **Yes, not lying beneath the head; I understand what you meant. Then you said that in the other cases - ?** The blows were not so severe; they did not absolutely penetrate the skin. That I found later. The appearance was as if the brain substance and small portions of blood had been pumped out, it is where, the appearance being quite characteristic of their being exuded from the skull.
1802. **The blows were not so severe and they did not actually penetrate the skin?** Not quite so severe. As we shall see, they smashed up the skull, and in smashing up and driving in the sides of the skull the brain substance exuded through the opening.
1803. **Then they did make an opening?** The opening was the first opening through which the brain substance and small portions of bone came.

- 1804.** *The opening was on the other side up there, and the other blows were round here?*  
No, not on the right. I have the place marked in a small drawing.
- 1805.** *They were round the back?* Yes, almost the back.  
**MR JUSTICE WRIGHT:** *I did not know I was pointing to the right. It was, however, a big blow in front.*
- 1806.** **MR HEMMERDE:** *Would you designate where exactly the first blow was (my friend wants to know) on your own head?* Just here, exactly in a very similar position (pointing), severing what is known as the meningeal artery on the inside.
- 1807.** *How long would it take to inflict these eleven blows?* Very quickly indeed. I have an idea of how they were inflicted, but I think they could be all inflicted (I have timed them) in less than half a minute.
- 1808.** *How soon do you think death would follow?* Death took place almost immediately, to all intents and purposes.
- 1809.** *Would the first blow be sufficient to cause death?* Yes, quite.
- 1810.** *Could you form any view as to what the position of the deceased was when the ten lighter blows were given?* Yes, and that explains what I have already described, the pumping of brain substance out.
- 1811.** *The head is lying upon the floor when the ten blows are struck?* Yes. Lying much in the position as seen in the photograph.
- 1812.** **MR JUSTICE WRIGHT:** *On the ground, but really face downwards, more or less?*  
Yes, my Lord, lying on the right side of the face.
- 1813.** **MR HEMMERDE:** *I still have to return to something with regard to that, but I think it is better to take it now in order. Having noticed the condition of the body, did you see anything of an old mackintosh?* I did. There was an old mackintosh bundled up a little beneath the right shoulder of the body. This was taken out and examined and was seen to be partly burnt on the lower right front.
- 1814.** *Just hold it up now and let us see where it is burned, and also the bloodstains?*  
And the blood stains?
- 1815.** *Yes; this side here, on the right side, and bloodstains here (?) particularly is very characteristic.*
- 1816.** **MR JUSTICE WRIGHT:** *Where on the right side?* The burning is upon the right side. The bloodstains are all over it.
- 1817.** *There were bloodstains also on the right side?* Yes, my Lord.
- 1818.** **MR HEMMERDE:** *You said that one of the blood marks was very characteristic?*  
Yes, that is on the left sleeve.
- 1819.** *It is inside out now, is it not?* Yes. There are several of them by appearances, but his one is very definite.
- 1820.** *You have got to the left now?* It is the left I am looking for. By the handling a good deal for the blood has been detached – no, it is not; it is quite definitely here. That is the one I refer to, quite definitely here upon the left sleeve, showing a projection mark of blood.
- 1821.** *Would you put that into simple language?*
- 1822.** **MR JUSTICE WRIGHT:** *What is a "projection mark"?* The blood is thrown on to something; it may be small particles of blood projected on to some surface; the usual thing is from a spurting artery. The same thing comes from ink, or anything.

1823. **MR HEMMERDE:** *Some of the blood on that garment might come from the floor, I suppose?* Yes; most of it, I think, does.
1824. **But you find those traces and you find others of direct projection?** This is direct projection. There it is, to speak for itself.
1825. **How many are there of those?** Only two definite; the other are indefinite.
1826. **Have you looked at both sleeves?** Yes. I cannot find anything on the other one quite so characteristic. There is definite blood here, but not the characteristic mark of projected blood. There are a good many that are doubtful, nothing that I can speak of definitely.
1827. **Just look at the right hand cuff there, outside and in. Do you find anything at all there suggestive?** Yes, there is blood upon it, very little blood, in the one part here, and a little here again, but very little. (Indicating).
1828. **Just inside?** Yes.
1829. **And around the outside?** Yes, there is some on the outside, but not so much as on the left, I think.
1830. **MR JUSTICE WRIGHT:** *The projected blood on the left sleeve was on the outside?* Yes, my Lord, and in this direction too. That is rather important, I think. (The witness indicated).
- MR ROLAND OLIVER:** *If it is not inconvenient, might that mark be shown?*
- THE WITNESS:** *It is there. (Handing mackintosh to learned Counsel). There are two marks. May I explain how the direction is arrived at?*
- MR HEMMERDE:** *Yes.*
1831. **MR JUSTICE WRIGHT:** *Which mark are you talking about now?* I will point it out, my Lord, in a minute. It is a mark upon the left sleeve.
1832. **Is that the one which you said showed projections?** Yes, my Lord.
1833. **On the left sleeve where?** Just here. (Pointing).
1834. **Between the elbow and the shoulder?** Yes, my Lord. The greater portion of this is below, and it looks like a streak. A little bit is at the top. It is roughly of the soda-bottle type that can be seen. There is another one by it of the same type.
1835. **What does that projection show?** Either that there has been a spurting of blood or a splashing of blood in front, presumably by somebody who had it on.
1836. **I do not understand; I am sorry. It shows projection?** Yes, of blood.
1837. **Which the blood took?** Yes; that is all one can say.
1838. **You mean from a spurt of blood in front of the mackintosh?** Yes, on to the mackintosh. I cannot say more than that.
1839. **MR HEMMERDE:** *Supposing that someone had been wearing that?* The (?) is the source of the blood from the front, and if anybody (?) wearing this then there had been a spurt of blood from the (?) because it comes in this direction.
1840. **Looking at that, the suggestion has been made that the deceased might have thrown it over her shoulders to go to the door and then to have been, I suppose, struck when she had it on?** When I saw it, there was no suggestion from the appearance that that was the case.
1841. **MR JUSTICE WRIGHT:** *You mean from the position?* Yes, it was tucked under the right shoulder almost in this direction, tucked like that. (Illustrating) There was no suggestion of it having been on the arms whatever, nothing whatever.

- 1842.** *MR HEMMERDE: I will leave that then. I will now go back. You had seen that, and then did you proceed to make a careful search of the house for bloodstains?* I did.
- 1843.** *Did you find any?* Yes. I found plenty of suspicious marks but the only one I found was on the edge of the water closet pan in the bathroom.
- 1844.** *Have you the photograph there "WHW9"?* That small spot shows the position of this blood clot.
- 1845.** *Which small spot?* The small spot on the pan. It is a little dot on the right hand side of the pan in the front.
- 1846.** *Just near that white mark on the pan, is that right?* It is on the top.
- 1847.** *The one on the right?* Yes.  
*MR JUSTICE WRIGHT: Yes, just about opposite to the water orifice.*
- 1848.** *MR HEMMERDE: Yes, my Lord. (To the witness): You found that. How big was it?* Measuring approximately but almost quite accurately, three-sixteenths of an inch in diameter and one-eighth of an inch in height. I measured it. It was difficult to measure the thing without disturbing it.
- 1849.** *Was there anything upon it, the actual blood, any streak of any sort?* There was a slight streak of blood which can be seen in the photograph in the direction of the pan centre.
- 1850.** *Did you have the clot removed after it had been photographed?* I removed it myself.
- 1851.** *Comparing it with the blood clot by the body, could you come to any conclusion?* The conclusion I came to was that the two masses of blood, the small mass and the large one, were about the same time. It is only approximate, but it was not dried blood, it was not very recently spilt blood.
- 1852.** *MR JUSTICE WRIGHT: It was about the same time?* At the same, time as the blood clot by the body, my Lord. There are certain characteristics.
- 1853.** *MR HEMMERDE: Just explain the characteristics?* First of all, from examination of the blood below one formed the opinion that it had been spilt for some time. There was exudation of serum and contraction of the blood clot. I examined the blood down below with a lens, and I saw on the outside definitely blood serum which was exuded. You had exactly the same appearance as in the small blood clot on the rim of the water closet pan, but it does not speak very definitely as to time, except that it was not recent. Serum exudation had definitely taken place, and a small central clot had contracted in the same way as it had in the blood below, but it was not dry, there it had been there some time. Those were the tree characteristics; serum erudition, contraction of the blood, and moisture, which gave the similarity to the clot below. It was not dry and therefore in such a position it had not been there for days. It was not recently spilt, because it had lost the characteristics of freshly spilt blood. Beyond that I cannot go.
- 1854.** *Was it you who found it?* Yes, I found it.
- 1855.** *Was the place where it was found in any way obscured?* I did not notice it for a good while because the gas was low and it threw a shadow. This is a distorted photograph, and it does not convey quite the idea. The gas is to the right of the window, and it throws a shadow over the pan, over this side of the WC pan and it is quite in the shadow, quite dark.
- 1856.** *You can see it again in No 13?* I only found it on close examination with a pocket torch.



1857. **At any rate, it was in the shade and you had at first missed it?** Yes, I did not see it at first.
1858. **Did you subsequently make a post-mortem examination?** I did, the next day, between twelve and two.
1859. **You have stated, I think, a certain amount of what you found then. Perhaps you had better state shortly what you found?** The woman measured 5 ft 3 ins or 5 ft 4 ins, slightly built and a prominent abdomen. There was no evidence of pregnancy, no evidence of former pregnancy. The external genital orifice was quite clean.
1860. **No evidence of blood?** No. There was a small recent bruise mark on the left side of the left upper arm.
1861. **I think you have already given the evidence as to the other things. Was there any evidence of menstruation?** None whatever. There was no other external marks of violence on the trunk or the limbs.
1862. **MR JUSTICE WRIGHT: Was the bruise anything you attach importance to?** No, my Lord, nothing at all.
1863. **MR HEMMERDE: Did you find anything else in the bathroom apart from this clot?** No.
1864. **There are other matters which you have mentioned. I think you made a biological examination of the blood clot?** I did.
1865. **MR JUSTICE WRIGHT: What was the result?** It was typical of human blood, red corpuscles and white corpuscles. I applied the usual test and it gave very definitely the precipitant test for human blood.
1866. **It was human blood?** Yes.
1867. **That is all you can say about it?** Yes, that is all.
1868. **MR HEMMERDE: Can you say definitely it was not some menstrual blood?** It was not an early menstrual blood, and I do not think it was menstrual blood at all.
1869. **Did you find anything else in the bathroom at all?** Yes, I found on the edge of the bath a nailbrush, which I examined. This is the brush. (Indicating). The fibres were moist, and the wood had the appearance of just drying after having been used some time before.
1870. **But you found no evidence of blood on it?** No. I am not prepared to state how long before that had been used.
1871. **Would it want a very heavy instrument to have caused that fracture, the first blow?** Fairly heavy, yes.
1872. **Have you seen this, which was produced this morning?** Yes.
1873. **Just look at it. (Iron bar handed to witness).** Yes, just such a weapon. If a blow was made with this it would produce the appearances I found, or such a weapon would.
- MR JUSTICE WRIGHT: Has this been exhibited?**
1874. **MR HEMMERDE: Yes, my Lord: it is Exhibit 55. (To the witness): In your view that is just the sort of weapon that might have done it?** Yes.
1875. **When you arrived there, did you see the prisoner?** I did.
1876. **How soon after your arrival?** Immediately.
1877. **How long were you there altogether?** Till after one o'clock.
1878. **For three hours?** Yes, for three hours.
1879. **Was he there all the time?** No, he left. He went down to the police station, and then I went down to the police station afterwards.

- 1880.** *A good time, was it?* Yes. The time of arrival, I can be definite about, but not the time I went away.
- 1881.** *Can you tell my Lord and then jury what was the demeanour of the accused when he was there?* I was very much struck with it: it was abnormal.
- 1882.** *In what way?* He was too quiet, too collected, for a person whose wife had been killed in that way that he described. He was not nearly so effected as I was myself.
- 1883.** *Do you happen to remember anything particular that led you to that conclusion?* I think he was smoking cigarettes most of the time. Whilst I was in the room examining the body and the blood he came in smoking a cigarette, and he leant over in front of the sideboard and flicked the ash into a bowl upon the sideboard. It struck me at the time as being unnatural.
- 1884.** *To do that would he have to lean across anything?* He did not come forward. I can recall his position at the moment: he leant forward so as not to step on the clot.
- 1885.** *About this question of the clots of blood of which you have spoken, have you, professor, had very great experience on this matter of clots of blood?* Yes.
- 1886.** *Have you been in very many cases of this sort on one side or the other?* Yes, a good deal more than 100, perhaps. I have been doing this sort of examination for over thirty years.

CROSS-EXAMINED BY MR ROLAND OLIVER.

- 1887.** *You were a Police Surgeon before you had your present position?* I am still a Police Surgeon.
- 1888.** *Your are still?* Yes.
- 1889.** *I want to begin with the last bit of your evidence.* May I put in this before that? You have not had the position of these blows put in and I have a note I made at the post-mortem showing the position. I have not given the position I found at the post-mortem examination, which is very important.
- 1890.** *MR JUSTICE WRIGHT: You have a sketch?* This I made as I was making the post-mortem examination. It shows the position after the hair was removed and the head shaved. It shows the cuts.
- MR ROLAND OLIVER: I do not want to stop anything, but how can that indicate who did it?*
- MR JUSTICE WRIGHT: No, of course not.*
- MR HEMMERDE: The Professor thinks it important I hesitated to ask him.*
- MR JUSTICE WRIGHT: Counsel must conduct the prosecution and he will ask you or not ask you as to anything that occurred.*
- 1891.** *MR HEMMERDE: Can you give quite shortly, what your reason is?* I can. I formed an idea of the mental condition of the person who committed this crime. I have seen crimes, many of them of this kind, and know what the mental condition is. I know it was not an ordinary case of assault or serious injury. It was a case of frenzy.
- MR JUSTICE WRIGHT: We may have already formed that opinion. Where blows are struck by anyone that probably does produce frenzy but that is a matter for the jury.*

**1892. MR ROLAND OLIVER:** *With reference to the last matter, you have noticed that my client has been under medical observation as to his mental condition ever since his arrest?*  
I know that he will have been.

**1893. If there is anything to be said about his mental condition there are people competent to say it who have lived with him?** Yes, I do not wish to express any opinion.

**1894. If this is the work of a maniac and he is a sane man he did not do it. Is that right?**  
He may be sane now.

**1895. If he has been sane all his life and is sane now it would be some momentary frenzy?** The mind is very peculiar.

**1896. It is a rash suggestion, is it not?** Not the slightest. I have seen this sort of thing before, exactly the same thing.

**1897. Rash to suggest in a murder case, I suggest to you?** I do not suggest who did it at all.

**1898. The fact that a man has been sane for 52 years and has been sane while in custody for the last three months would rather tend to prove he has always been sane, would it not?** No, not necessarily.

**1899. Not necessarily?** No, we know very little about the private lives of people or their thoughts.

**1900. I want to deal with the evidence and not speculation.** You asked me, I think.

**1901. Let us go back. You have told the Jury that you were very much struck with his demeanour. You noticed it at the time and were very much struck with his callous demeanour?** I was.

**1902. Why did not you say so at the Police Court?** Because I was not asked.

**1903. You do not mind volunteering things. You have been volunteering things for the last five minutes.** There is a great deal I would like to volunteer that my Lord has pulled me up on.

**MR JUSTICE WRIGHT:** *I am not conducting the case for the Prosecution or the Defence. It is for Counsel for the Prosecution and Counsel for the Defence to ask questions that are proper and appear to them to be desirable from either point of view.*

**1904. MR ROLAND OLIVER:** *I will get this fact from you: Not one word about his demeanour was said by you at the Police Court?* No.

**1905. And although you gave evidence for a long time and in detail?** Yes.

**1906. Now, a question or two with regard to the probable position of this poor woman when she was killed. I understand you to say, and if I may say so I am accepting it, that at the moment of first impact her head was somewhere in the neighbourhood of the left hand side of the fireplace and that chair that stands in the corner?** Yes.

**1907. Which two things are, of course, quite close together?** Yes.

**1908. Do you know that the bottom of this woman's skirt shows a mark where it was upon that gas fire?** I do not.

**1909. There is evidence, if you will take it from me, given by the Police that there are three characteristic burn marks on the lower part of the skirt corresponding with that gas fire which would indicate that the gas fire had been alight, would it not?** Yes.

1910. **You see the handle to the gas fire is on the right hand side of it?** Yes.
1911. **And just above it is a gas light?** Yes.
1912. **Suppose a woman went into that room, lit the gas and lit the fire, she would have to stoop down, would she not?** Presumably, yes.
1913. **If she did that with her back towards the doorway and someone was on her right hand side he would be in a position to strike her as she rose?** He would.
1914. **And her head might well be in the very position in which you put it?** Exactly.
1915. **Let us see if that is quite true. You have suggested she might have been sitting in the armchair?** Yes.
1916. **The jury can look at that. You see upon that armchair in the corner a violin case?**  
Yes.
1917. **And on that violin, case large splashes of blood?** Yes.
1918. **It was on the chair when she was struck, was it not?** Yes, the violin case.
1919. **The violin case was on the chair when she was struck?** Yes.
1920. **That does not much suggest she was sitting in the chair?** Yes, it does. I have said she would be leaning forward.
1921. **There was room here for two chairs?** But you will see on the wall blood splashes and the body would intervene.
1922. **You have agreed with me the suggestion is a possible one?** Yes.
1923. **Your suggestion was she was in the armchair?** It brings the head into the same position in both cases.
1924. **Will you tell me how bloodstains got on the violin case?** There is a direct line open between her head and the blood patches. It can be seen to be falling.
1925. **She is struck in front?** Yes, the blow goes up.
1926. **It goes out sideways and the violin case is behind her?** Yes.
1927. **Whereabouts where the blood splashes on the violin case?** They would be on the top.
1928. **They go right along, do not they?** Yes.
1929. **If she had that coat round her and the gas fire was alight and she fell when she was struck so as to burn her skirt in the lit fire, do you not think it is quite possible that that mackintosh swing around on to the fire place and caught fire?** No, because there is no evidence of it having been on her right or left arm.
1930. **Suppose it was round her shoulders and she collapsed, do you not see the possibility of the bottom of the mackintosh falling into the fire and getting burnt too?**  
There is that possibility.
1931. **Her hair was pulled away from her head, was it not, all up?** Yes.
1932. **And the pad which had been under her hair was away from her body?** Yes, some inches.
1933. **Do you not see the possibility of someone having grasped her by her hair to pull her from the fire?** Yes.
1934. **Where her clothes were burning?** I do not know about the burning.
1935. **It is said that my client tried to destroy the mackintosh by burning it because it was his? That would take time would it not?** I am not an authority on the burning of mackintoshes.

1936. **Then we will leave that to our general knowledge. Now to come to another matter. The theory has been put forward here by the Recorder when he opened this case that this might have been done by a naked man wearing a mackintosh?** I heard that theory, yes.
1937. **Whether clothes or whether naked it would be necessary, would it not, in all common sense that many splashes of blood would fall upon the assailant?** Yes, I should expect to find them.
1938. **When the blood vessels are broken as in this case they fly out, do not they?** Yes.
1939. **Would you agree that nothing in this life is certain, but it is almost certain the assailant would have blood on his face and his clothes?** On his left hand, I think he would.
1940. **What about his right?** No, I don't think so.
1941. **Think of it running down?** No. You do not find the blood so much on the hand that holds the weapon.
1942. **Not when blow after blow is delivered?** No. If it is done by the person's getting hold of the victim by the hair there would be a great deal of blood upon the left hand and not upon the right.
1943. **The last blows being probably struck with the hand on the ground there would be blood upon his feet and lower part of his legs for certain, would not there?** I should expect that.
1944. **And the blood would continue to spurt while these blows were being struck, would it not?** Yes, and I looked for it.
1945. **So that the mackintosh would never come down below the knees of this man, who would leave his leg from the knees downwards exposed to the blood?** Yes.
1946. **Whether he was wearing trousers or whether he was wearing nothing?** Yes.
1947. **MR JUSTICE WRIGHT: So there would be some on his face?** There would be some on his legs.
1948. **MR ROLAND OLIVER: And his face?** Yes.
1949. **And his hair?** Yes, but more likely upon the face.
1950. **You agree it would be most likely on the face?** Yes, I agree.
1951. **Although not so certain to be on the leg?** Yes, that is right.
1952. **With regard to the fingernails you would agree, would you not, if blood gets below the finger nails it is difficult to get away?** It is difficult.
1953. **It really is difficult?** Yes.
1954. **Would you agree it would be almost certain that the assailant would have blood under the fingernails?** Not necessarily.
1955. **Through handling the thing as suggested?** Touching things unless you scrape the things you would not get blood under the nail.
1956. **They had to lift the mackintosh up?** No, the mackintosh was not underneath the body. There was a little underneath the right shoulder when I saw it.
1957. **Somebody who saw it before you has told us quite clearly it was under the body with bits of it sticking out. But putting it where you saw it, it must have been thrust under the body?** But I understand nobody had taken it out before I saw it. I do not think anybody removed it before I saw it.
1958. **You agree you do not know what happened before you saw it?** True.

1959. **Assume it was under the body that would mean that the assailant if he wore the mackintosh lifted the shoulders up and put the mackintosh underneath. That would involve getting heavily dabbled with blood?** No, when I saw it there was a little pushed under the shoulders by a hand.
1960. **Supposing the mackintosh were put under the body the assailant would have had to lift that shoulder and the hand up to do it?** He would.
1961. **That would have involved getting heavily dabbled in blood, would it not?** Dabbled in blood but not heavily. Supposing he did?
1962. **I ask you to assume it. You can assume a thing without admitting it?** Yes.
1963. **When you went to the bathroom, it was suggested that the Defendant went and had a bath. Did you see any signs of a wet bath towel?** No, I did not.
1964. **Or a wet towel of any sort?** No.
1965. **MR JUSTICE WRIGHT: There was no towel in the bathroom.** As far as I remember, there was not, my Lord.
1966. **MR ROLAND OLIVER: I am told there was a towel.** There may have been one.
1967. **One may take it, it was certainly dry and you would have noticed it because you were on to the nailbrush?** Yes, that is why my attention was concentrated on that.
1968. **MR JUSTICE WRIGHT: Was that towel dry?** It had not the appearance of a person having recently taken a bath. There was no suggestion to me of anyone having recently taken a bath.
1969. **It did not appear so to you?** No, not within the last hour or so, my Lord.
1970. **MR ROLAND OLIVER: The person who did it got himself washed somehow as far as you could see?** I cannot say. It was a long time, 4 hours.
1971. **Was the suggestion that he was naked ever made before this Court?** I do not know.
1972. **You never heard it?** Yes, I have heard it.
1973. **But you have never heard it made in public before?** No.
1974. **Let us go to the mackintosh for a moment. You have pointed out to the Jury two things which you say are definitely blood projections?** Yes.
1975. **Will you take it up again? (Same handed). You told the Jury (do not take it I am differing from you for a moment) that what you would call a trickle would come around sideways, an elongation, something like that?** Yes.
1976. **It would be splashed, spurted or dropped?** Yes.
1977. **Are those two marks there anything more than a drop from the head on to that mackintosh?** Not necessarily. It all depends upon the condition. I can fall in with your suggestion putting the mackintosh in the position (illustrating) and the blood dropping down there would produce that effect.
1978. **First of all, I got it from you that these marks on the sleeve might be the marks of a drip?** They might.
1979. **What I am suggesting to you is that they are perfectly consistent with marks of a drip if that Sleeve happened to be in a position which would catch the drip in that way?** They are.
1980. **Now beyond those two there is nothing on that mackintosh that you can show which points definitely to anything being a stain or a drip?** No.

1981. **Having regard to your evidence that there was a horrible spurting while this dreadful thing was going on, do not you think that mackintosh would have more marks on it than that?** You mean if the person assaulting the deceased had worn it would there have been a lot of blood upon it?
1982. **Yes, supposing he was wearing it and there was this frightful spurting you have told us about, do not you think there would be more than those two things upon it?** No.
1983. **Why do you say that?** Because the blood all goes towards the floor.
1984. **You have pointed out to the Jury it has been spurting all round the room?** That was the first blow.
1985. **You told me while she was lying on the floor the blood would spill?** Yes, it would as it pumped out.
1986. **And you said you would not expect any more than those two marks?** Yes, there would be a great deal.
1987. **Typical splashes is my question?** They do not always fall as typical splashes. There is plenty of blood here which might have been projected and which bears the typical appearance; they do not all bear the typical appearance.
1988. **Photograph No 6 shows that 4 ft from the ground level with the fireplace a whole series of splashes. There has been a regular spurt there?** Yes.
1989. **Which shows where the head probably was when it was hit?** Yes.
1990. **That is rather at a height above the ground which would bring them away from the assailant?** Level with the hand of the assailant.
1991. **And all around?** No, I tried to prove it. They all went into the corner.
1992. **You find blood splashes well above the floor all round the room over the piano?** In that direction.
1993. **That is the opposite direction to the corner where we are now?** No, I think those blood splashes by the door did not come from the first blow.
1994. **They went upwards did they not?** Yes, from the floor.
1995. **Then while the head was on the floor, the blood would go upwards?** Yes, and away from the assailant.
1996. **You are speculating?** I am.
1997. **You are simply guessing?** No, not guessing.
1998. **It depends entirely where he stood?** Yes, it does.
1999. **Very well, I have put my case to you on that. Now with regard to the time of death. When did you first think the time of death was important?** Immediately I examined the body.
2000. **That was your first thought?** It was a thought.
2001. **One of your first thoughts?** I thought "How long has this woman been dead".
2002. **And that you proceeded to ascertain by a series of observations, first as to rigor-mortis and, secondly, as to the condition of the exuded blood?** The blood is a (guide) but not as definite as rigor-mortis.
2003. **You put rigor-mortis first but the other did assist you to form your opinion?** It did.
2004. **How many notes did you make with regard to rigor-mortis?** Practically none, I think.
2005. **Can you show me one?** I do not think I can.
2006. **Where did you make them?** I made these in the room.

2007. ***I asked you before lunch, do you remember, to give me all the notes you made in the room?*** I have got them here; I am not going to claim any others.
2008. ***Are there any notes on these papers with regard to rigor-mortis?*** There are not.
2009. ***It comes to this, does it not, that you being intent from the start on the importance of rigor-mortis as to the time of death have not made one note with regard to rigor-mortis?*** That is so.
2010. ***Your colleague said on another occasion every quarter of an hour you examined the body for the progress of rigor?*** Yes, I was constantly observing it.
2011. ***You would agree would you not, that the progress of rigor from the point of view of crime is important, I mean the stages that are reached during your observations are important?*** Very.
2012. ***And not one note made?*** No, but I know definitely.
2013. ***Let us take the question of rigor. Rigor is a very fallible test as to the time of death?*** Not in the present case of an ordinary person dying in health.
2014. ***It is a very fallible factor even in healthy people?*** It is, just a little.
2015. ***Not just a little. I am putting very?*** No, not very fallible.
2016. ***Does it depend, amongst other things, upon the muscularity of the person?*** It does.
2017. ***And the powerful and muscular body will be affected by rigor much more slowly?***  
Yes.
2018. ***Than a feeble and frail body?*** Yes.
2019. ***Was this a feeble and frail body?*** Yes. She was not exactly frail; she was a feeble woman.
2020. ***You have used the word "frail"?*** Yes, she was a weak woman.
2021. ***Frail?*** Yes, frail.
2022. ***It is your own word?*** Yes, my own word.
2023. ***Then we may summarise your last two answers and it comes to this, that she was a woman who was likely to be quickly affected by rigor?*** No, she would be rather delayed if anything.
2024. ***MR JUSTICE WRIGHT: I thought you said it would be quicker in a frail person and slower in a person of muscularity?*** She would be delayed.
2025. ***MR ROLAND OLIVER: Do you wish to say that a feeble and frail person would have delayed rigor?*** No.
2026. ***Why do you say it then?*** She was in a condition of good health although a frail woman.
2027. ***Then I will start all over again. A muscular body would take longer to be affected by rigor than a feeble and frail body?*** Yes.
2028. ***Was this woman a feeble and frail body?*** Yes.
2029. ***Then she would be likely, would she not, to be more quickly affected by rigor?*** A little.
2030. ***Then why did you say rather longer just now?*** Not rather longer than a muscular person.
2031. ***You are not arguing the case are you?*** No, I wish to state what I found.
2032. ***You know what is at stake here?*** I do.
2033. ***Bearing in mind that this feeble and frail woman would be more likely to be affected by rigor, are you going to swear she was killed more than 3 hours before you saw***



- her?* No, I am not going to swear; I am going to give an opinion and I swear that the opinion that I give shall be an honest one.
- 2034. MR JUSTICE WRIGHT: then what is your opinion?** My opinion was formed at that theme that this woman had been dead about 4 hours.
- 2035. MR ROLAND OLIVER: Now that I have reminded you that she being feeble and frail rigor would come on quicker, does that move your opinion?** No.
- 2036. It does not?** No.
- 2037. You do not think she was killed 4 hours before you saw her?** I do.
- 2038. You do?** Yes.
- 2039. That is your honest opinion?** Yes.
- 2040. You saw her at 10.10?** Yes.
- 2041. So if she was alive at half past 6 your opinion is wrong, is it not?** Yes.
- 2042. Does not that convince you what a very fallible test rigor mortis is?** No, it does not. I am still of the opinion.
- 2043. Do you think the milk boy imagined seeing her alive?** I do not want to think about the milk boy and what he saw at all.
- 2044. Let us take other things about rigor. It starts with the neck?** It starts with the face.
- 2045. And then the arms?** Yes.
- 2046. Was one arm affected more than another?** Yes.
- 2047. That is unusual, is it not?** Yes, but you do find it.
- 2048. Does it pass down the trunk and finally down the legs?** Yes.
- 2049. Both legs together?** No, not the two legs together.
- 2050. Not as a rule?** No, you usually find one arm more set in rigor than the other. It does not come on exactly like a wave.
- 2051. Was the process over by 1 o'clock?** Not quite. The left leg was not very rigid. Its progress was slow and that helped me in judging the time.
- 2052. MR JUSTICE WRIGHT: The left leg was still not quite stiff?** No, my Lord.
- 2053. MR ROLAND OLIVER: Had the rigor progressed at all by 10 minutes to 11?** Yes, but if you keep on testing the limb to see whether rigor mortis is present you make it flaccid again and you do not get quite a result. Testing it destroys the evidence.
- 2054. You were testing it about every quarter of an hour?** I do not think every quarter of an hour.
- 2055. The other doctor said every quarter of an hour. Is that right or wrong?** It was fairly often.
- 2056. Had the condition progressed; what was the condition at 10 to 11?** I did not make any notes as we went along of progression.
- 2057. Not making notes! You have a good memory, I suppose?** I have.
- 2058. What was the position?** It had got to the right shoulder.
- 2059. By 10 to 11?** By 10 to 11.
- 2060. I am putting 10 to 11. Is that all?** I was not looking at the times as I went on. I did not take the time on any other occasion except when I went to the house.
- 2061. Surely if your memory does not help, you, as a scientist, will be able to help me. How much progress would rigor make in two hours, 8 to 9 and 10 to 11?**
- 2062. MR JUSTICE WRIGHT: In one hour?** In one hour after I saw the woman?

2063. **MR ROLAND OLIVER: I was putting the question under a misapprehension. How much in one hour?** Do you mean one hour after I saw the body?
2064. **No. May I start again? May I alter my question and say, to what condition had it got by 10 to 12?** I should say it had got well down the right arm and possibly beginning in the right thigh, but I should not be sure of the time.
2065. **One other thing you relied upon in forming your estimate of time and that was the condition of the blood. You say it was only corroborative and you do not base yourself upon it. With regard to the blood, would it be right to say that when you first examine the blood there was a small amount of serum exudation?** Yes.
2066. **A small amount?** Yes.
2067. **And so that the jury may follow, serum is a yellowish substance which gets squeezed out of blood?** Yes.
2068. **A sort of liquid. The blood congeals in clotted form and serum squeezes out.** Yes.
2069. **And you say there was only a small amount. Let me suggest that is indicative that death had taken place long before?** Very little serum exudes over the first few hours.
2070. **Very well. I have put my case to you. How long does blood take to become clotted?** It varies very much. I varies a little bit but not much in 5 or 6 or even 10 minutes.
2071. **And its first condition when clotted is very mobile?** Yes.
2072. **It will just retain a clotted shape but if interfered with will break up?** Yes.
2073. **May I call a 10-minute-old clot very new?** Yes.
2074. **If you interfered with that it would break up, would it not?** Yes.
2075. **Or splash would it not, and may I suggest to you it would take at least an hour for a clot of blood to be solid enough to become what I call interfered with and manipulated, do you agree with that.** No.
2076. **How long do you say?** It would take a clot of blood solid enough to be interfered with? I do not quite understand what you mean by "interfered with" – lifted about, moved?
2077. **Not moved, let us say dripped on to a hard substance.** I see, to be carried by being touched and adhering to something.
2078. **I suggest it would be at least an hour before you could take a clot and drip it down on to a table without smashing it.** A clot would smash up even then.
2079. **It would break up unless it was quite solid?** Yes, there would be some evidence of it being thrown in one direction.
2080. **You see, what we describe as a fresh clot if you dropped it on to something it would become liquid or break up and splash?** Yes, it might.
2081. **What I want to put to you is it would be at least an hour before a clot of blood could be dropped without losing its shape after it has struck a foreign substance. Do you agree?** I do not quite catch your meaning. Would it take at least an hour before it would lose its shape?
2082. **Let me take a clot of blood three-sixteenths wide and one eighth of an inch high; while it is fresh and newly clotted, if you were to drop that on to a lavatory pan it would give out, would it not?** It would show some signs of spread out.
2083. **Experiments have been made about this?** I have made a good many myself.
2084. **What of, dropping a clot?** Yes.

2085. **What I am putting to you is that it would take at least an hour before a clot of blood would be sufficiently solid not to flatten when it was dropped on to that lavatory pan?** No, I do not agree.
2086. **You do not?** No.
2087. **How long do you say it would take?** An hour. If you took the surface of a clot upon your finder and knock it down it would fall off complete almost.
2088. **Considering the blood you have described on the edge of that pan what I am putting to you is that that must have dropped upon the pan at least an hour after that woman met her death.** No, I do not think so.
2089. **Why do you not think so?** Because it is quite fresh blood.
2090. **It has not lost its shape; it has not flattened out or become fluid.** I do not think it had been dropped from a great height. It does not show a splash to the side and the photograph shows it too.
2091. **Would that top of that pan be moist?** Yes, almost certain to be; they always are.
2092. **With a little film of moisture?** Yes.
2093. **Would not that cause the blood to run a little bit?** No. This is not running blood. It shows quite definitely it is a splash, as you say.
2094. **I never called it a splash, a slight smear you said?** Slight smear I said.
2095. **It has not affected the shape of the clot; it remains conical. What I am putting to you is that smear of blood would be caused by the blood being moistened by the moisture on top of the pan?** No, it is too far; it is twice the length of the piece itself.
2096. **If it was flung it might go to anything. It is only in one direction?** Yes.
2097. **Is that towards the centre of the pan?** Yes.
2098. **That, I suppose, is the way the thing had tilted?** Yes.
2099. **Showing it had run downhill. Did you get blood on your hands while you were examining this body?** Very little.
2100. **Did you wash them?** No, not until I got home.
2101. **When you, for instance, tested the head for rigidity of the neck, could you avoid getting blood on your hands?** I had very little. I had a little, but very little.
2102. **When you were manipulating the limbs of the poor thing, you were in contact with it practically?** Yes.
2103. **You never saw that clot of blood until you had been in the bathroom sometime, did you?** Not for five minutes.
2104. **You told us you missed it at first?** I did not see it at first.
2105. **Does it occur to you that someone who came in after 9 had dropped that clot of blood on the pan?** That possibility did occur to me very much indeed.
2106. **Does it occur to you now?** It does.
2107. **Having regard to the fact that there is no other blood up the stairs at all, none, if a man went up all, bloody to wash himself it would be an amazing thing, would it not, that there was no blood upstairs.** Only the one clot.
2108. **Having regard to the state of that clot and your agreement with me it was probably an hour after that it fell? I think you agree that?** But I do not rely much for the time on the clot.
2109. **Will you accept it from me; indeed, you said the chance was that the police had carried it up there?** Yes, I thought the police might have dropped it there.

RE-EXAMINED BY MR HEMMERDE.

- 2110.** *That occurred to you, Professor, because it was the only clot of blood upstairs?* The only mark and it is so striking.
- 2111.** *MR JUSTICE WRIGHT: And you now think it may have been carried there by the police?* No, my Lord.
- 2110.** *I thought you said so?* I was asked, did I recognise the possibility and I said I did recognise the possibility and made enquiries about it.
- 2111.** *MR HEMMERDE: It was only a possibility present to your mind?* Yes, I recognised the possibility.
- 2112.** *MR JUSTICE WRIGHT: It is a possibility?* Yes, certainly, but I took care to find out that the police had not been up.
- MR ROLAND OLIVER: I meant the witness to understand that it was he who might have done it.*
- THE WITNESS: I myself?*
- MR ROLAND OLIVER: Yes.*
- THE WITNESS: I am glad you have said that. No, I did not.*
- 2113.** *MR HEMMERDE: So far as you are concerned, have you any doubt about it?* Not the slightest doubt about it.
- 2114.** *MR JUSTICE WRIGHT: The suggestion is that it could not have been carried up at once by the murderer. That is the suggestion I would like to know what you would say about that. I thought at one time you were disposed to agree it could not have been carried up there, fresh blood, by the murderer?* My idea was it was fresh blood carried almost immediately upstairs. How it came to be there, I do not know.
- 2115.** *MR HEMMERDE: Can you draw distinction between clots of blood and drops of blood?* No, a drop of blood will become a clot; it is the same thing. Do you mean blood transferred as a clot?
- 2116.** *Yes. At any rate, you think it is possible that was carried up at once by the murderer?* Yes.
- 2117.** *MR JUSTICE WRIGHT: If that was so, why did it remain in that very concentrated form and shape and why did it not spread?* Because it was coagulating. The opinion I have is that it was almost in the condition of cool blood when it was dropped and it had not fallen from a great height.
- 2118.** *If it fell from a great height, would you expect it to spread?* Yes.
- 2119.** *If it falls from a small height, you mean it might not?* Yes. That is what you put to me.
- 2120.** *With regard to rigor mortis, if the body is dressed and not prepared after death, does that affect the time rigor mortis will take?* Very little actually.
- 2121.** *But it does affect it a little?* It affects the temperature of the body.
- 2122.** *MR JUSTICE WRIGHT: You are being asked about rigor mortis.* No, it has no effect upon rigor mortis.
- 2123.** *MR HEMMERDE: When you formed, your opinion as regards the time it would take you formed your view with reference to the actual body before you there?* I did.

2124. *With all the action of fragility and feebleness, and so on?* Yes.

**DR HUGH PIERCE SWORN. EXAMINED BY MR WALSH.**

2125. *Your name is Hugh Pierce an you are a Doctor of Medicine.* Yes.

2126. *QLRCP and MRCS?* Yes.

2127. *You live at 34, Upper Duke Street, Liverpool?* Yes.

2128. *About 10 to 12 on this night, you went to 29 Wolverton Street?* Yes.

2129. *And you saw the body of the deceased woman?* Yes.

2130. *You saw the wounds in the head, I suppose?* Yes.

2131. *And you made a general examination?* Yes.

2132. *You were with the last witness, Professor MacFall?* Yes.

2133. *What conclusion did you come to as to the time of death?* Well, the fact that the woman was cold in the arm, I found the rigor mortis was present in the neck and upper part of the left arm.

**MR JUSTICE WRIGHT: This at 10 to 9?**

**MR WALSH: 10 to 12, my Lord.**

2134. **MR JUSTICE WRIGHT: Rigor mortis in the neck, not just the upper part of the body?** Yes.

2135. **MR WALSH: What conclusion then did you come as to the time of death?** Well, the fact that the hands and neck were cold proved to me that death had been some few hours previous to that.

2136. *What do you mean by "some few hours"?*

2137. **MR JUSTICE WRIGHT: This is 10 to 12?** Yes, my Lord.

**MR JUSTICE WRIGHT: "Some few hours" means nothing. That may be 5, 6, 7 or 10. I do not know what that means.**

2138. **MR WALSH: What do you mean by "some few hours"?** Taking all things into consideration, I thought death had taken place about 6 o'clock, or, it may be, after.

2139. *Did you examine the body subsequently?* Yes, periodically.

2140. *How often?* Roughly about every quarter of an hour or 20 minutes.

2141. *Did you note the progress of rigor mortis?* Naturally, or course.

2142. *You went in again at 12.25, I understand?* Yes.

2143. *What did you see then?* Rigor mortis was very little different. The upper right arm was getting slightly more rigid.

2144. *A little later, did you notice any difference?* The lower part of the right arm had become rigid.

2145. *Were there any other facts which helped you to judge the time of death?* No, I simply went there to examine for rigor mortis because Professor MacFall asked me to.

2146. *You simply took rigor mortis?* Yes.

2147. *As the rigor mortis progressed and you saw the body, did you come to any other conclusion than your previous one as to the time of death?* No.

2148. **MR JUSTICE WRIGHT: You mean you still thought it was about 6 o'clock or probably later?** Yes, my Lord.

2149. **MR WALSH: Can you say as to your limits? You can "about 6 o'clock" What limits on either side of that could you give?** I would give two hours limit on either side.
2150. **MR JUSTICE WRIGHT: It might have been between 4 and 8?** Yes, my Lord.
2151. **MR WALSH: Would you say that death could not possibly have occurred after 8 o'clock?** I would say definitely it could not have occurred after 8 o'clock.
2152. **Did you notice the physique of this woman?** Yes.
2153. **Would you say she was rather frail and small?** No, she was a small woman but I thought with a perfectly healthy body.
2154. **Would you say that rigor mortis would set in more quickly or less quickly in that case?** Rigor mortis would come on in the normal way with this small woman.
2155. **Just in the normal way?** Yes.
2156. **I think you saw the blood spot in the bathroom?** Yes.
2157. **Can you say when you saw it whether it was dry?** About a quarter of an hour or 20 minutes after I went to the house, that would be about 20 past 12.
2158. **What was it like then?** Just a clot of blood.
2159. **MR JUSTICE WRIGHT: You saw it about 20 past 12?** Yes, my Lord.

CROSS-EXAMINED BY MR ROLAND OLIVER.

2160. **You never got to the house at all till 10 minutes to 12?** No.  
**MR JUSTICE WRIGHT: I thought he said 10 minutes to 9. That has been puzzling me all the time.**  
**MR ROLAND OLIVER: 10 to 12.**  
**MR JUSTICE WRIGHT: I follow it now.**
2161. **MR ROLAND OLIVER: You base your opinion as to the time of death on rigor? Yes and the cooling of the body.**
2162. **By the way, with regard to the cooling you did not take any temperatures, did you?** I was not doing the examination.
2163. **But you did not in fact?** I did not.
2164. **No temperatures were taken?** No.
2165. **You did know what is called the rectal temperature is generally considered the best test?** Yes.
2166. **That was not done?** No, it was not done, I did not do it.
2167. **With regard to your periodical observation with regard to rigor which took place every quarter of an hour, will you show me any notes you made?** I was simply there by order of the Chief Constable. Professor MacFall was doing the examination.
2168. **At any rate, you did not take any notes?** No, I did not take any notes.
2169. **I do not quarrel with you because you put your margin of hours either way?** From 6 o'clock.
2170. **When you say you think it was 6 o'clock, it might have been 4 o'clock in the afternoon or might have been later?** And there were other factors as well.
2171. **So far as rigor is concerned, it might have been as late as 4 o'clock or it might have been later?** Yes.

- 2172.** *That seems a flimsy test on which to rely?* I took the age of the woman into account. Extremes of age bring it on quicker. In middle age, it will come on from 4 to 6 to 8 hours after death and in a not too warm or cold room the extremities, the legs and arms were cold when I arrived. That meant that death with the cooling and the rigor would make it about 6 o'clock.
- 2173.** *When you say 6 o'clock, you have given a margin of error two hours either way?*  
Yes.
- 2174.** *MR JUSTICE WRIGHT: I want to know what your view is in this case. You have said so many things it is difficult to follow what it is you have made or have not. So far you put it at 6 or perhaps later, but with a margin of error two hours either way which I thought referred to this particular case, otherwise what is the use of saying it.* Yes, that is so.
- 2175.** *MR ROLAND OLIVER: The two hours margin of error refers to the case of this woman, does it not?* Yes.
- 2176.** *You have sworn already?* Yes.
- 2177.** *"When I say death took place about 6 hours before, I would place the limit of two hours from between 6 and 8"?* Yes.
- 2178.** *So it follows she might have met her death at any hour within this time that night?*  
Yes.
- 2179.** *With regard to your observations when you got there, you said that rigor was present in the neck and what else?* The upper left arm.
- 2180.** *Do you know that is precisely the condition recorded by Professor MacFall two hours earlier?* I do.
- 2181.** *It seems rather funny?* I do not, if I may explain it in this way. When you move a muscle and rigor mortis is just starting, you make it limp and flaccid for a time, but if the muscle has not completely gone so that really it might start again, the rigor will come on definitely.
- MR ROLAND OLIVER: I will leave it there, my Lord.*

**WILLIAM HENRY ROBERTS SWORN. EXAMINED BY MR HEMMERDE.**

- 2182.** *Is your name William Henry Roberts?* Yes.
- 2183.** *You are the Analyst for the City of Liverpool?* I am.
- 2184.** *On the 24<sup>th</sup> January, last did you receive certain articles from Inspector Gold?* Yes, I did.
- 2185.** *What were they, Exhibit 18, the mackintosh?* Yes.
- 2186.** *Exhibit 25, a piece of bar?* Yes.
- 2187.** *Exhibit 26, two pictures?* Yes.
- 2188.** *Exhibit 27, two photographs?* Yes.
- 2189.** *Exhibit 28, violin in case?* Yes.
- 2190.** *Exhibit 29, a piece of music?* Yes.
- 2191.** *Exhibit 30, a cushion?* Yes.
- 2192.** *Exhibit 31, a hearthrug?* Yes.
- 2193.** *Exhibit 20, cashbook containing a dollar?* Yes.
- 2194.** *Exhibit 32, a dollar bill?* Yes.
- 2195.** *Exhibit 33, suit of clothes?* Yes.

2196. **Exhibit 34, a piece of carpet?** Yes.
2197. **Exhibit 35, a towel?** Yes.
2198. **A lock and key?** Yes.
2199. **Exhibit 36, a woman's skirt?** Yes.
2200. **On the 26<sup>th</sup> January were you handed by Inspector Gold the four one £1 notes, a Postal Order for 2s 4d and half-a-crown?** Yes.
2201. **That is "WHW37"?** Yes.
2202. **Did you examine all those articles?** I did.
2203. **Let me take, first of all, the mackintosh. What do you say about that?** The mackintosh was extensively and heavily bloodstained with human blood on the right side.
2204. **Outside or inside, or both?** Both outside and inside.
2205. **What about the sleeves?** On the upper inner side of the right sleeve.
2206. **Just point out where that is? (The witness did so).** You will see blood all down here (indicating).
2207. **MR JUSTICE WRIGHT: Still the right side?** Yes, my Lord.
2208. **MR HEMMERDE: Would that be the place where a person taking the coat off might touch?** With a hand coming out?
2209. **That is what I mean?** Yes, they might perhaps.
2210. **That is right up by the armpit on the right hand side?** Yes. Most of it is on the upper side.
2211. **But there is also some inside?** Yes. I mean the upper side of the sleeve.
2212. **What did you find about the burning there?** The left side was also very heavily stained with blood.
2213. **Yes, I ought to have taken that. Was the blood outside or inside?** Outside, to the left.
2214. **Just point out the staining there. (The witness pointed out the staining to the Jury). Can you say what blood upon that comes direct and what is picked up from the floor?** Most of this on the left side has come from contact with blood on the floor. There is some on the right side which might have come from spurting.
2215. **What about the sleeves?** The blood down here might have come from spurting. If there was a big spill of blood there would be no sign of actual spill; it would go into one big stain. One point you would not have any sign which way it had come.
2216. **What do you say regards the amount of the blood?** Do you mean in the room?
2217. **Did you examine at all how much blood had been spilled?** I visited the house on the 21<sup>st</sup> January and I came to the conclusion that the amount of blood I saw on the floor and the other things in the room and the mackintosh might have been about one pint; it might have been a pint and a quarter or it might have been three-quarters of a pint. There was not very much. Blood on the hearthrug right in the corner had not gone right through to the backing of the hearthrug.
2218. **Supposing a person was wearing just a raincoat like that, nothing else, would you expect a great deal of blood to be on that person, if he was the assailant striking the blows?** No, I should not.
2219. **It has been suggested there would be a great deal of blood on the legs and hands?** I do not think there would be very much blood after the first blow. There would be a spurt then and afterwards the blood would mainly come from the spurt itself.



2220. **One blow, the first, and then the spurt?** Yes.
2221. **Now, I will come back to the burning. Was the burning recent?** Yes, the burning had undoubtedly taken place in the room on the night of the murder.
2222. **So you know whether that is a substance that burns easily?** Yes, fairly easily.
2223. **Have you tried it?** Yes, I have, with a similar thing. The only place in the house where there were fragments of mackintosh was in the sitting-room on the hearthrug and just where the body had been
2224. **Which side of the hearthrug, near the body or away from it?** Yes, near the fire.
2225. **Did you find much of it there, many fragments?** Yes, a considerable number of fragments. You cannot see now, but at the burned portion there were pieces hanging down which were very, very friable and they easily dropped off; it has been mostly done by handling, but these pieces I found on the hearthrug. There were no pieces of the mackintosh anywhere else in the house because I searched for them.
2226. **There is a question of the hair. There is no doubt that was matted together?** Yes, matted together with human blood.
2227. **And the pictures were spattered from all angles?** Yes.
2228. **And one of the photographs?** Yes.
2229. **The outside of the violin case?** Yes.
2230. **And parts of the violin case?** Mainly on the broad end. The case had been on the chair like that (illustrating).
2231. **With the wide end towards the window?** Yes.
2232. **Whereabouts were the splashes?** The blood spots are here and here across the top, mainly on the broad end.
2233. **Are there any on the rest of it?** Not at the back. I think there was one here.
2234. **At this end and right the other and right the other end are the only ones?** Yes.
2235. **I think the outside of the brown paper cover of the music was also spotted?** Yes.
2236. **And the cushion?** Yes, there were numerous small human bloodstains on that.
2237. **And the hearthrug?** One corner of the hearthrug. That would be the one where the head had been. That was soaked with human blood.
2238. **Was there any blood on the cash box?** There were other bloodstains on the hearthrug. I mention that because it has been suggested that anybody who had committed the murder if he had been the murderer might have stains on the feet. The foot could easily have been wiped on the hearthrug.
2239. **If anyone had bloodstains on the feet, they might have been wiped there?** Yes.
2240. **Were there stains?** Yes.
2241. **Where about were the stains?** In the centre of the hearthrug.
2242. **Were there any stains on the cash box or dollar bill – I suppose not?** No.
2243. **And the suit of clothes?** No. There was a stain in the pocket but no blood stains.
2244. **And the carpet and towel and lock and key were all free from blood?** Yes.
2245. **Take the skirt. Was that heavily stained with blood?** Yes. The front of the skirt was heavily stained with blood. The skirt is not here.
2246. **There were four £1 notes?** Yes.
2247. **Were these given to you folded?** Yes.
2248. **How were they folded?** As they are now.
2249. **Just like that?** Yes.

2250. **Did you examine them?** Yes.
2251. **Did you find any blood upon them?** I found blood on the one which is right in the middle of the bundle.
2252. **Was there any blood on the outer one?** No blood on any of the others.
2253. **A suggestion was made today that somebody by picking them up might have put blood on them – anybody who had blood on their hands picking them up from the mantelpiece. You heard that?** Yes, but they did not put this blood on.
2254. **That blood extended over the note?** Yes, it extended right the way up to the top. It is a smear which might be caused if you had blood on your thumb and you opened them like that.  
**MR JUSTICE WRIGHT: If you opened them up your thumb might get on the inner one. Would you show me what you mean? (The witness went and explained to his Lordship).**
2255. **MR JUSTICE WRIGHT: I see. It is on the extreme left hand edge?** Yes, my Lord; but those notes have been handled a very great deal and when I got them, they opened automatically at the centre.
2256. **MR HEMMERDE: Was there any blood on the remaining notes, the Postal Order or the half-crown?** None at all. With regard to the blood, that blood was put on this note either on the 20<sup>th</sup> January or not more than two days before then.
2257. **You could tell that?** Yes.
2258. **Now take that skirt. (Skirt handed to the witness). You see the front of it is very heavily stained?** Yes.
2259. **MR JUSTICE WRIGHT: Where is the burning?** Just there, my Lord.
2260. **Just at the back?** Yes. I do not know whether that is the back or the side, I rather think it is the side.
2261. **MR HEMMERDE: Was the burning at the front?** I should say it is the side. I do not know how it is worn.
2262. **Is it heavy burning?** Yes, the skirt is burned right through and I do not think that skirt has been worn in this condition; I mean this is very friable, it is so easily broken and if it had been done some days before it would have been broken right through. I think it was done the night of the murder.
2263. **MR JUSTICE WRIGHT: Done at the time?** Yes, my Lord.
2264. **MR HEMMERDE: Are there marks of burning?** Yes.
2265. **MR JUSTICE WRIGHT: Probably produced by the stove?** Yes. They might have been produced by the stove.

CROSS-EXAMINED BY MR ROLAND OLIVER.

2266. **First of all, with regard to the mackintosh. You say that material burns fairly readily?** Yes.
2267. **That means if it caught fire, it would burn?** Yes.
2268. **It is inflammable stuff?** Yes.
2269. **You have expressed the opinion clearly that that skirt was burnt on the gas fire in that room?** That is my opinion.
2270. **That would involve that the gas fire in that room was alight?** Yes.

2271. **What about the mackintosh. If the mackintosh had got thrown across the gas fire that might have caught fire?** Yes.
2272. **And burnt until it was put out?** Yes.
2273. **And you found the burnt pieces right in front of the fire?** Yes, right across the front.
2274. **MR JUSTICE WRIGHT: And the mackintosh might have been burnt through contact with the gas fire?** Yes.
2275. **MR ROLAND OLIVER: Caught fire and then extinguished?** Yes.
2276. **With regard to those notes you have very fairly said since they were first given to you they have been handled and handled?** Yes.
2277. **They have been left for weeks in that envelope closed up tight. Is that right?** I do not know; they were put in the envelope and left.
2278. **Yes, it would tend to flatten them?** Yes.
2279. **When you first fold notes up like that, they naturally come undone?** Yes.
2280. **Take that bundle. So those naturally come undone? They have just been folded?** Yes.
2281. **Was not the condition of those four notes when they were given to you?** No, it was not.
2282. **I thought you said they were all open?** No, I said they were not in the same condition. What I meant was this: when I first had the notes, they opened automatically on to the centre note. They did not do as those notes do, open anymore.
2283. **I accept your answer; they open automatically on the centre note?** Yes, and they were actually flat when I had them first, not like these.
2284. **If they had been recently folded and put like this into a jar and they were in a condition in which they automatically opened on to the centre notes, which is what you, have said?** Yes.
2285. **Do you not see the possibility of two fingers being put in to draw them out and slightly smearing the inside of the middle?** No, I do not.
2286. **Obviously, it is possible, is it not?** A very tiny smear.
2287. **That is all that is.** No, if you look at one of those notes, the smear extends in one nearly to the top. You will see it better on the on the actual note itself.
2288. **Might I see the actual note? I think you have said already they are now, as far as blood smears are concerned, in the same condition as when you first saw them?** No. I said I have taken most of it off; there are only a few specks left.
2289. **Was it a distinct smear?** Yes.
2290. **Continuous like that obviously, as if a finger had been drawn across them?** Either that or else the pressure of a bloodstained thumb impressed on them.
2291. **Was it consistent with a bloodstained finger?** If you will give me the notes. (Same handed).
2292. **I asked the question. You can say no, if you like. Was it consistent with the finger being pulled across it like that?** No, I do not think it was sir. It is more like a thumb touching here and slipping there. It was down here. (Pointing). The jury may see the extent it was from here to here and then it got gradually narrower as it went up.
2293. **From where the digit comes first into contact with it becoming slighter as the digit is drawn along it?** Yes.

2294. **Whether that was a thumb going like that or a finger going like that, how can you say?** The width of the smear was much too wide for a finger.
2295. **It depends on the size of the finger and all sorts of things?** Yes.
2296. **How wide was it?** I don't know, but it is on the extreme edge of it.  
**MR ROLAND OLIVER: I can only see one mark here.**  
**MR JUSTICE WRIGHT: There is a mark at the top and a mark at the bottom.**
2297. **MR ROLAND OLIVER: I put my case like this, that no one could safely swear that that spreading might not be done accidental by the ends of the bloodstained finger, indeed it is your own suggestion?** Yes, but I think I said when I had the notes they were folded like that when I saw them flat.
2298. **You did not see them in the jar, did you?** Yes, I saw them in the jar.
2299. **In the jar?** Yes.
2300. **How many people had handled them before you?** I could not tell you that; they were simply in the jar when I saw them flat.
2301. **When you saw the smear, it was quite obvious?** Yes.
2302. **So the position is this, is it? If it was done in life by a man with a bloody finger, he would have seen it, would he not?** Yes, he ought to have seen it.
2303. **He ought to have seen it if it was right under his nose in the light?** Yes.
2304. **Let me give you the history of these notes before you got them: "I found four Treasury Notes" – these Treasury Notes – "a Postal Order and half-a-crown. I placed them in an envelope and later observed that one of the Treasury Notes was marked. I handed these to Inspector Gold calling his attention to the mark". So they originally had been found in the jar and had been in an envelope before you saw them.** Yes, quite so.
2305. **Did I catch you as saying that in the sitting room that blood had flown from every sort of angle?** Yes, on the pictures.
2306. **That means all angles round the room, does it not?** Yes, within a semi-circle; put it in that way.
2307. **With regard to wiping the hearthrug, a man who was not anxious to leave his boot prints in blood about the house (unreadable).** Yes.
2308. **Your suggestion is not confined to naked feet?** No, I only said if anybody has blood on their feet that would include it.
2309. **It would be difficult to wipe the calves and shins on the hearthrug, would it not?** Yes.

RE-EXAMINED BY MR HEMMERDE.

2310. **Would you expect there to be much blood on his calves and shins?** No, not much.  
**MR ROLAND OLIVER: Surely, that is a medical question?**  
**MR HEMMERDE: It is relevant to the very last question of my learned friend.**  
**MR JUSTICE WRIGHT: He is not a medical man at all; he is an analyst.**  
**MR HEMMERDE: I have known him so long I think he is both.**  
**MR JUSTICE WRIGHT: I only know what he said.**  
**THE WITNESS: I am an analyst, my Lord.**

**MR HEMMERDE:** *Could you just mark on one of the other notes just how far the blood went – not on the note itself, but take one of the others.*

**MR JUSTICE WRIGHT:** *It is not very far from the top and then ran off the note.*

**MR HEMMERDE:** *Yes, my Lord, but I thought it might help if we got the size of it.*

**THE WITNESS:** *Those three marks there.*

**2311.** *Is this to be the width of it?* Yes, the width at the bottom is like that across there.

**2312.** *And going gradually to a point here?* Yes.

**2313.** **MR JUSTICE WRIGHT:** *To a point near the top?* Yes.

**2314.** *And then ran off?* Yes, my Lord.

**2315.** **MR HEMMERDE:** *What was the time when you first saw the notes?* On the Wednesday morning.

**2316.** *At what time?* I got to the house between 11 and 12 in the morning.

**2317.** *What were they in then?* In the jar.

**MR ROLAND OLIVER:** *My Lord, there is one other question I would like to put to this witness.*

**MR JUSTICE WRIGHT:** *Yes.*

**2318.** **MR ROLAND OLIVER:** *At the Police Court, did you say this, that the smears of blood were such as would be caused by drawing a slightly bloodstained thumb across the note?*  
Yes.

**2319.** *And that you still say?* Yes.

(Adjourned for a short time).

**HUGH MOORE, SWORN. EXAMINED BY MR HEMMERDE.**

**2320.** *Your name is Hugh Moore?* It is.

**2321.** *You are Detective Superintendent in the Liverpool City Police?* I am.

**2322.** *At about 10.05 pm on the 20<sup>th</sup> January were you summoned to 29 Wolverton Street?* I arrived there at 10.05.

**2323.** *Was the door opened to you by Constable Williams?* It was.

**2324.** *When you came in did you look in the sitting room?* I did.

**2325.** *What was the first thing you saw there?* The body of a woman which was subsequently identified as that of Julia Wallace.

**2326.** *We need not go into that. When you arrived was Professor MacFall seated in the chair?* He was sitting on the arm of an easy chair making notes.

**2327.** *I think you also saw the accused and Mr and Mrs Johnston in the kitchen?* I stood by the parlour door, and the witness Williams made a statement to me. In consequence of that statement, I went into the kitchen, where I found the witnesses Johnston and the accused. I asked the accused if he had seen anybody hanging about the house or in the house when he returned, and he said "No".

**2328.** *And you asked the Johnstons whether they had?* Yes and Mrs Johnston said she had not.

**2329.** *Then I think you gave certain instructions to Constable Williams and left the house?* I went to the Bridewell, returning in about a quarter of an hour.

- 2330. MR JUSTICE WRIGHT: That was about half-past ten?** It was about half-past ten, my Lord, as a matter of fact.
- 2331. MR HEMMERDE: When you came back, did you commence a thorough examination of the house?** I did, and paid attention to the front door and the lock and the wood near to the lock, and could find no marks of any description.
- 2332. MR JUSTICE WRIGHT: No marks such as a burglar would make?** Yes, my Lord.
- 2333. MR HEMMERDE: after you had been through the whole house, may I take it you could not find any marks of anyone having made a forcible entry?** None whatsoever.
- 2334. Having inspected the front door, did you go into the sitting room?** Yes.
- 2335. Then on going into the kitchen did you then see the accused?** I did. I asked him in what condition he found the house when he returned. I had already been told where he had been. He said, "I had been called to a business appointment".
- 2336. Did you make a note of this at the time?** Yes, at the time, immediately afterwards, before I left the house.
- 2337. Go on in your own words.** I was called by telephone to a business appointment at 25 Menlove Gardens East at 7.30 pm tonight, but I could not find the address. I hurried home, tried my key in the front door, but the key would not act. I went round to the back door, but I could not open that. I returned to the front door and again tried the door key, but again it would not act. Then I went round to the back door, which opened easily. I met Mr and Mrs Johnston and asked them to wait till I came in. I found my wife murdered in the parlour and this just as you see it", at the same time pointing to the wooden box.
- 2338. To the cabinet there?** Yes, a portion of the door was on the floor. There was a half-crown and two separate shillings close by the bookcase on the floor. Pointing to a small cash box on top of the bookcase, £4 had been stolen from that, he said a £1 Treasury note, three 10s notes, 30 or 40 shillings in silver and a postal order. I asked him where he found the box when he returned and he said "Where it is now". I reached the box down and opened the three compartments, and in the middle one, found the 1-dollar bill produced. I replaced the lid of the containing box and I said "I cannot understand why a thief would go to all that trouble, putting the lid on the box and placing it back where he had found it." I then asked the accused if he would come upstairs with me.
- 2339. Before you did that, had you found anything on the floor?** A half-crown and two separate shillings.
- 2340. I do not think you mentioned that?** Yes I did.
- 2341. Then you asked him to accompany you upstairs?** Yes, and in a little room opposite the staircase there was a workshop and laboratory. There was a number of tools, and I asked the accused to have a good look round to see if there was a tool missing. There was a couple of hammers there and other weapons, and he had a good look round and said "I cannot see anything missing". Then we went into the bathroom, and there was nothing in the bathroom, with the jet burning. In the bedroom which we next visited, there was a light burning and nothing appeared to be disturbed in this room whatever. On the dressing table, there were a few photographs and trinkets in their proper place. The drawers in the dressing table were intact; I opened the drawers and they were intact and nothing had been disturbed. The bedding was arranged as it would be with the wife and man going to bed, but on the mantelpiece, I saw a little pot, which I looked in and could see there were some Treasury notes there.

**2342.** *I think you left it there?* I left it there and did not touch it, and proceeded to the front room. There was not light in the front room, and the blinds were not drawn. The bedding was disturbed on the left inside the door, it appeared to me as though a person had just come in and taken the two pillows and flung them across the bed to the window side of the fireplace, one was practically on top of the other, and the bed clothing was pushed over the fireplace.

**2343.** *The whole of it pushed over?* The whole of it, exposing a portion of the mattress. On that mattress, there were two lady's handbags and two lady's hats, old hats, and on the bed clothing close to those hats, there was another hat, three lady's hats and two handbags. I asked the accused if the bedroom was like that in the daytime that day, and he said: "I cannot say, I cannot say I have been in this room for a fortnight".

**2344.** *Had either the wardrobe or the drawers in the dressing table been disturbed?* There were some articles on the dressing table in the position in which they should be. Nothing was disturbed on the dressing table; the wardrobe door was closed; I opened it and looked in, and there was some lady's clothing and everything appeared to be intact.

**2345.** *Looking at the bed and the condition of the room, what impression did it make?* It did not give the impression of a thief looking for valuables.

**MR ROLAND OLIVER:** *I do not know where we are getting to? He said what the position of the clothing was.*

**MR JUSTICE WRIGHT:** *I thought the witness, so far, was putting forward what he saw. If the Recorder is putting him forward for what he found in the room, I think he would be entitled to do that.*

**MR HEMMERDE:** *Unless your Lordship thinks I should not do it, I am going to put him forward as a man of many years experience and ask him what impression the condition of the room made on him.*

**MR JUSTICE WRIGHT:** *I think that is a matter the jury ought to decide for themselves, having heard his description.*

**MR HEMMERDE:** *If you Lordship thinks the impression it made on the police officer is not evidence, I will not do it, but your Lordship sees otherwise, if that is not the case, if the room was obviously arranged in a way that it did not show anyone had tried to arrange it as a defence one could never prove it.*

**MR JUSTICE WRIGHT:** *the jury would have to make up their minds about it. I think it is a matter for the jury.*

**MR ROLAND OLIVER:** *I shall not in addressing the jury say that this officer was not a specialist, of course he was.*

**MR HEMMERDE:** *I do not think you heard what I said.*

**MR JUSTICE WRIGHT:** *I do not follow, Mr Oliver. If this witness, who is a careful observer, describes exactly what he saw, it will be for the jury to say what inference they ought to draw from that. I do not know how far it goes in the case, but as far as it goes in the case they must make up their minds what inferences they must draw, they must draw.*

**2346.** **MR HEMMERDE:** *If you Lordship pleases. (To the witness) At any rate, you noticed the clothes in the wardrobe, but in the drawers, nothing had been disturbed?* Nothing had been disturbed at all.

- 2347.** *Did you return downstairs?* Yes.
- 2348.** *And make a further examination of the parlour?* The front door first.
- 2349.** *What did you look at, at the front door?* I made an examination as to marks either on the lock or close to the lock. The accused was present.
- 2350.** *Who else was with you then?* Inspector Gold. I asked the accused if he would let me have his latchkey. He gave it to me and I put it in the lock. I worked it for a couple of seconds and I found out what was the matter. I went outside and pulled the door to me and locked it, and I opened it at the first attempt I went in and said "I could open the door all right but the lock is defective".
- 2351.** *MR JUSTICE WRIGHT: That is the front door?* Yes, the front door lock.
- 2352.** *MR HEMMERDE: When you said "I could open the door all right but the lock is defective", what did he say?* "It was not like that this morning".
- 2353.** *Did he make any suggestion to you that it had been bolted?* Never.
- 2354.** *Neither then, nor at any time?* Not at any time did he make it to me when I went over the parlour.
- 2355.** *Then or at any time to this he never make it to you?* Never to me.
- 2356.** *And you made the trial in his presence?* Yes.
- 2357.** *I think you retained the key?* Yes.
- 2358.** *And went back into the sitting room?* That is right and there I made a further examination. With the aid of a torch, I got down and carefully examined the mackintosh which was lying or placed rather on the deceased right side.
- 2359.** *MR JUSTICE WRIGHT: Did you see that?* On the floor by her side.
- 2360.** *MR HEMMERDE: Can you tell my Lord and the jury was there any part of the body resting on it?* No part of the body was resting on it.
- 2361.** *Had anyone disturbed it, so far as you knew, before you took it?* So far as I know, no.
- 2362.** *You saw it there?* It was like this, as though it had been put in this position round the shoulder and tucked in by the side as though the body was a living person and you were trying to make it comfortable. No portion was resting under the body.
- 2363.** *Under the area of the body?* Yes, but the body was not resting on it. I made an examination and I found the collar, and from that, I gathered that it was a mackintosh. I called the accused in from the kitchen, and I was standing inside the doorway. He came and stood on my left slightly behind me. I said to him: "Is this your mackintosh"? He stooped slightly and put his left hand to his chin. I looked at him, and he made no reply for probably half a minute or so. I said "Had Mrs Wallace a mackintosh like this?" He remained in the same position and did not answer. The witness, Sergeant Bailey, was standing in front of me by the sideboard, and I said "Take it up and let us have a look at it".
- 2364.** *You said that to Bailey?* Yes.
- 2365.** *Did Bailey take it up?* Bailey took it up and held it like this. (Indicating) I got hold of the sleeves and pulled it out like this, and said "It is a gent's mackintosh". By that time, the accused had actually got hold of the mackintosh and was examining it.
- 2366.** *Did he say anything?* "If there were two patches on the inside it is mine". By that time, we found the two patches.
- 2367.** *Just show those two patches?* There, and almost in a continuing sentence he said "it is mine".



2368. **Then did he say anything else?** “I wore it his morning, but the day turned out fine I wore my fawn coat this afternoon. Of course it was not burned like that when I wore it.” I asked him where he had left it; he said “Hanging in the hall at half-past one”.
2369. **Before the conversation about the mackintosh, was there some conversation about the blinds?** I asked him if the blinds had been drawn.
2370. **I mean when you came back with the key into the sitting room, I think first of all?** I asked him about the blinds, how he found the blinds when he returned home; he said the blinds were not drawn.
2371. **MR JUSTICE WRIGHT: Did you say the blinds were not drawn?** The blinds were drawn; I am sorry, my Lord.  
**MR JUSTICE WRIGHT: It is one of those cases where you cannot tell whether they were or were not.**  
**THE WITNESS: “The blinds were drawn and the gas was not lit. I lit a match.” I said “Did you not scream or shout?”**
2372. **MR HEMMERDE: Before that, did he say anything about the gas? He lit a match?**  
That is so.
2373. **Anything else?** No. I said “Did you not scream and shout?” And he said: “No, I lit the gas; I thought she might be in a fit and I could go to her assistance”.
2374. **When you came to the door, could anybody get across to the gas without stepping into the blood?** It was very, very difficult. On the left side between the sideboard, you see in Exhibit No 6 there were two large clots of blood, one nearest the fire about the size of a saucer.
2375. **Looking at No 6, is that on the left of the body as you look at it?** That is right.
2376. **Was there any blood on the right of the body?** Very little on the right; there was none on the right, as a matter of fact. There was some the right side of the head.
2377. **We know as a fact that he lit the right hand gas. Did he tell you so at the time?**  
That was the gas that was lit when I was there.
2378. **We have heard that that was the one that was lit first?** Yes.
2379. **Looking into the room there, you say on the left of the body he could hardly have missed the blood?** You would have to be careful and walk almost sideways.
2380. **MR JUSTICE WRIGHT: And the big pool?** That was farther on, my Lord, near the fender; there was a further pool six or eight inches this side of that one and then there was a big smear.
2381. **MR HEMMERDE: When the light is on in the inner kitchen what effect, if the kitchen door is open, had that upon the light in the sitting room?** Its lights are fairly well.
2382. **I want to get it in this order. Supposing there is no light at all in the sitting room but here is a light on in the kitchen and the kitchen door is open, how much light would there be then?** In this particular sitting room with a light paper, I made a test of it last night and you can see the pictures on the wall, what they were of and the ornament on the mantelpiece and the gas or the gas bracket.
2383. **Could you see on the floor?** It would be more difficult on the floor by reason of the furniture.
2384. **Would your vision be assisted at all by the fact that the light in the middle bedroom was slight?** No, not at all.

- 2385.** *Is there a mirror in the hall?* There is a hat stand in the hall with a piece of glass in the centre, and that reflects on to the glass inside. I tested it last night.
- 2386.** *MR JUSTICE WRIGHT: It is an indirect reflection?* Yes. It is a very small room: it is exactly 11 ft and 9 ft 6 ins from the door to the fireplace – a very small room.
- 2387.** *MR HEMMERDE: Would there be any need to light a match to see the gas brackets?* You can see them from the hall. This was at half-past nine last night, my Lord.
- 2388.** *MR JUSTICE WRIGHT: That you see the gas bracket from the hall?* Yes, but not slight.
- 2389.** *MR HEMMERDE: Simply from the reflected light?* Yes, the pictures, and as a matter of fact you can see the forms of the ladies and gents on the wall.
- 2390.** *You can actually see what the pictures are. You went last night to make these tests?* Yes. Inspector Gold was with me.
- 2391.** *When you went last night, was the door off or on?* The door of the parlour was off.
- 2392.** *Would that make any difference?* Yes, it might.
- 2393.** *But it would not make any difference to the gas light episode?* Not if it was, open.
- 2394.** *After those episodes, did you ask him to accompany you to the police office?*  
Another officer, Inspector Gold.
- 2395.** *You asked him to accompany Inspector Gold, and he left the house with Inspector Gold?* Yes and Sergeant Bailey.
- 2396.** *And I think you sent certain other officers away. Did you make a search with two powerful electric lamps for bloodstains?* I did. Dr MacFall and Dr Pearce, the City Chief Constable searched for them.
- 2397.** *Were you able to find any?* Not outside the radius of 9 inches from the deceased's head on the floor, nothing in the parlour or upstairs. I had not seen the notes then. The only other spot was the one in the WC.
- 2398.** *When did you first hear of the discovery of that?* At about eleven o'clock.
- 2399.** *After you had sent him away to make his statement?* I rather think it was.
- 2400.** *I thought it was sooner, but you heard of that and went up and saw it?* Yes.
- 2401.** *Were you able to see it without a torch?*
- 2402.** *MR JUSTICE WRIGHT: That would be about eleven?* Yes, my Lord. It was before the incident of the mackintosh.
- 2403.** *MR HEMMERDE: Yes, we got it a little bit out of order. (To the witness): Although the gas was on where you unable to see it without a torch?* No, you could only see it on the basin. The portion nearest the washbasin is entirely over shadowed and only with the aid of the torch light could you see it. I put a special watch on it and had it photographed, and subsequently I saw Dr MacFall remove it with a piece of paper. He picked it up in that way and in doing so; he left a smear about half an inch long on the basin. Dr MacFall opened the paper out a bit, and you could see the outside was brown coloured but the inside was ordinary blood colour.
- 2404.** *We have heard about that from the professor. As a matter of fact, the pan is here?*  
Yes.
- 2405.** *There is no reason to produce it unless it is wanted?* Yes, there is still some mark there. The photograph is a true replica of the description.
- 2406.** *Then you made a thorough examination?* With the aid of these lamps, I have travelled over the door lock again and travelled over the tops and bottoms of the window

catches back and front and found no evidence whatever of a possible entry by force; the windows were all secure.

**2407.** *And you found no trace of blood anywhere?* No, on the carpet on the stairs and the banisters going out, and the floor in the bathroom and found none whatever.

**2408.** *I think you brought some very powerful lamps from the Fire Brigade?* I did; two.

**2409.** *MR JUSTICE WRIGHT: There is no blood apart from the clot on the pan and in the parlour?* Yes.

**2410.** *How far do you put the radius where you found the blood?* In the sitting room you mean, my Lord.

**2411.** *Yes?* Sixteen steps.

*MR JUSTICE WRIGHT: I meant the radius within which you found blood.*

**2412.** *MR HEMMERDE: Nine inches did you say?* Nine inches to 18 inches from the leg of the chair, I measured.

**2413.** *The head was 18 inches from the chair; is that right?* Yes, that is right. Then there was about 9 inches of blood matter all round about it.

**2414.** *There was a radius of 9 inches approximately round the head?* Yes, that was more brain matter, than blood.

**2415.** *Apart from the splashes that we have heard, were there any blood traces in the house at all?* None whatever.

**2416.** *So far as you know, before Professor MacFall found this clot, had anyone else of the police force been up there?* I had been up, as a matter of fact, with the accused.

**2417.** *Had you looked in there?* Yes.

**2418.** *Had you been over by the basin?* No.

**2419.** *MR JUSTICE WRIGHT: Did you get any bloodstains on your hands in the course of your examination?* I did not, my Lord, but I only handled the corner of the collar of the mackintosh, and when I saw it looked like a mackintosh, I turned it over and satisfied myself that it was a mackintosh.

**2420.** *MR HEMMERDE: Did you ever see that night, any blood on the accused?* No. I examined him pretty well, his boots, hands and the bottom of his trousers with these lamps.

**2421.** *I think you and the professor both got blood on your boots afterwards?* I do not know whether he did; I had none on mine.

*MR HEMMERDE: I think he said he had.*

*MR ROLAND OLIVER: There is no evidence of this.*

*MR JUSTICE WRIGHT: The officer said he saw no traces of blood, but I do not remember Dr MacFall saying one way or the other.*

**2422.** *MR HEMMERDE: It is very difficult to remember what the witness says and what he knows. (To the witness): As a fact, you did examine him very carefully and you never saw a trace?* No trace whatsoever.

**2423.** *MR JUSTICE WRIGHT: You had no blood either on your boots or on your hands?* No, my Lord, but I had to manoeuvre very carefully in the parlour going round to avoid it.

**2424.** *If the prisoner had stepped on the blood at any time in the parlour, it would have been on his feet when you saw him?* Yes, my Lord.

2425. **Then he must have avoided it?** That chair, my Lord about which there has been a discussion, was in fact of the matter, not at the end of the sideboard.  
**MR HEMMERDE: Where Professor MacFall puts it in his sketch? You heard him give evidence?**  
**MR JUSTICE WRIGHT: Mr Johnston thought it was on the side.**  
**THE WITNESS: As a matter of fact, I made a test of that last night, and it is impossible to open the parlour door if that chair is at the end of the sideboard; there is a 6-inch margin. It is obviously the place of it.**
2426. **MR HEMMERDE: You have the parlour door there although it is taken off?** Yes.
2427. **And you made a test of it?** I made a test of it last night.
2428. **MR JUSTICE WRIGHT: If it is alongside the sideboard, you say there is not room to open the door?** Not by 6 inches.
2429. **MR HEMMERDE: I think you left the house at about four o'clock?** Four o'clock in the morning.
2430. **Had the prisoner gone by that time?** Yes.
2431. **Did anyone sleep in the house?** He wanted to sleep there, but I would not permit him to and I gave him a motor car to take him to his sister-in-law.
2432. **You say he wanted to sleep there. Did he sleep there at all afterwards?** I would not allow him to; I wanted to make a further examination.
2433. **What happened the next night; did he sleep there then?** No. I made a thorough examination of the premises with the Chief Constable. We went over the ground with the finger print expert to endeavour to find anything and could not find anything. We searched the place, water tanks and lavatory and the outside, and found nothing.
2434. **At the time you went at four o'clock until you went the next morning with Mr Roberts was there anyone there to interfere with that jam pot?** Only police officers.
2435. **Were they left in charge?** Yes.
2436. **Do you know who was left there?** I do not know; I could easily find out.
2437. **I want to ask you one general question. You were there from ten o'clock. How long was the accused there with you that night before he went away?** I should think it was some time after eleven.
2438. **About an hour?** Yes.
2439. **Were you with him most of the time or not?** I was with him a good portion of the time I made that examination, and when I made the general tour round the house, he was with me.
2440. **What was his demeanour?** Quiet and collected, smoking cigarettes and talking generally.
2441. **MR JUSTICE WRIGHT: H went away about eleven o'clock?** Yes.
2442. **You sent him off in a car?** Yes. It was more convenient to take a statement from him there.
2443. **MR HEMMERDE: I think you saw him again on the 23<sup>rd</sup> January?** I did.
2444. **Was that in the evening, about 6.30?** Yes.
2445. **At the Dale Street Detective Office?** Yes. He spent most of his time in our office the day of the 31<sup>st</sup>.
2446. **You did not take the statement he made on the 22<sup>nd</sup>?** I did not.

- 2447.** *Someone else took that. He had been most of his time at the office, and on the 23<sup>rd</sup> did you yourself see him at the detective office?* I did. I said to him "You saw Mr Beattie at the Chess Club last night?" He said "Yes". While I was standing on the footway in Lord Street waiting for a tram home" I said: "You asked him what time he received the telephone message?" He said: "Yes, and he said seven o'clock or shortly afterwards". I said to him, that is to Mr Beattie, "that time is important, and he said 'you must get it a bit nearer than that'" and the accused said "Yes". I said "In what way did you mean it was important?"
- 2448.** *MR JUSTICE WRIGHT: This is still what you are saying to him?* Yes.  
*MR JUSTICE WRIGHT: Then is answer is the next thing.*  
*MR HEMMERDE: I am not quite sure we have got it right.*
- 2449.** *MR JUSTICE WRIGHT: "I saw Mr Beattie at the Chess Club last night". He said: "Yes, I was standing waiting on the footway in Lord Street for a tram car home. I said to him", that is to the accused, "Did you ask him what time he received the telephone message" and he said "Yes, seven or shortly afterwards". You told him "The time was important" and he said "You must get it closer" or something like that, and "In what way was it important". Then comes the reply. What did he reply?* That is right. He said "I have an idea, we all have ideas, it was indiscreet of me". I questioned him as to what his idea was. He said: I cannot say any further; I see now it was an indiscretion on my part". That is all. We talked over the case generally for a few minutes.
- 2450.** *MR HEMMERDE: A few days later, the 27<sup>th</sup>, at about six o'clock, did he come to your office?* Yes, he called at the office and asked for a change of clothing.
- 2451.** *He wanted to go to his house to get a change of clothing?* That is right. We had the key.
- 2452.** *How many nights did he sleep there?* Only one.
- 2453.** *MR JUSTICE WRIGHT: That was the 22<sup>nd</sup> and he came there a few days later for a change of clothing?* Yes, my Lord. I asked him "Did you speak to anyone on your way home from the tram car on the night of the murder?" He said "No". I said "Are you sure?" He said "Yes". I then said: "You told me you were in a hurry to get home, you should remember". After a slight hesitation, he said: "I was not so alarmed that I would not raise my hat or speak to a person I knew". After a further hesitation, he said: "Positively I did not".
- 2454.** *Did you tell him who the lady was?* I told him the lady was a Miss Hall, who had known him for some years, and she had seen him speaking to a man by the entry near Letchworth Street at 8.35 pm. This was before he made the last reply, my Lord.
- 2455.** *Some question was raised yesterday as to Me Lily Hall and how you came to know about it. How did you come to know about it?* Her father came to my office with a letter which he said he intended posting, but he brought it. It was a statement about his daughter.
- 2456.** *Was that letter written on the 24<sup>th</sup> April?* Yes.
- 2457.** *Was it from what you learned from the father that you came to see the daughter and took the statement while she was in bed?* Detective Inspector Gold took the statement on the Saturday night that he came.  
*MR HEMMERDE: "24/1/31". I do not want the contents of the letter. I only wanted to clear up how it was done.*

**MR JUSTICE WRIGHT:** *She gave her evidence very fairly.*

**2458. MR HEMMERDE:** *Then I think on the 2<sup>nd</sup> February you went with Superintendent Thomas and Inspector Gold to an address in Ullet Road, where you saw the accused?* Yes.

**2459. Did Inspector Gold tell him that he was about to arrest him on a charge of murder?**  
He did.

**2460. And caution the accused?** He did.

**2461. What did he say?** "What can I say to such a charge, of which I am absolutely innocent?"

**2462. Later on, the same evening were you present at the main Bridewell when Mr Gold cautioned and charged him with the murder of Julia Wallace?** I was, and he made no reply.

CROSS EXAMINED BY MR ROLAND OLIVER.

**2463. Leaving out casual conversations, how many statements has this man made to the police; do you know?** Four I believe.

**MR ROLAND OLIVER:** *We have four in writing.*

**MR JUSTICE WRIGHT:** *Do you mean written ones?*

**2464. MR ROLAND OLIVER:** *I mean more or less statements – narratives?* Yes, four in writing.

**2465. A long one to Police Constable Williams and another one to you?** Many to me.

**2466. Many to you, and the Inspector took a statement – may I call it cross-examination?**  
Oh no; the man was treated as a man whose wife had been murdered up to the period of his arrest.

**2467. Was he? Was he allowed to go to bed on the first day; I will call it, at six o'clock in the morning?** Before six, but it might have been five o'clock.

**2468. When do you say?** He had gone before I left, and I left at four o'clock.

**2469. I am told six o'clock in the morning. Was he told to be back at the police station at ten o'clock?** No, he came back with me in the car, and I left at four o'clock.

**2470. MR JUSTICE WRIGHT:** *He left at four o'clock and travelled in the same car with you?* Yes, by Lord.

**2471. MR ROLAND OLIVER:** *You will be careful. Here is a man being tried for murder. Do you say he got or was allowed to go to bed that night any earlier than five o'clock?* I will put it at five o'clock.

**2472. Was he told to be at the police station at ten?** He was asked to be.

**2473. Was he there?** Yes.

**2474. Was he there all day except for meals?** Yes.

**2475. Till ten the next night?** Yes. That was his own choice.

**2476. During the time, after what he had gone through he was making statements, answering questions, giving information?** Yes.

**2477. In those stages of your investigation, did he give you a great deal of assistance?** I would not say assistance. He helped us a great deal by the fact that he was handy when we wanted to ask him some questions. For instance, my Lord, we had innumerable telephone messages. One gentleman rang and told us about a maid. We had never heard of a maid

and we saw Mr Wallace and asked him if he had a maid, and he told me who the maid was but he did not know her address. In that way he was very helpful.

- 2478.** *You have said "He was very useful to us in our enquiries in the early stages". Helped us to trace Mrs Draper?* Yes.
- 2479.** *He helped you trace others?* Yes.
- 2480.** *And he told you what time he got on this tram?* Yes.
- 2481.** *And that was very nearly right within minutes?* Yes.
- 2482.** *He told you of his journeys on the trams?* Yes.
- 2483.** *And the house he had been to and the people he had spoken to?* Yes.
- 2484.** *The lady at No 25 Menlove Avenue?* Yes.
- 2485.** *The man who must be Breslin, the tall fellow, the police sergeant?* Yes.
- 2486.** *And the newspaper shop; is that right?* Yes. He travelled over the same course with us.
- 2487.** *Now I want to come to the house. You got there at five past ten?* Yes.
- 2488.** *Was Williams there, and Sergeant Breslin?* No, I believe he was outside as a matter of fact.
- 2489.** *He was on the premises?* Yes.
- 2490.** *Any other officer?* Not then.
- 2491.** *Is Sergeant Breslin that tall, very powerful man?* I do not remember.
- 2492.** *How tall are you?* I stand 6 feet.
- 2493.** *You might be described as a very powerful man, I do not know. I have seen tall powerful police officers. Have you heard Mrs Johnston say that while she was sitting with the accused in the kitchen a tall officer came in and said "Here is a mackintosh; whose is it", and he said "Yes, that is mine". Who was that?* I cannot tell you, unless it was Sergeant Bailey. It all depends what time it was said.
- 2494.** *When did the Johnston's leave?* I could not tell you to a few minutes.
- 2495.** *He was taken away to the police station to make his statement at a quarter to twelve?* The Johnston's had done before then. There were too many people getting in the house. He had gone long before then.
- 2496.** *It would not have been after your adventure with him; it must be before you and Inspector Gold were there. Who was it?* I cannot say whether it was a uniformed officer.
- 2497.** *Or a detective. I agree, it must have been a policeman. You were having people walking in and out from the street?* Yes. It must have been a policeman, but whether uniformed or a plainclothes man the witness did not say.
- 2498.** *How many officers, in plain clothes or uniform, were in the house?* At one time or another possibly a dozen.
- 2499.** *It is not possible to call them all, I suppose?* It must have been a plain-clothes man who asked that question, if it was asked. A uniform man would not ask it.
- 2500.** *With a crime of this sort, every effort was being made as soon as possible?* Yes.
- 2501.** *A search was going on of all descriptions?* When I got the message first, my Lord, it was 9.50, and as soon as I got the message, I sent a call to all divisions for all CID officers to stand by for instructions. Immediately after I got to Wolverton Street and had made a hasty examination of the premises and saw the body, I went to the Anfield Road Bridewell and told the officers to tell the men off to the various districts all lodging houses, railway stations and night cafes.

2502. ***I have asked you what happened in the house: you are going off to something else. You know you ought to answer my questions?*** You asked me what I did.
2503. ***I asked you what you did about getting officers in the house and you told me there were a dozen?*** I thought you asked me generally, as to what I did.
2504. ***Very well. With regard to this mackintosh, you have described how you found it?***  
Yes.
2505. ***You now know, do you not, that before you found it, the Defendant had acknowledged it to Mrs Johnston?*** I know it now.
2506. ***To Police Constable Williams?*** That is right.
2507. ***And to some tall officer who had come into the kitchen and said "There is a mackintosh in here, whose is it" and he said "It is mine". Then this is what happens, you, a Superintendent of Police, Mr Gold, an Inspector of Police and a sergeant, standing together interrogating him as to whose mackintosh it is?*** I asked him whose it is.
2508. ***Are you surprised that he was doubtful?*** I do not know – all the more reason why he should say at one, "It is mine".
2509. ***He has told three different policemen, "That is my mackintosh" then you, one of the heads of the Liverpool Police and Inspector Gold and another say: "Whose is it?" and he said "It is mine". All the more reason why he should say so.***
2510. ***What influence do you draw from it; what do you think? That he was trying to conceal it, or what?*** Perhaps I had better not say what I think he had in his mind.
2511. ***Do not say anything you have not said yet unless it is true.*** You asked me what I think.
2512. ***What inference do you draw, was my question, from his hesitation to acknowledge that mackintosh to you when he had already acknowledged it to four different people; three of them policemen?*** That he was beginning to think the mackintosh was dangerous and that the police had formed a certain idea.
2513. ***That would be a splendid chance for him, after he had already told four people, three of them police officers, to be suddenly doubtful about it. However, that is argument. You talked about his demeanour being quite calm, smoking cigarettes; is that true?*** Quite.
2514. ***You have never mentioned it before today in public?*** I was never asked it.
2515. ***It only seems to have occurred to someone quite lately to ask that question. You attach importance to it, do you not?*** No, not that I know of.
2516. ***If you do not think, it is important I will not trouble with it. Have you ever heard of people smoking cigarettes to try and keep a hold on their nerves, to try and calm themselves?*** I am not a cigarette smoker, I smoke a pipe.
2517. ***That is a very good reason why you should not. One question about the cash box. The lid always, apparently, for the purpose of this case, was loose, so that you could take it off?*** Yes.
2518. ***Were the silver coins you found, found in front of the bookcase?*** Yes, on the floor.
2519. ***On the top of which that cash box stood?*** Yes.
2520. ***And they might have fallen down from the cash box where it stood?*** Probably, yes, but I would expect them to be a bit further on the floor.
2521. ***It is very difficult to say what would happen to coins when dropped, they may roll or stop. At any rate, they were in the cash box on top of the shelf, so that if someone***



*stood on that 11 inch shelf on which stood the cash box he could open the cash box, could he not? On the shelf?*

2522. *I asked your expert, the gentleman who made the photographs.* That was Mr Cooke.
2523. *I asked him how wide it was, and he said 11 inches wide, which is quite obviously wide enough to stand upon. What I am suggesting to you is, if someone stood on the shelf he could take out the contents and he might drop some and put the cash box back?* No, he would have to be a bit of an acrobat to do so.
2524. *You say, but it is quite likely it could be done?* I do not think so.
2525. *Do you not think so? If I might show you, it is apparently about the width of that broken box lid there. That is up there, because that appears in the photograph, so there is that room to stand on?* If I had known this before, I could have measured it, but I do not think it is anything like 11 inches.  
*MR JUSTICE WRIGHT: The surveyor said it was 18 inches from the wall and that would be 11 inches from the bookcase.*
2526. *MR ROLAND OLIVER: He said it was 11 inches, and you surely do not say he could not stand on it, do you?* No.
2527. *You do not want to concede a point to the Defence in this case if you can help it?* I do indeed.
2528. *That is a measurement given us by a surveyor, and you suggest that a man could not stand on it. From your observation in the house that evening, was it evident that the occupant or occupants of it, before the crime, had been sitting in the kitchen?* I could not tell. It was obvious that Mrs Wallace had been sitting in the kitchen because her handbag was on the chair.
2529. *Yes and the tea things on the table?* No, the tea things were not on the table. The tea things were in a basin in the back kitchen.  
*MR JUSTICE WRIGHT: There is some needlework there, I think?*  
*MR ROLAND OLIVER: Yes, there is, my Lord.*
2530. *I might have been mistaken with regard to the tea things, but there is something there?* A sugar basin.
2531. *You do not doubt, do you, from your knowledge of this type of house, that the back kitchen was the sitting room of this house?* Yes, it was.
2532. *And the parlour was just for visitors in this sort of house?* Yes.
2533. *When a visitor comes in at the front door, he is shown into the parlour, is he not?* I suppose so.
2534. *And the gas lit and the fire lit; that is the usual thing?* Yes, the most usual.
2535. *You say there is evidence in this room that when the murderer was in that room the fire was lit and the gas must have been lit, is there not?* It is suggested.
2536. *The gas must have been lit; he could not have hit her on the head in the dark. The gas must have been lit, and the fire was lit was it not? (A pause). Why do you hesitate?* Because it is still a matter of opinion.
2537. *There are burn marks on that skirt, according to your own witness, made by the bars in the gas fire?* There are no bars in the gas fire.
2538. *The asbestos rings of that fire?*

**MR JUSTICE WRIGHT:** *There would be no bars?*

**MR ROLAND OLIVER:** *No, my Lord.*

**MR JUSTICE WRIGHT:** *The jury can form their own view about it. It looks as if there had been some lineal burns on it.*

2539. **MR ROLAND OLIVER:** *What I am putting to you (and we are on speculation) is that everything in that room is consistent with a knock at the front door and admission by someone in the possession of a key and the visitor taken into the parlour, and then lighting and gas and lighting the gas stove? It is quite possible.*

2540. *You see the alternative is that somehow or other the husband apparently knocked at the door, which was opened by the wife, and they found themselves together in a room they never used, with the gas lit and the fire lit. That is the alternative, is it not? I cannot say myself. There are so many things you cannot reconcile with another.*

2541. *I want you to consider as an expert. That is the alternative? That is suggested.*

2542. *That is if he is guilty? Yes, if he is guilty.*

2543. *What happened to the milk Mrs Wallace took in that night, whatever time it was? It was put in three bowls for the cat. There is a cat there.*

2544. *Who by? By the police the next day.*

2545. *Where was it? I could not tell you. Some other officers can speak to that.*

2546. *Will you tell me who? Mr Gold or Sergeant Bailey. I know the milk was put on the floor for the cat.*

**MR JUSTICE WRIGHT:** *There was not photo of the scullery, was there?*

**MR HEMMERDE:** *No, my Lord.*

**MR JUSTICE WRIGHT:** *Perhaps it was in the scullery.*

2547. **MR ROLAND OLIVER:** *I wanted to know what she had done after taking it in. (To the witness): There was an instance you gave here when you asked him about the match with which he lit the gas; do you remember? Yes, I do.*

2548. *Is this what you said at the police court about that: "I asked the accused if the blinds were drawn when he entered the room? He said 'Yes. I lit a match and put the gas on'. I said 'Did not you scream or shout?' He said 'No, I thought she might have been in a fit. I lit the gas to go to her assistance, but of course I found she was dead'". Is that right? That is what I have said now.*

2549. *Not quite the same, but not deliberately different. You accept that as a true account?*

**MR JUSTICE WRIGHT:** *Well, what is the difference? There is no substantial difference. "I asked him about the blinds and how he found them when he returned. He said they were drawn, the gas was not lit. I said 'Did you not scream or shout?' And he said 'no; I lit the gas as I thought she might be in a fit and I would go to her assistance'". Is there any difference?*

**MR ROLAND OLIVER:** *I thought there was.*

**MR JUSTICE WRIGHT:** *What is it?*

2550. **MR ROLAND OLIVER:** *I thought the account at the police court suggested that he had walked across the room, has seen his wife on the floor, thinking she was in a fit, and*

*had lit the gas. (To witness): Is that a fair account: "Thinking she was in a fit, I lit the gas and found she was dead"? That is what he meant, apparently?* That is the other inference.

2551. *You may say it is absurd, but that is what he was desiring to convey to you?* Yes, that is right, but we say there was not necessity for him to light a match at the door.

2552. *You make the point that it is quite wrong to strike a match at the door to light the gas?* I do; there is not necessity for it. A man living 16 years in a little room like that – it was not a natural thing.

2553. *You said it would be difficult for him not to walk in the blood as he walked across with the match. The hearthrug which had blood on it which he would have to cross was taken away, was it not?* Yes.

2554. *Do you know if the stains of the blood had soaked through on the backing underneath?* No, I do not think so. There were stains on the backing of the carpet, but they were stains that were originally on the carpet. I would not argue against it, but there was not a sufficient quantity of blood on the rug to have soaked through.

2555. *I know you would not argue unless you are right. Here I have a plan made by a surveyor after the rug has been removed showing the area occupied by the rug and the area occupied by the stain, I want you to look at it and tell me whether those delineations of stains are not probably correct.*

*MR JUSTICE WRIGHT: Mr Roberts said the stain on the hearthrug did not go through.*

2556. *MR ROLAND OLIVER: He said so. (To the witness): You have had time to look. You see those marks hatched in?* Yes.

2557. *Do those approximately show the position and extent of the blood marks which he would have had to cross on his way to the gas?* Yes. Practically the stains are clear of the mat area but with the other one, I think that bloodstain was further on to the sideboard.

2558. *You think one of them is in the wrong position?* Yes. This was the principal pool. (Pointing).

2559. *MR JUSTICE WRIGHT: Which is that?* The one nearest the fireplace. This matter here near the door was mostly brain matter.

*MR JUSTICE WRIGHT: I do not remember all this particular detail, but I thought the evidence was that the principal, the biggest, stains were near the head, and there was a big smear between the body and the hearthrug.*

*MR ROLAND OLIVER: Yes, my Lord: that was my recollection of the evidence. That is the biggest. This big thing here, (Pointing) would be near the head.*

*MR JUSTICE WRIGHT: Yes; that is the right position according to what I thought was the evidence. As I say, it is difficult to remember all those particular views.*

*This is Mr Roberts: who said: "One corner of the hearth rug was soaked with human blood. There were other stains which might be from someone wiping his feet", and then he said somewhere else that there was a big smear between the legs on the hearthrug. What is your suggestion?*

*MR ROLAND OLIVER: What I am suggesting, my Lord, is that the head was about from where that big thing is in the middle.*

*THE WITNESS: That is correct.*

2560. **These two here delineate the blood marks or pools or clots lying partly on the hearthrug and partly on the floor?** The big one was like a solid clot of blood.
2561. **What I am asking you is: Does that correctly show the position?** Yes.  
**MR ROLAND OLIVER:** Then I need not call the evidence.  
**MR JUSTICE WRIGHT:** I thought there was evidence to that effect.  
**MR HEMMERDE:** Yes, my Lord.  
**MR ROLAND OLIVER:** Your Lordship sees what I am using it for. If he had to walk across here, he would have to go through the blood.  
**MR JUSTICE WRIGHT:** I follow.  
**MR ROLAND OLIVER:** Were you there when the photographs were taken? I was. I took no part in the operations, though.
2562. **No, but did you direct them?** I told them what to do. As a matter of fact, I was out in the back yard when the photographs were taken.
2563. **The witness told us that nothing but the chair was moved. Do you remember that?** Yes, I heard him say that.
2564. **That is not right. Who told him to move the mackintosh? Look at No's 6 and 7? I see.**
2565. **Who told him to do that?** No one. The only explanation I can make of that is that the photographer was leaving the room in the dark, I understand.
2566. **For his flashlight, do you mean?** Yes.  
**MR JUSTICE WRIGHT:** Yes, he said he had to, for the flashlight.  
**THE WITNESS:** To pass his camera stand up for the flashlight.
2567. **MR ROLAND OLIVER:** You mean he pulled it right up? He must have done.
2568. **When he was taking this photograph, he was in the corner of the room with his flashlight?** Yes.
2569. **Do you mean to tell me he could pull that up?** The two photographs do not agree, obviously.
2570. **Obviously this one would suggest that it would be impossible to get past that bloodstain without walking on the mackintosh. This was the 24<sup>th</sup> January?** Yes.
2571. **Did you advertise for the man whom Miss Hall described as being seen talking to the accused?** Yes.
2572. **You have done your very best to find him, without any result?** Yes.
2573. **He must be a perfectly innocent man. If the police theory of this crime is right, he must be a perfectly innocent person.** You must not regard him as such.
2574. **Talking to my client outside his house at 8.35; that is an hour after the murder, if your story is right?** Quite.
2575. **He has not come forward?** No, he has not come forward.
2576. **Did you hear Miss Pinches say that the accused went into her newsagent's shop at Allerton and stayed till half past eight? That does not agree with Miss Ball?** Five minutes later, we have got him at the Johnstons.
2577. **It is hopeless that time?** Her time is wrong, yes.
2578. **People can go wrong over times, can they not? Mr Bailey puts him right at the end of Menlove Gardens West at 13 minutes past seven.** One witness started at six o'clock or

before seven o'clock, and then they reconsidered it and said he could not have been there before seven o'clock.

- 2579.** *Did you have experiments made to see how long it took to get from the newsagent's shop to Wolverton Street?* No.
- 2580.** *Why?* There was no necessity. The police did not regard it as necessary, and I do not think it now.
- 2581.** *Do you not see the importance, as far as the accused is concerned of how long it would take?* I do not know that it matters what time he was at Menlove Gardens so long as we have got him at Wolverton Street.
- 2582.** *That young lady who swore to 8.45 might have made a mistake?* I do not think so.
- 2583.** *Because she agrees with your case?* No, because she gives a definite time.
- 2584.** *Do you know a boy named Wildman?* No, I do not.
- 2585.** *Have you never heard of him?* There was a statement given to me by your solicitors; I forget what the name was.
- 2586.** *I do not say you read the statement. I simply want to bring this: were the police communicated with by our side and told of a boy names Wildman?* I do not know the name.
- 2587.** *This name was given of a youth who said Mr Wallace was alive many minutes after half-past six that night. Did you take any statement from him?* I believe that was one of the many we took.
- 2588.** *Is he a boy of good character?* I do not know anything about him at all.
- 2589.** *I want to know, why should not that boy have been called by the Prosecution?* I do not know the boy Wildman.
- 2590.** *It is the boy who says he saw the boy, Close with his Collegiate cap on, or a boy with a Collegiate cap on, delivering milk at Mrs Wallace's between 6.35 and 6.47 on the night of the murder. Why should not he be right?* I think the reason was that that statement was taken about a fortnight afterwards, or some considerable time afterwards.
- 2591.** **MR JUSTICE WRIGHT:** *Did you or some other officer take a statement from the boy named Wildman?* If that is the boy referred to. I do not know the name, my Lord.  
**MR HEMMERDE:** *Inspector Gold took it, and I am calling him later, my Lord.*  
**MR JUSTICE WRIGHT:** *He is the boy we have already heard of?*  
**MR ROLAND OLIVER:** *Yes, my Lord. (To the witness): How many statements were taken?*  
**MR JUSTICE WRIGHT:** *Who took them, first of all?*  
**THE WITNESS:** *Either Sergeant Bailey or Inspector Gold; I did not. I do not know who it was then took them.*  
**MR JUSTICE WRIGHT:** *As long as you did not.*
- 2592.** **MR ROLAND OLIVER:** *Have you made an exhaustive search for the iron bar which is suggested to have been use?* I have.
- 2593.** *Have you by chance searched the drains of the house up there?* Yes, we have had the City Surveyor up to search them.
- 2594.** *It could not have been got rid of that way?* No.
- 2595.** **MR JUSTICE WRIGHT:** *He examined the drains?* Yes, the City Surveyor.

**2596. MR ROLAND OLIVER: That means it must have been got rid of somewhere outside the house, so far as you can tell? Unless it is hid inside the house or the adjoining fields, possibly.**

**2597. Is there any place on the way between the back of Wolverton Street and the tram stop in which it could have been buried in the ground? It is all streets is it not? Yes, all streets.**

**2598. And you have searched everywhere? Yes.**

**MR JUSTICE WRIGHT: It is all streets from Wolverton Street to where?**

**MR ROLAND OLIVER: To the tram stop, my Lord.**

**THE WITNESS: At the end of Wolverton Street, I understand there is wasteland.**

**2599. MR ROLAND OLIVER: Yes, but the wasteland has been raked over – combed since? Yes.**

RE-EXAMINED BY MR HEMMERDE.

**2600. My friend said you were an expert. Would you think it difficult to get rid of a thing like that? No, not at all.**

**2601. Is there waste ground actually adjoining Wolverton Street? Yes, just off Richmond Park.**

**2602. MR JUSTICE WRIGHT: I gathered you searched that? Yes, my Lord.**

**2603. MR HEMMERDE: Are there other places on the way there? They are all streets and entries there.**

**MR JUSTICE WRIGHT: The mystery is, someone must have got rid of it, if that was the instrument used.**

**2604. MR HEMMERDE: Yes, my Lord. (To the witness): Are these sorts of things very rare? I should not think so.**

**2605. Would it go down one of the street drains? Easily.**

**2606. You would have to search them all to find that? Yes.**

**2607. So far as you were asked about these boys the two next witnesses, Gold and Bailey, will speak to that? Yes, as regards Wildman.**

(ADJOURNED TO TOMORROW AT 10 O’CLOCK)

Friday, 24<sup>th</sup> April, 1931.

THIRD DAY.

DETECTIVE SERGEANT HARRY BAILEY SWORN, EXAMINED BY MR WALSH.

**2608. Are you Detective Sergeant Harry Bailey of the Liverpool City Police? I am.**

**2609. You went to 29, Wolverton Street at 25 past 10 on the night of the murder? I did.**

**2610. I think there you found Superintendent Moore and Professor MacFall? I did.**

**2611. You found no evidence of any forcible entry? None whatever.**

**MR JUSTICE WRIGHT: That has not be cross-examined too.**

**MR WALSH: No, my Lord.**

2612. **You saw a mackintosh near the body?** Yes.
2613. **Did you find anything on the mackintosh?** Between the folds of the mackintosh, I found two burnt matches as it was crumpled up and I took possession of them.
2614. **You produce those, Exhibit 40?** Yes.
2615. **I think you were present when somebody asked the prisoner to identify the mackintosh?** I was.
2616. **I think you went into the kitchen and saw the cabinets?** Yes, and matchbox.
2617. **With a handbag on a chair?** Yes.  
**MR JUSTICE WRIGHT: We have had all that.**
2618. **MR WALSH: Then a little later, you went to the Anfield Road Bridewell with the accused and Inspector Gold?** I had been to the middle bedroom before then.
2619. **MR JUSTICE WRIGHT: You did not observe anything in the middle bedroom that has not been explained?** No, my Lord, until I saw the notes.
2620. **MR WALSH: I will get to those. The accused there made a statement to you and you took it down in writing, Exhibit 24?** Yes.
2621. **MR JUSTICE WRIGHT: What time did he go away with you?** I left 29 Wolverton Street about 20 to 12 in a motorcar.
2622. **MR JUSTICE WRIGHT: With him?** Yes, with him and Inspector Gold.
2623. **MR WALSH: Do you produce that statement, Exhibit 42?** Yes.
2624. **Was it signed by him?** Yes, it was.  
**MR JUSTICE WRIGHT: That is the long one?**  
**MR WALSH: Yes, my Lord, that is the first statement. It has been read to the Jury.**  
**MR JUSTICE WRIGHT: Yes.**
2625. **MR WALSH: Then you went back to the house at about a quarter past 1?** Yes.
2626. **And you removed the body to the Princes Dock Mortuary?** Yes.
2627. **Can you tell me what you found she was wearing on the body?** A brooch on her neck, a wedding ring and inside her corsets in a pocket, I found £1 and 10s Treasury Notes.
2628. **You saw the skirt was burnt?** I noticed as I turned over the body the skirt was burnt in the front.
2629. **Whereabouts was it burnt as she was wearing it?** Directly opposite her private parts.
2630. **Right in the front?** Yes, as worn, where you fasten it up.
2631. **MR JUSTICE WRIGHT: What is the proper name of it?** The flap was here in the front and I should say that the flap should be at the side from what I know of female wear.
2632. **MR WALSH: You later handed the skirt to the witness Roberts?** Yes, I did.
2633. **The underskirt she had on had not sign of burning?** I did not see any.
2634. **Later on the 21<sup>st</sup> January, you again went to the house?** Yes,
2635. **And took possession of the handbag, Exhibit 41?** Yes.
2636. **Half a crown and 2s, Exhibit 39?** Yes,
2637. **And the jar containing the Pound notes?** Yes.
2638. **What time would it be when you took those Pound notes?** It would be between the hours of 2 and 4 o'clock. I was engaged in the house about 2 hours and it was somewhere about 4 o'clock when I left the house.

2638. *I want you to show me how those notes were folded when you got them. (Same handed).*
2639. **MR JUSTICE WRIGHT:** *they have been folded and refolded?* Yes, my Lord.  
**MR JUSTICE WRIGHT:** *Have you got four £1 notes in your pocket, Mr Oliver?*  
**MR ROLAND OLIVER:** *I very much regret to say I have not, my Lord.*  
**THE WITNESS:** *I have, my Lord.*  
**MR ROLAND OLIVER:** *The officer could describe the position he found them in whether open or tightly shut up.*  
**MR JUSTICE WRIGHT:** *Yes. I do not think the actual notes are of help to anybody.*  
**MR ROLAND OLIVER:** *No, my Lord.*  
**MR WALSH:** *turn the jar so that we can see it.*
2640. **MR JUSTICE WRIGHT:** *Assuming they were not right inside below the rim of the jar they could be seen?* I had observed them the night before, my Lord.
2641. *They were right inside?* Yes.
2642. *Were they separate or in a bundle?* Like they are now, my Lord.
2643. *I cannot see them as they are now. (The witness showed the position of the notes in the jar to his Lordship". I see now. You mean the notes were together?* Yes and a half crown.
2644. **MR WALSH:** *They were folded as they are now?* No, these are my own notes. These are what I found. (Indicating).
2645. **MR JUSTICE WRIGHT:** *These notes were all folded together; they were not separate?* No, my Lord. I do not know whether the half crown was in a particular position.  
**MR JUSTICE WRIGHT:** *Never mind about the half crown.*
2646. **MR WALSH:** *Later you took possession of these notes and you put them on an envelope?* Yes.
2647. *And I think you saw the bloodstain on the note?* Yes.
2648. *On the 23<sup>rd</sup> of January, you were with Inspector Gold in the house?* Yes.
2649. *Did he ask the accused anything?* He said to him: "Mrs Draper has stated there is a poker and a piece of iron missing from the house".
2650. *I want you to give the reply exactly as he said it?* The accused replied: "She must have thrown the poker away with the ashes; I do not know anything about the piece of iron in the parlour".
2651. *There is one point I missed. Could you say, was Mrs Wallace very well dressed? I should say she was poorly dressed, homemade clothing.*
2652. *On the 26<sup>th</sup>, I think you made a test of the journey going down which has been shown on the plan?* Yes.
2653. *And you took 15 minutes?* Yes.  
**MR JUSTICE WRIGHT:** *Those have been proved by the other witnesses.*  
**MR WALSH:** *Yes, my Lord, he took 15 minutes.*  
**THE WITNESS:** *I took two tests.*  
**MR JUSTICE WRIGHT:** *Yes.*
2654. **MR WALSH:** *You also took 20 minutes I think?* Yes.



2655. **You went with the officer Fothergill?** Yes.
2656. **MR JUSTICE WRIGHT: One was 15 and the other 18 minutes?** That is correct, my Lord.
2657. **MR WALSH: on the 19<sup>th</sup> February you went with the boy Close, did you?** Yes.
2658. **On the route he as described a way from near the Library, will you say how you walked and what the boy Close did?** We left directly opposite the clock at 7.05 and the boy made his own pace. Inspector Gold was at one side of him and I walked behind him. He made how own pace according to his own actions and he went through the actions he did on the night in question when he delivered the milk, calling at the house and going through the actions of delivering milk and so on, eventually arriving at Wolverton Street at 7.10.
2659. **How long did he take?** Five minutes.
2660. **MR JUSTICE WRIGHT: He went down the street, went to the shop and put down the can?** Yes, dropped the can in the garden, as he would do, and went through that again.
2661. **He called at the place on the way to leave milk, he did not see Mrs Wallace until he was on his way back, then he saw her at the door and he allowed for that?** Yes, he was told to wait the time, for instance, waiting for the can.
2662. **And he put it down when he got there and went somewhere else and then went somewhere else, and when he came back he saw Mr Wallace, according to his evidence, because she came out then and gave him the can?** Yes, my Lord.
2663. **MR WALSH: Did you go a second time with him?** No, only the once.
2664. **For how long did you see the accused that night?** I went to Anfield Road Bridewell and took that statement about 10 to 12 and I was about the Bridewell till about 10 past 1.
2665. **MR JUSTICE WRIGHT: that is the night of the 20<sup>th</sup>?** Yes, my Lord.
2666. **MR WALSH: Had you seen him at the house before?** Yes.
2667. **What conclusion did you come to about his demeanour; what was he like?** He impressed me as a very cool collected man – cool under the circumstances.

CROSS-EXAMINED BY MR ROLAND OLIVER.

***I am not quite sure what the point suggested is. You have been asked whether this woman was poorly dressed and you said she was.***

***MR JUSTICE WRIGHT: He was asked how she was dressed.***

***MR ROLAND OLIVER: Yes, my Lord, he said poorly dressed as if to give an impression of poverty.***

***THE WITNESS: Not from that point of view, homemade clothing.***

2668. ***I do not know what it means so I must deal with it. Did you by any chance know that this man had a banking account at this time?*** Not at that time.
2669. ***In the course of your enquiries?*** Yes, I did.
2670. ***You did?*** Not him.
2671. ***Not him?*** No.
2672. ***Who had?*** Mrs Wallace.
2673. ***What bank was that?*** The Post Office Savings Bank.
2674. ***I did not mean that? At the Midland Bank, 152 Breck Road, Liverpool? You had not heard of that one?*** No.

2675. *I will give it to the Police and you shall go and enquire. I put it to you that this man had £152 to his credit?* It was unknown to me.

**MR ROLAND OLIVER:** *at any rate, you have got the opportunity of enquiring now.*

**MR JUSTICE WRIGHT:** *that is an enquiry easily made.*

**MR ROLAND OLIVER:** *Yes, quite easily.*

**MR JUSTICE WRIGHT:** *They have authority to make any disclosure?*

**MR ROLAND OLIVER:** *Yes, my Lord, it shall be done.*

**MR JUSTICE WRIGHT:** *It will save calling for a witness from the Bank.*

**MR ROLAND OLIVER:** *I do not know how far it is going to be suggested poverty drove the man to the commission of this crime.*

**THE WITNESS:** *I do not suggest poverty.*

**MR ROLAND OLIVER:** *No, I am sure you do not.*

**MR JUSTICE WRIGHT:** *The bank can supply you with a copy of the account.*

**MR ROLAND OLIVER:** *Yes, it shall be proved, my Lord.*

**MR JUSTICE WRIGHT:** *It need not be proved.*

**MR WALSH:** *We do not dispute he had one.*

**MR JUSTICE WRIGHT:** *Then there is no need to trouble about it. Will you tell the Jury, Mr Walsh, it was in credit to the extent of £152?*

**MR WALSH:** *Yes, my Lord, we agree that.*

**MR ROLAND OLIVER:** *That will save calling a witness.*

**MR WALSH:** *Yes.*

**MR JUSTICE WRIGHT:** *He had an account at the Midland Bank at what address?*

**MR ROLAND OLIVER:** *152, Breck Road, and that account was £152 and some odd pence.*

2676. *Do you now the boy named Wildman?* I cannot say that I know him. I know the family.

2677. *We wrote a letter after we had taken a statement from a boy to the Police inviting them to see him?* Yes.

2678. *Because he had, we suggested, important evidence as to the time when the boy Close was at Mrs Wallace's house?* Yes.

**MR JUSTICE WRIGHT:** *That was the newspaper boy, was it?*

**MR ROLAND OLIVER:** *Yes, my Lord.*

2679. *Do you know anything against Wildman's character?* No.

2680. *You did not get Close's, the milk boy's evidence as to the time when Mrs Wallace was alive until the evening after the murder, that is Wednesday, the 23<sup>rd</sup> January?* Yes.

2681. *What was the latest time before that that you had evidence that she was alive before Close came along? You were told the baker's boy had seen her alive about a quarter past 4. Had you any evidence later than that?* I do not know about the baker boy; the sister-in-law was the latest.

2682. *When did she see her?* About 4 o'clock.

2683. *That was the latest she had been seen alive until Close's time?* Up from the early hours of the morning.

2684. **Do you know who was in charge of the house on the 21<sup>st</sup>? When Close went to tell the Police?** No, I could not say.
2685. **Do you know a newspaper boy named Jones? I know it is a common name, but a boy who delivered papers at the house for the Wallaces. Have you heard from him?** Yes.
2686. **Did you find on the table in the house, I think it was the kitchen table, on the evening of the murder the "Liverpool Echo" for that day?** Yes, I did.
2687. **That would be delivered by the boy Jones?** I take it so.  
**MR JUSTICE WRIGHT: You did find it?**  
**THE WITNESS: Yes, my Lord, it is in the depositions.**
2688. **MR ROLAND OLIVER: Do you know what time that was delivered?** Somewhere round the hour of 6.30. I did not interview the boy Jones myself.
2689. **No, you did not, but that is very near the time somewhere about 6.30.** Yes.
2690. **Or it might be later. I may tell you I am going to call him. Do you know why the Police have not called him?** We arrived as far as I know at the conclusion that Close was the last person who saw the deceased alive.  
**I wonder if you know it has been laid down in the Court of Criminal Appeal that it is the duty of the police to call all witnesses who are relevant to assist the jury not to pick and choose the ones who can help prove the guilt.**  
**MR JUSTICE WRIGHT: That has long been established. The Police, of course, are entitled to make a choice if they believe a witness is not a witness of credit. Apart from that, it is the duty of the Prosecution to lay before the Jury all relevant evidence that they know of.**  
**MR ROLAND OLIVER: Certainly, my Lord.**
2691. **Do you know anything about the boy Jones?** No, I do not.
2692. **As far as you know, he is a boy of perfectly good character?** Yes.
2693. **And so is Wildman?** Yes.
2694. **And neither has been called by the Police. You appreciate; of course, do not you, how vital it is for the Jury to know when Mrs Wallace was last seen alive?** I do.
2695. **I have suggested two witnesses who might give evidence about that who have not been called. Did the Police experiment how long it takes to get from the house to the Chess Club? I do not think you did?** I did not.
2696. **Will you take it from me that it will take about half an hour? You know the place?** Yes. It all depends which way one is travelling.
2697. **That green route is his?** I mean by car.  
**MR ROLAND OLIVER: I meant by car.**  
**MR JUSTICE WRIGHT: You mean by tram?**  
**MR ROLAND OLIVER: Yes, my Lord, and there is a bus route.**
2698. **MR ROLAND OLIVER: There are minutes either way. It depends on what time you get your tram, but would it take about half an hour?** Yes or perhaps less.
2699. **Yes, it might take less.** Yes.
2700. **As an officer of experience you know the value of fingerprints, do not you?** I do.

2701. **Would bloody fingers leave an imprint upon a cash box?** My own knowledge of fingerprints will not take me that far. We have officers who dwell on that.
2702. **Who would know about that?** Cooke. I should leave it to him if I found such a thing.
2703. **We know there was a trace of blood on the cashbox. That has been sworn to.** Yes.
2704. **As an officer of experience, you do know the value attaching to fingerprints upon any instrument or thing which may have been touched by a criminal?** Yes.
2705. **Are they supposed to be infallible?** Yes.
2706. **As an officer of experience is that, a well known fact among professional criminals?** It is.
2707. **They know?** Yes.
2708. **Just a question about those notes in the jar. When you first took possession, you knew they were there?** Yes.
2709. **I mean he had told the Johnstons about them and had pointed them out to Police Constable Williams and partly lifted them from the jar?** Yes.
2710. **When you took possession of them, you had no idea there was any blood on them?** Not the slightest.
2711. **Nor did you attach any particular importance to them except that they were Pound notes in a jar?** That is right.
2712. **Did you put them into an envelope?** Yes.
2713. **That would be a matter of course?** Yes, it is my procedure.
2714. **How long did you keep them in the envelope before you did anything else about them?** Put them in the envelope and I had other things to collect, such as the handbag, then put them in a packet and took them to Dale Street and after taking them do Dale Street I made my notes.
2715. **Took them to some police station?** Yes.
2716. **How far away is that?** About half a mile.
2717. **How long after you got them there did, you notice the bloodstains?** Immediately.
2718. **Did you put them back in the envelope?** No.
2719. **Did you give them to Mr Gold?** Yes, I did and drew his attention to the mark on the note.
2720. **When you took possession of them, they were standing upright in the jar?** Yes.
2721. **It is quite clear, is it not, that as she was wearing the skirt it was the front of it that was burnt?** As I found the skirt.
2722. **As you found it on her body?** Yes, I do not say how it should be worn, but that is how I found it.
2723. **No. I am not concerned with that. You were present at one of the experiments with the tram that took only 15 minutes?** There are two.
2724. **On both these occasions, did you jump on the moving tram, not at the Church where he says he got on one, but as it went past the end of the road?** No, not jump on it.
2725. **There is no stop at Belmont Road?** In the middle of the road, there is a request stop.
2726. **That is to the right?** To the left of Castlewood Road.
2727. **Yes. You do not say it is to the right?** No. I made a motion with my hand.

2728. *It makes all the difference. It is away to the left from where you wanted to go?*  
Yes.
2729. *One of the officers said you jumped on a tram as it came along.* It stopped at the request stop and we made a run for it and got on it.
2730. *One of the officers said it was moving?* It was certainly stopping.  
**MR JUSTICE WRIGHT: Who was he?**  
**MR ROLAND OLIVER: Sergeant Fothergill.**
2731. *And the other test was from St Margaret's Church?* Yes.
2732. *That is the second one. Where did you get on the tram there?* The second test at St Margaret's Church.
2733. *Was the tram waiting when you got there or had it to stop?* No, we were waiting for the car to come. As a matter of fact I arrived at St Margaret's Church and looked back and it was then about at Castlewood Road.
2734. *Where is Castlewood Road?* Off Belmont Road just by the first request stop.
2735. **MR ROLAND OLIVER: the stop in Castlewood Road was away from Wolverton Street?** Yes.
2736. *The tram stop close to that tram stop is 50 yards on the right. As you come into Belmont Road, you have to walk 50 yards away from the destination to get to that tram stop?* Yes.
2737. *If you do not do that you have to board a moving tram as it comes down?* Yes.
2738. *And I think I am right in saying it is downhill, is it not?* Not to my knowledge. I am often on the road but I have never noticed it.
2739. *With regard to all the police tram tests is this right, that your times were taken from the time you started from the house until the time you got to the point at which the continuation tram at Smithdown Road goes on towards Penny Lane* Yes.
2740. *And did not wait to get on to a tram till it had arrived there?* We stopped just to notice the time we arrived at the tram stop.  
**MR JUSTICE WRIGHT: It was not the time you actually boarded it at Lodge Lane.**
2741. **MR ROLAND OLIVER: It was the time you got to the place?** We got off the car and went down Smithdown Lane and there took notice of the time.
2742. *Did you actually go round the corner?* Yes.
2743. *I think you said it would have been a fairer test to get on to the tram because you might have to wait?* Yes.
2744. *It would have been a fairer test?* Yes.  
**MR JUSTICE WRIGHT: You have taken the time when you got on the tram.**  
**MR ROLAND OLIVER: Yes.**  
**MR JUSTICE WRIGHT: Because of the time, five past 7, until the time he arrived on the tram.**
2745. **MR ROLAND OLIVER: Yes. Although the name of Qualtrough is a very curious sounding name, there are a number of people in Liverpool of that name?** Yes, fourteen as far as I know, some of them more or less connected with one another.
2746. *It is not an unusual name?* No, there are four persons in one family of that name.

2747. **Now, about the girl, Lily Hall. She swore she saw the accused near the entry in Breck Road at 8.35. Is it a darkish place at night?** I would not say it is well lit; there is sufficient light to see one another.
2748. **There is a lamp there I know, but it is not a place you would call well lighted?** No, but there is a light at the end of the road.
2749. **What the boy Close had to do was to walk a distance that has been measured by the Surveyor, 500 yards, go into his shop – I mean altogether; it is not 500 yards to the shop – cover a distance of 500 yards and including in that going into his shop, putting down his empty can and picking up a fresh one, walking along the route described, calling at two houses, calling at a house and handing in his can, going on further making another delivery, coming back and taking his can to Mrs Wallace for delivery, which he did in 5 minutes?** That is all he took.
2750. **With regard to the Defendant's demeanour, have you ever before today in public expressed any opinion about the accused's coolness on this occasion? You never gave evidence about it before, did you?** I have never been asked.  
**MR ROLAND OLIVER: "I have never been asked", that is an answer we get from everybody.**

**INSPECTOR GOLD SWORN, EXAMINED BY MR WALSH.**

2751. **You are Detective Inspector Herbert Gold, of the Liverpool City Police?** I am.
2752. **You went to the house, 29 Wolverton Street, at about half past ten on the night of the murder?** Yes.
2753. **You saw various people there and I think you examined the front door?** Yes.
2754. **You were there when Superintendent Moore tried it?** Yes.
2755. **And you went upstairs and you saw what we have heard from Superintendent Moore?** That is so.
2756. **Then you went with witness Sergeant Bailey and the accused down the Anfield Road Bridewell, where he took this statement?** Yes.
2757. **I think on the way he told you about his having received a message to go to Menlove Gardens?** Yes.
2758. **I think it was you who asked him which way exactly he had gone from the back of his house on the night in question.** That is so.
2759. **And he described to you this route in and on the plan?** Yes.
2760. **MR JUSTICE WRIGHT: That was going to the Bridewell?** No, my Lord. At the Bridewell, he told me which way he had gone. At the Bridewell, he told me he had received the message to go to the Chess Club.
2761. **And he described what he called the red route?** That is so, my Lord.
2762. **MR WALSH: Then did you ask him another question? What did you ask him?** I asked him which way he came back when he came back from Allerton Street (sic), and he said he came by the same route as by the trams to his house, except that he went to the front door first. Then I asked him if he saw anyone about the streets or roads when he went on his way to the tram or when he came back from the tram, and he said "I saw no one about the roads or streets near home, and the first people I met were the Johnstons". I asked him then if he heard anybody moving about in the house when he got back, and he

said "I think someone was in the house when I went to the front door, because I could not open it, and I could not open the back door". I asked him if he heard any noise; he said "No, I heard no noise in the house". I asked him if the yard door was bolted when he got back. He said "No, it was not bolted but closed". I asked him if there was anyone likely to call while he was away. He said "Only the paper boy from Cabbage Hall".

- 2763.        *Where is Cabbage Hall?*** In the Anfield district, this blue route on the map is the commencement of it.
- 2764.        *Just by the telephone box?*** Yes, just where the telephone box is. I asked him what time the boy was likely to call, and he said "I am not sure whether he delivered the paper or not before I left". I asked him if he could tell me exactly what had been stolen from the cash box: he said: "There was a £1 note, 3 10s notes, 30 or 40 shillings in silver, a postal order for 4s 6d from W P Springer, 41 New Road, and four penny stamps, a cheque on the Midland Bank, Dale Street, for £5 17s payable to May or Frost in the cash box, and that is missing, except the four 1d stamps", I have them. I asked him if his wife had any money, he said "I think she had some, but I do not know where she keeps it". I asked him if he know anyone named Qualtrough, and he said "No, I know no one of that name". I asked him if he know of anyone who would be likely to have sent the message to the Chess Club, and he said "No, I cannot think of anyone". I asked him if his wife would be likely to let anyone in the house during his absence on business or any other purpose, and he said "No, she would not admit anyone unless she knew them personally; if anyone did call she would show them to the parlour". I asked him if there was anybody beside the paperboy, any trades people or anybody like that who would be likely to call and he said "I cannot call to mind anyone likely to call, and I do not know that she had any friends unknown to me". I asked him who gave him the message at the Chess Club and he said "Captain Beattie". I asked him if he know anyone who knew he was going to the Chess Club or had he told anybody he was going, and he said: "No, I have told no one I was going, and I cannot think of anyone who knew I was going".
- 2765.        *Did you examine him?*** I did; I examined his clothing, his hands, his boots, but I could find no sign of any blood upon him anywhere.
- On the 21<sup>st</sup> January, you went at about eleven o'clock to the house.***
- 2766.        *MR JUSTICE WRIGHT: this was all at the Anfield Bridewell?*** All at the Anfield Bridewell.
- 2767.        *About what time?*** We got there at about ten minutes to twelve, midnight, and I would start putting these questions to him somewhere about twenty past twelve am.
- 2768.        *When did you finish?*** I dare say it took me ten minutes or a quarter of an hour. I did not make a note of the time.
- 2769.        *It took about a quarter of an hour?*** Yes, my Lord.
- 2770.        *MR WALSH: the next day you went to the house at about eleven o'clock?*** Yes.
- 2771.        *And you made a further examination?*** Yes.
- 2772.        *And you took possession of certain articles?*** Yes.
- 2773.        *You took possession of Exhibits 18, 25 to 31?*** Yes.
- 2774.        *Exhibits 20, 32, 19, 41 in the order of the different rooms from which they were taken, 39, 23, 24, 34, 37 and 17?*** Yes.
- 2775.        *And later the front and back door locks, Exhibits 21 and 22?*** Yes.
- 2776.        *And the skirt, No 36?*** That was handed to me by the witness Bailey.

***The next day I think you saw the witness Mr Draper?***

2777. **MR JUSTICE WRIGHT: That is the 22<sup>nd</sup>?** On the 22<sup>nd</sup>, I saw Mrs Draper.
2778. **MR WALSH: No, it was the 21<sup>st</sup> you saw Mrs Draper?** Yes, the 21<sup>st</sup>.
2779. **On the 22<sup>nd</sup>, you saw the accused again at the Detective Office, Dale Street, did you not?** Yes, on the 22<sup>nd</sup>.
2780. **I think he said "I have some important information for you"?** Yes, he said "I have some important information for you".
2781. **And he then made a statement and you took it down in writing?** I did.
2782. **That is Exhibit 44?** Yes.
2783. **MR JUSTICE WRIGHT: That is the second statement about these names?** Yes, my Lord. (Statement handed to his Lordship). That is the statement.
2784. **MR WALSH: On the 23<sup>rd</sup> January, you went again to Wolverton Street with Detective Sergeant Bailey and the accused?** Yes.
2785. **What did the accused do?** He made a search of the house, and in the middle bedroom in a drawer in the chest of drawers he found some jewellery and in the front bedroom he found a Post Office Savings book in his wife's name showing a credit of £96.
2786. **MR JUSTICE WRIGHT: In the front bedroom?** Yes, in the front bedroom: the jewellery in the middle bedroom. £90, I have a note, in the Savings Bank, not £95.
2787. **MR WALSH: the accused then made another examination of the house?** Yes.
2788. **And he found nothing else missing except the wooden chopper?** Yes, he said he could not find anything else missing except a wooden chopper, which I found right away under the stairs.
2789. **MR JUSTICE WRIGHT: A think for chopping wood?** Yes, my Lord, just an ordinary woodchopper.
2790. **You found that?** Yes, my Lord.
2791. **MR WALSH: then you told him Mrs Draper had said there was this bar of iron which was used, and the poker?** Yes.
2792. **What did he say then?** He says "Perhaps she has thrown the poker away with the ashes. I do not know anything about a bar of iron in the parlour".
2793. **When did you take that down?** At the time.
2794. **Then I think you found an insurance policy in the name "Julia Wallace"?** Yes, for £20, and I asked him if there was any other insurance policy on her life: he said "No, that is the only one".
2795. **That night at about half past six, you were present when Superintendent Moore had the conversation with the accused about the accused's conversation with Mr Beattie?**  
Yes.
2796. **That same day I think you took possession of the suit of clothes, Exhibit No 33?**  
Yes.
2797. **And the towel No 35?** Yes.
2798. **MR JUSTICE WRIGHT: Where was the suit of clothes?** A suit of clothes in the middle bedroom, and it is a suit which I saw the accused wearing on the night of the murder.
2799. **There were no marks on it at all?** I could not find any, my Lord.
2800. **MR WALSH: The towel was from the bathroom?** Yes.



**2801. MR JUSTICE WRIGHT: Had the towel been used, or was it a clean one?** It had been used, my Lord. It was just over the side of the bath. I think it had been used two or three times; it was by no means clean.

**MR ROLAND OLIVER: He is talking about the day after?**

**THE WITNESS: No, two days after.**

**2802. MR JUSTICE WRIGHT: There were no marks on it of blood?** No, my Lord.

**2803. MR WALSH: There same day you took a further statement from the accused?** I did.

**2804. Do you produce it now, Exhibit 45?** (Same Handed). Yes, that is the statement.

**MR JUSTICE WRIGHT: Which statement is that; just remind me?**

**MR WALSH: It is the one where he says "Before I got on the tram at Smithdown Road I asked the conductor".**

**MR JUSTICE WRIGHT: that is about the tram times?**

**2805. MR WALSH: Yes: "I took a penny ticket and got off at Penny Lane". (To witness): On the 24<sup>th</sup> January you gave the Exhibits 18, 25 to 31, 20, 32 to 35, 22 and 36 to William Henry Roberts?** I did.

**2806. And on the 26<sup>th</sup> Exhibit 37?** Yes.

**2807. And I think on the 26<sup>th</sup> you made a test of the time taken on this route?** I did.

**2808. You took 19 minutes?** I did.

**MR JUSTICE WRIGHT: Who was that with?**

**2809. MR WALSH: With the witness Bailey and Fothergill on the car when he got on. (To witness): Did you go by yourself?** No, I was accompanied by Prosecuting solicitor Mr Bishop.

**2810. You were accompanied by Mr Bishop, who, of course, does not propose to give evidence?** Yes.

**2811. MR JUSTICE WRIGHT: When was that?** On the 26<sup>th</sup>, my Lord. I left the back door of Wolverton Street at 6.45.

**2812. That was with Fothergill and Bailey?** No, I left before they left, and I walked to St Mark's Church, and when the tram came along and I got in it, Fothergill and Bailey were on that tram. They left after me and stopped just near the Castlewood Road.

**2813. When was that?** On the 26<sup>th</sup>.

**2814. That was the one when they took less time than you?** Yes, less time than me. I took four minutes longer.

**2815. Was that the only time you went on one these routes?** That was the only test I made on that route, my Lord.

**2816. And you took 19 minutes?** Yes, my Lord.

**2817. And you walked to St Mark's from the house and got on the tram?** Yes.

**2818. Had it stopped when you got on?** Yes, my Lord.

**2819. Does it stop at the church?** Yes, right on the Corner. It is a compulsory stop: all trams stop there.

**2820. That is before it crosses the road?** Yes, my Lord.

**2821. MR WALSH: I think that same day you handed Exhibit 21, the lock, to the witness Roberts?** Yes.

2822. **And on the 29<sup>th</sup> January, you took a further statement from the accused at 83 Ullet Road, Exhibit 46? (Same handed to witness).** I did.
2823. **Do you produce the statement?** Yes, I produce it, "WHW46".
2824. **MR JUSTICE WRIGHT: It says there that he left home for the Chess Club. You did not ask him how long it took him.** No, my Lord, I did not ask him how long it took him to get there.
2825. **MR WALSH: You went with the witness Moore and Superintendent Thomas on the 2<sup>nd</sup> February to 82 Ullet Road and there you cautioned and charged the accused and told him you were going to arrest him for the murder of his wife?** Yes.
2826. **And he said "What can I say to this charge of which I am absolutely innocent!?"**  
Yes.
2827. **Then you took him to the main Bridewell and formally cautioned and charged him?**  
Yes.
2828. **Did you search him then?** He was searched in my presence; I did not actually search him.
2829. **Did you find the diary Exhibit 47?** I did.
2830. **That is the diary where he has written the name "R M Qualtrough"?** Yes.
2831. **When he got it from Beattie?** Yes.
2832. **MR JUSTICE WRIGHT: Is that the diary?** Yes, my Lord.
2833. **Was that the only diary which was found?** That was the only diary he had in his possession. I took the diaries from his home earlier on the 21<sup>st</sup> January.
2834. **There is nothing in this diary about this?** That is so, my Lord.  
**MR WALSH: It has not been used very much.**
2835. **MR JUSTICE WRIGHT: No. There are very few entries in it. There are some entries of names and then there is that entry, and it appears to be entered out of date.** Yes, my Lord, it is entered out of date.  
**MR JUSTICE WRIGHT: And on the wrong page. You can see it, Mr Oliver (Diary handed to learned Counsel).**  
**MR ROLAND OLIVER: I am obliged my Lord.**
2836. **MR WALSH: On the 21<sup>st</sup> January, you took certain books from the kitchen?** I did.
2837. **And some of those were diaries?** Yes.
2838. **Have you got the diaries there?** Yes, there are the diaries.
2839. **And there are two business diaries Exhibit 49?** Yes.  
**MR WALSH: Can you say whether there is a light in the telephone box?**  
**MR JUSTICE WRIGHT: I thought that was cleared up?**
2840. **MR WALSH: If your Lordship pleases. (To the witness): I want you to tell me exactly where the money was on the floor, the half a crown and the two separate shillings?** In the kitchen?
2841. **Yes, in the kitchen?** It was right down about so far from the bottom of the cupboard which supports the bookcase.
2842. **MR JUSTICE WRIGHT: Was it a cupboard?** Well, I call it a cupboard.  
**MR WALSH: Look at photograph No 8.**

- 2843.** **MR JUSTICE WRIGHT: It was right down in front?** Yes, about eight or nine inches, I should think, from the bottom of the cupboard on the floor, and the coins lay within about nine or ten inches at the outside of each other; I mean the farthest distance between any of the coins would be about eight or nine inches.
- 2844.** **And about eight or nine inches from the front of the cupboard?** Yes, my Lord.
- 2845.** **MR WALSH: Have you made any measurements or observations about the shelves and the width of that shelf?** Yes. The bottom of the shelf on which the cabinet stands is 17 inches deep from the back to the front of the wall and about 3 feet wide.
- 2846.** **How deep are the shelves themselves?** Eleven inches.
- 2847.** **I think that leaves six inches.**
- 2848.** **MR JUSTICE WRIGHT: That is the same figure we have had before?** Yes.
- 2849.** **MR WALSH: Looking at the cabinet, to the left of the cabinet as you look at it how much space would there be?** From the cabinet to the other end of the cupboard?
- 2850.** **Yes?** The width of the cabinet is about 15 inches, I think.
- 2851.** **MR JUSTICE WRIGHT: That little cabinet?** Yes.
- 2852.** **Where was it standing?** On the shelf on the fireplace side. That is photograph 8.
- 2853.** **MR WALSH: You mean in the photograph?** No, it is shown in the photograph: that is the exact position it was in.
- 2854.** **MR JUSTICE WRIGHT: The bookcase is about 7 ft 8 ins?** Yes, my Lord, 7 ft 8 ins.
- 2855.** **MR WALSH: You see what appears to be a black curtain?** It is a curtain.
- 2856.** **Is there anything behind that curtain?** Yes, a case containing a microscope: it is about the same size as the cabinet.
- 2857.** **MR JUSTICE WRIGHT: On the shelf?** Yes, on the shelf behind the curtain; you cannot see it for the curtain. On the shelf in front of the microscope, case there was a small box containing chessmen.
- 2858.** **Also, covered by the curtain?** Yes, a small box about 2.5 ins long and 2 to 3 inches wide, and about the same depth.
- 2859.** **MR WALSH: How much width between that box for the microscope and the cabinet would anyone have who wanted to get on to that shelf?** There are books between the microscope and the cabinet; they are standing up on end.
- 2860.** **MR JUSTICE WRIGHT: You say in effect, there is not room for anyone to stand on the shelf?** No, my Lord; it leaves a space of about a couple or three inches; I have tested it. You can just get your foot on to it and stand.
- 2861.** **How high is the shelf from the ground? It is about 4 feet is it not?** No, my Lord, it is not as high as that.
- MR ROLAND OLIVER: About 2 ft 6 ins?**
- 2862.** **MR JUSTICE WRIGHT: Do you know?** No, my Lord, I do not.
- 2863.** **Two feet?** It is more than 2 feet – 2 ft 6 ins to 3 ft, I should say, looking at it.
- 2864.** **You would not get much hold on it?** No, I have made a test and those shelves are not very strong and in getting on to that shelf, you have to get hold of something to steady yourself with.
- 2865.** **I should think so, unless you are extraordinarily athletic?** Yes, my Lord, and if you got hold of the bookshelves you would be liable to pull the lot on top of you, because they

are not very strong. Once you get up to the shelf you have to use one hand to keep yourself up, and if you let go you would fall back, and you have only one hand to reach up to the top.

- 2866.** *You would have to have some experience of that?* I do not know. I did it.
- 2867.** *There is a chair there?* Yes, you can see it on the right of the table.
- 2868.** *That appears to be a substantial chair?* Yes, my Lord, that could be used for the purpose.
- 2869.** *MR WALSH: Have you tested the time it takes to get from the telephone box at Cabbage Hall to the Chess Club?* No, I have not.
- 2870.** *I understand you had tested it?* I have been on that route many time myself, but I never actually took the time.
- 2871.** *MR JUSTICE WRIGHT: Someone suggested half an hour: would that be right?* It would not take half an hour. It would take 20 to 25 minutes – 25 minutes on the outside, from my experience on that route.
- 2872.** *MR WALSH: Can you also tell me whether the police had said anything to the accused or done anything to make him believe that he was suspected on the 22<sup>nd</sup> January?* Not to my knowledge. I did not say anything, and I did not hear anybody else say or do anything.
- 2873.** *How had he been treated?* Just like a man the murder of whose wife we were investigating, and treated just like any other ordinary complainant would be treated – perhaps a bit better.
- 2874.** *You saw the accused that same night and some time afterwards?* Yes.
- 2875.** *What do you say about his demeanour?* He was cool and calm. He did not seem to be in the least upset. I did not see any sign of emotion in him at all at the death of his wife.
- 2876.** *Was there anything particular which drew your attention to that?* When I first went into the house on the night of the murder, he was sitting in the kitchen. In fact, he had the cat on his knee and was stroking the cat, and he did not look to me like a man who had just battered his wife to death.

CROSS-EXAMINED BY MR ROLAND OLIVER.

- 2877.** *Did the diary he kept cover a period of some three years?* From the beginning of 1928 up to a few days or a few weeks before the murder.
- 2878.** *The answer is “yes”?* Yes.
- 2879.** *Are they extraordinarily well kept?* I should say they are well kept.
- 2880.** *Do they record, amongst other things, the details of his family life?* Some details of his family life.
- 2881.** *Over a period of years, do they record some details of his relations with his wife?* Yes.
- 2882.** *I think you found an entry in January, 1928, that is some three years before this event, in which he recorded some kind of tiff with his wife? Is that right?* Yes, that is right.
- 2883.** *Is that because she had too many papers around the house?* It says so.
- 2884.** *And does the diary say he was sorry for it and expressed his regret?* I think so.
- 2885.** *Did it express he regret?* I have not got a note of that, but I think it does say so.
- 2886.** *You have been through them?* Yes.
- 2887.** *Have you found any other record with regard to his wife?* No.

2888. **You were good enough to give us two extracts; I am not going to trouble the jury with more than this: on the 7<sup>th</sup> January, 1931, that is last January, just a fortnight before the murder, you find the entry: "Night of keen frost and heavy fog caused a wonderful appearance on all the plants and trees" etc (reading to the words): "After dinner persuaded Julia" – that is his wife – "To go into Stanley Park, and she was equally charmed". That is one. Another one, earlier, on the 20 March, in the year before, is: "Julia reminds me today it is fifteen years ago yesterday since we were married" etc (reading to the words): "£ s d"; and yet you see for people in their position they were comparatively wealthy. He was in regular employment?** Yes, comfortably off.
2889. **Earning regular money, and he had a banking account of over £150 and she had £90.** Yes, £90 to £95.
2890. **The statement Exhibit 44 in which he makes suggestions against certain people whom he names in the statement, followed upon your questioning him on the 21<sup>st</sup> January as to anyone whom he would possibly suggest?** That is so.
2891. **It was not a thing he went out of his way to do: it followed upon your question?** I do not know about going out of his way to do it. He came down the next morning and told me he had got some important information for me.
2892. **My point is that in time it followed upon your questions of the 21<sup>st</sup> January?** Yes, in time.
2893. **I do not want to read it to you again. Was Lily Hall's the last statement in point of date which you took from a witness – I mean a witness of the facts, of the events of that evening, which has been used? Did you get any other evidence since then of anyone who has been called?** I cannot say.  
**MR JUSTICE WRIGHT: Lily Hall was the 24<sup>th</sup> January, or soon after.**
2894. **MR ROLAND OLIVER: Yes, my Lord. (To the witness): Can you think of anyone you got afterwards?** I cannot say off hand whether her statement was the last one I took of witnesses who have been called or not.
2895. **You cannot think of anyone later?** No, not for the moment.
2896. **On the 27<sup>th</sup> January, three days after, you were still sending for this man and taking statements from him?** I did not send for him.
2897. **And as late as the 29<sup>th</sup> you were still taking statement from him?** Yes.
2898. **I suppose you have taken a large number of statements from people you have not used?** Yes.
2899. **Amongst others, on the suggestion of the Defence did you take one from a boy named Wildman?** I did.  
**Do you remember this letter being received by the police as long ago as the 10<sup>th</sup> March, 1931, containing this expression – this will have to be made an exhibit, my Lord. The first part is about the diary; it is addressed to the Prosecuting Solicitor.**  
**MR JUSTICE WRIGHT: Who is it from?**  
**MR ROLAND OLIVER: It is from the solicitors instructing me, Messrs H J Davies, burthen & Munro. I had better read the letter "10<sup>th</sup> March, 1931. Dear Sir. To assist the Defence to investigate this case we shall be glad if you will kindly arrange" etc (reading to the words): "think worthwhile to pursue".**

**MR JUSTICE WRIGHT: Was that after the police court proceedings, or in the middle of them?**

**2900. MR ROLAND OLIVER: I am told in the middle of them. (To the witness): Has any response ever been made to the Defence with regard to that?** That is the first time I have heard of that letter.

**2901. It was never communicated to you?** Not to me.

**2902. Someone must know about it, you know?** I do not.

**2903. You have never been asked, as Inspector in charge of the case, to give the Defence that information?** No, I have never been asked.

**MR JUSTICE WRIGHT: That must have been between the solicitors.**

**MR ROLAND OLIVER: Be it so, my Lord; I am not blaming this witness.**

**MR JUSTICE WRIGHT: No, you are only getting the fact.**

**2904. MR ROLAND OLIVER: Yes, my Lord, only getting the fact. (To the witness): with regard to this shelf, is the room now as it was in the photograph?** Now?

**2905. Yes?** No.

**MR JUSTICE WRIGHT: Do you mean today?**

**MR ROLAND OLIVER: Yes, my Lord, or yesterday.**

**THE WITNESS: The shelf is, except that the cabinet, or course, is missing, but when I went up last night, I took the cabinet with me and put it there.**

**2906. You did?** Yes.

**2907. Otherwise, is the room as it was?** Of course, the chairs and things have been moved; I mean, today the furniture and so on is not the same as it was on the night of the murder, the chairs and different things, and the table.

**2908. Is the photograph the same as it was on the night of the murder?** Yes, as far as I can recollect it is.

**2909. It may be my defective eyesight, but can you point out to the jury the box of chessmen?** No, you cannot; it is behind the curtain. I have said so already.

**2910. Then we can see for ourselves the space that there was to put your feet upon between the side of the cabinet and the books and the curtain?** Yes, quite so.

**2911. We can see it for ourselves. You say this man was being treated by the police as the case of a man who had lost his wife?** Yes.

**2912. On the 21<sup>st</sup> he was at the police station all day, we have been told.** He came down that morning sometime between ten and eleven o'clock.

**2913. He was not allowed to sleep at his own home. We have been told that by Superintendent Moore. He said "He asked to be allowed to sleep in his home, and we would not let him do it".** He did, but he went to Ullet Road, and I took him there.

**2914. Was he shadowed about after that?** That day, do you mean?

**2915. Yes.** Not to my knowledge.

**2916. On the 22<sup>nd</sup>?** Not to my knowledge.

**2917. Mr Gold, on the 22<sup>nd</sup> was he shadowed?** No, not to my knowledge.

**2918. He must have been followed when he spoke to Mr Beattie?** Not to my knowledge.

**2919.** *Do you remember the conversation with Mr Beattie in the evening?* He was with me on the 22<sup>nd</sup> in the Detective Office all day on the 22<sup>nd</sup>, up to 20 to 10 when I was taking his statement. Then he looked at his watch and said "I do not want to be late to get to Ullet Road because my sister-in-law will be going to bed. I am not going to Wolverton Street", and he said "Can I go?" And I said "Yes", and he went and met Mr Beattie.

**2920.** *Then he must have been shadowed?* No, I did not know of it.

**2921.** *How did the police know?* I do not know, but I have been told how we got to know.

**2922.** *The next day he was shadowed? When was he first followed? Was it on the Friday, the Saturday or the Sunday?* I cannot tell you.

**MR JUSTICE WRIGHT:** *About the end of the week?* About the end of the week. It was in consequence of what we had been told we thought it would be better to send somebody to go about with him.

**2923.** **MR ROLAND OLIVER:** *Just one other thing. "Yes" or "No", with regard to his demeanour, his coolness, were you asked to give any evidence about that before today?*  
No.

RE-EXAMINED BY MR HEMMERDE.

**2924.** *Can you tell my Lord and the jury for what reason he was followed?* Yes. Towards the end of the week ...

**MR ROLAND OLIVER:** *My Lord, I do not know what this officer may want to say or what people's hearsay he may want to use. My question was: "You said in chief he was treated as an ordinary man", and I put it: Was he not followed, and when was he followed. That does not open the door this officer to say something he has been told; it is only a question of date.*

**MR HEMMERDE:** *I do not conduct cases that way. My learned friend asked this question.*

**MR JUSTICE WRIGHT:** *I think, Mr Recorder, you might be allowed to pursue this matter in re-examination, but I do not think it should be pressed.*

**MR HEMMERDE:** *I do not press the matter, but there are two points that I can clear up if it is wished. First of all, I can clear up how we know of the Beattie conversation, which I should think is quite obvious.*

**MR JUSTICE WRIGHT:** *That does not matter.*

**MR HEMMERDE:** *And secondly, I can clear up why he was being followed, because my friend is making the point that he was to some extent being treated in a hostile way.*

**MR ROLAND OLIVER:** *It is not that. It is because this witness said my client was being treated as an ordinary man who had lost his wife: I had known that he had in fact been followed.*

**MR JUSTICE WRIGHT:** *I think it may be taken that at some stage or other, the police thought it was necessary; I do not think it matters why they did.*

**MR HEMMERDE:** *My Lord, I can prove exactly why he was followed.*

**MR JUSTICE WRIGHT:** *Put it shortly.*

**2925.** **MR HEMMERDE:** *Why was he being followed?* Because he was going round his block collecting, the insurance money and we were told that the people there were hostile to him, and we sent a man with him in case of necessity.

**MR JUSTICE WRIGHT:** *It was nothing to do with any suspicion.*

**MR HEMMERDE:** *Nothing whatever.*

**MR JUSTICE WRIGHT:** *The jury will take no notice of that, then.*

**MR HEMMERDE:** *I thought it ought to be cleared up, my Lord.*

**MR JUSTICE WRIGHT:** *Yes, that is quite right.*

**MR HEMMERDE:** *I should like to recall Mr Roberts on one point which I was unable to deal with when he was in the box and that will be all.*

**MR JUSTICE WRIGHT:** *Certainly.*

**WILLIAM HENRY ROBERTS RECALLED. FURTHER EXAMINED BY MR HEMMERDE.**

**2926.** **Mr Roberts,** *you were here yesterday and you heard something said about the possibility, as regards the blood dropped on the rim of the pan, as to whether it would clot or spread?* Yes.

**2927.** **In January, about two or three days afterwards did you yourself make exhaustive experiments to test that?** Yes, I did, on the Thursday and the Friday of the week, the murder was committed.

**2928.** **MR JUSTICE WRIGHT:** *That is the 23<sup>rd</sup>?* The 22<sup>nd</sup> and the 23<sup>rd</sup>, my Lord.

**MR HEMMERDE:** *Did you measure the height between the basin and the rim of the pan?*

**2929.** **MR JUSTICE WRIGHT:** *On the pan, you made these experiments?* On a similar pan.

**2930.** **MR HEMMERDE:** *Did you try to get the height?* I judged the height between the pan and the basin to be 15 inches, and it was on that I made my experiment.

**2931.** **You conducted your experiment on that basis?** Yes.

**2932.** **With what result?** When the blood drops that height it forms a little clot, and when that dries it clots together and makes a little blob.

**2933.** **Did you actually see this particular clot?** No.

**2934.** **MR JUSTICE WRIGHT:** *The clot forms a little blob and would not spread?* No, it is clotted.

**2935.** **This, we know, is three-eighths of an inch?** Yes.

**2936.** **You know the measurement of it?** Yes.

**FURTHER CROSS-EXAMINED BY MR ROLAND OLIVER.**

**2937.** **When did you make these experiments?** In my laboratory.

**2938.** **When?** On the Thursday and Wednesday, the 22<sup>nd</sup> and 23<sup>rd</sup> January.

**2939.** **Had you seen the clot in question?** No, only the photograph of it.

**2940.** **So were you, on the 22<sup>nd</sup> and 23<sup>rd</sup> January, making experiments to see whether a thing which you had never seen could be reproduced?** Yes, certainly. It is a matter of scientific interest.

**MR JUSTICE WRIGHT:** *Whether a drop of fresh blood would clot not?*



2941. **MR ROLAND OLIVER: Had you had the dimensions given to you?** Yes.
2942. **Who by?** One of the police officers.
2943. **Have you any note that he gave you?** No.
2944. **Have you any notes of your experiments?** No.
2945. **None?** No.
2946. **Are you telling the jury that within two minutes of blood being shed it would fall a height of 15 inches to 18 inches ...** Fifteen inches.
2947. **... Fifteen inches on to a porcelain pan?** Yes.
2948. **And remain in the position of a thing like a pea cut in half?** No, I said it forms a blob and afterwards it dries like that.
2949. **You mean it bunches itself up?** It is a sort of circular thing.
2950. **I want to know what the experiment was. I have evidence about it. First of all, when it fell what shape did it take?** It flattened and then formed just like a blob.
2951. **Will you apply your mind to my question and answer it if you will. When it first fell what shape, did it assume?** As I say, it looked circular.
2952. **That is from one aspect, from above?** Yes.
2953. **Now from the side?** From the side it was just flattened on the pan.
2954. **Were you in Court yesterday when Professor MacFall gave evidence?** Yes.
2955. **Did you hear him say anything up to two minutes of being freshly shed it splashed?**  
Yes.
2956. **Do you agree with him?** No, I do not.
2957. **Having fallen flat, how high above the surface of the pan was the top of the blob?**  
I used different sized drops.
2958. **Did you measure how high above the surface of the pan the top of the blob was after it had fallen?** It depends on the size of the drop of blood.
2959. **You had rough measurements given to you and I suppose you followed them?** Yes. I was told that the diameter was somewhere about three-eighths of an inch to half an inch and I endeavoured to get drops, and in fact, I did get drops, of about half an inch.
2960. **MR JUSTICE WRIGHT: The dimensions, if I have got them rightly, are: one-eighth of an inch in height, and three-sixteenths?** Yes, my Lord. I was using drops rather larger than that.
2961. **MR ROLAND OLIVER: You have not (I am sure inadvertently) answered my question yet. How high above the flat surface of the pan was the top of your blob when it first fell?**  
In the case of the one, which was three-eighths of an inch in diameter, that is the original blob, the height varied slightly, because I did a good many experiments and the height was a quarter of an inch.
2962. **MR JUSTICE WRIGHT: You mean at the moment when it fell?** After it had fallen.
2963. **How soon after?** As soon as it fell.
2964. **MR ROLAND OLIVER: It sat there, if I might use that expression, a quarter of an inch high?** Yes.
2965. **And the diameter was what?** Three-eighths of an inch.
2966. **So it stood up even higher?** No.  
**MR ROLAND OLIVER: Three-eighths of an inch?**

2967. **MR JUSTICE WRIGHT: The diameter was three-eighths of an inch?** Yes, my Lord.
2968. **MR OLIVER ROLAND: It then had a round top?** No, a flat top.
2969. **So it fell, did it, in the form of a hemisphere, if I may use the expression?** Yes.
2970. **And so remained and dried?** Yes.
2971. **MR JUSTICE WRIGHT: You mean it spread out and then remained, you say, about a quarter of an inch high and with a diameter of three-eighths of an inch?** Yes, my Lord.
2972. **MR ROLAND OLIVER: It is pointed out to me that it is more than a hemisphere. I beg our pardon; did I say "hemisphere"?** I should have said sphere.
2973. **It is higher in proportion. Three-sixteenths or one-eighth by three-eighths of an inch or one quarter of an inch is more than a radius of three-eighths of an inch?** Yes.
2974. **It is more than a hemisphere?** Yes.
2975. **You have got no notes?** No. I made it as a matter of scientific interest and I wanted to know for my own purposes what would happen if blood were dropped on surfaces like that.
2976. **MR JUSTICE WRIGHT: The drop must be more or less spherical?** Yes.
2977. **And it flattened to that extent. That is your evidence?** Yes.
2978. **MR ROLAND OLIVER: I want you to understand that I am absolutely challenging it and am going to call evidence to contradict it.** Yes. I did a great many experiments. I did not only do one experiment.

FURTHER RE-EXAMINED BY MR HEMMERDE.

2979. **Your experiments were made on blood within two minutes of being shed?** Yes.
2980. **MR JUSTICE WRIGHT: You mean someone had a little blood extracted from the finger?** As a matter of fact my Lord, I drew it from myself.
2981. **MR HEMMERDE: Supposing it was a little more than two minutes, would the blood be more clotted?** Yes.
2982. **And if it was a little more than two minutes would it have less tendency to splash?** Yes, certainly.
2983. **Would it have more or less a tendency to flatten out?** It would have less tendency to flatten out. Of course, I did the experiment when the blood had been drawn about 15 minutes, and of course, it clotted then to a certain extent.
2984. **MR JUSTICE WRIGHT: It did?** Yes, my Lord, after 15 minutes, but the two minutes blood was quite fresh.
- MR HEMMERDE: That, my Lord, with the accused statement, is the evidence for the Crown.**

**THE CLERK OF THE ASSIZES: Members of the Jury, when the prisoner was before the Magistrates, he was asked if he had anything to say in answer to the charge, and being told that he need not say anything but that if he did it would be taken down in writing and used in evidence at his trial, he said "I plead not guilty to the charge made against me and I am advised to reserve my defence. I would like to say that my wife and I lived together on the very happiest terms during the period of some 18 years of our married life. Our relations were those of complete confidence in and affection for each other. The suggestion that I murdered my wife is monstrous; that I should attack and kill her is to all who know me unthinkable, and the more so when it must**

*be realised I could not possibly obtain one advantage by committing such a deed, nor do the police suggest that I gained any advantage. On the contrary, in actual fact, I have lost a devoted and loving comrade, my home life is completely broken up and everything that I hold dear has been ruthlessly parted and torn from me. I am now to face the torture of this nerve-wracking ordeal. I protest once more that I am entirely innocent of the terrible crime”.*

MR ROLAND OLIVER OPENED THE CASE FOR THE DEFENCE AND CALLED THE FOLLOWING EVIDENCE:

**WILLIAM HERBERT WALLACE SWORN. EXAMINED BY MR ROLAND OLIVER.**

2985. *Is your full name William Herbert Wallace?* Yes.
2986. *How long have you been living at Wolverton Street?* 16 years.
2987. *Was it your house or did you rent it?* We rented it.
2988. *How long had you been married?* Just over 18 years.
2989. *That is at the time of your wife’s death?* Yes.
2990. *How old are you?* Fifty-two.
2991. *I think ever since 1915 you have been a whole time agent for the Prudential?* Yes.
2992. *What were your relations with your wife?* What I should describe as perfect.
2993. *Were you in any sort of financial difficulty?* None whatever.
2994. *Had you £152 to your credit at the Savings Bank?* I had an amount.
2995. *Not a Savings Bank but at a Bank?* About that, I could not say what it was.
2996. *We have had a note from the Bank this morning that it was £152.* I accept that.
2997. *Had you any motive whatever in the death of your wife?* None whatever.
2998. *Did she always look after you?* She did.
2999. *You belong to this Chess Club?* Yes.
3000. *We know that notices used to appear in it advertising when games would be played, and so on?* Yes.
3001. *What was your round geographically in Liverpool; how big a circle did you cover in your district?* I can hardly describe it in terms of area; it was a fairly considerable area.
3002. *Would your work take you more or less round to a good many places?* Yes. I think altogether I would have something like 560 calls to make each week approximately.
3003. *I take it you must have been fairly well known as a rounds man in the district?*  
Very well known.
3004. *What was the name of it? Can you give us the name?* Clubmoor.
3005. *Have you ever had a single penny wrong in your accounts?* No.
3006. *How much would you collect on an average per week?* It varied.
3007. *We were told, I think, once a month it would be heavy?* Yes.
3008. *I do not want to burden the Jury with a lot of figures. Could you give us an idea of what the monthly collection would be?* Three weeks out of four, the amount might be anything between £30 and £40; each fourth week it might be anything between, say, £80 and £100. It might even be more on occasions.
3009. *The ordinary day for accounting we have been told was Wednesday?* That is correct.
3010. *You had been collecting for a very long time. In fact, what day used you to account as a rule?* Thursday.

- 3011.** *On this particular week in which January 20<sup>th</sup> came, by January 20<sup>th</sup> how much money had you collected? Can you tell without a book?* I can give you an approximate amount. I cannot say to a penny, but I think about £14.
- 3012.** *Would Mr Crewe have your collecting book?* Yes, I think so.  
*MR JUSTICE WRIGHT: Mr Crew said it was about £14, so let it got at that unless Mr Crewe can tell us anything to the contrary.*  
*MR ROLAND OLIVER: If your Lordship pleases.*
- 3013.** *Had you collected on Fridays?* No.
- 3014.** *You do not ever collect on Fridays, I understand?* I may make an odd call or two but I have no regular round on Friday.
- 3015.** *Had you every day in a week collected?* Yes, I collect on the Saturday.
- 3016.** *Do you generally collect on the Saturday all day or only in the morning?* Only in the morning.
- 3017.** *On Monday, you collected?* Yes.
- 3018.** *And Tuesday?* Yes.
- 3019.** *How was it you had collected only such a small amount as £14?* I said I collected on the Saturday in that week. I am not correct in that. I did not collect on the Saturday because I was laid up with influenza.
- 3020.** *On that particular Saturday, you had not collected?* No.
- 3021.** *So you had Monday and Tuesday?* I did Monday morning's collection and the whole of Tuesday's.
- 3022.** *£14?* About that.
- 3023.** *What had you done with regard to paying out, if anything?* As near as I can remember, I must have paid out something like £10 10s in sickness benefit out of what I had collected up to that time?
- 3024.** *How could we establish that; what book would show that, or have you any voucher or receipt?* That can be established by obtaining from my Company my paying in slip for that week or my account would show that amount.
- 3025.** *Would Mr Crewe have that?* Yes.
- MR JUSTICE WRIGHT: Is he in Court now. If not, let him be sent for.*
- 3026.** *MR ROLAND OLIVER: That is what you said. Out of the £14 you collected, you had paid away £10 10s which would leave you some £4 in cash?* Yes.
- MR HEMMERDE: A great deal of this I do not challenge, my Lord.*  
*MR ROLAND OLIVER: I am very much obliged. I rather thought there was going to be some question.*  
*MR HEMMERDE: No, as far as I know none.*  
*MR ROLAND OLIVER: I am obliged.*
- 3027.** *Where did you keep our company's money?* In a small cashbox.
- 3028.** *The one we know about, the one that is exhibited?* Yes.
- 3029.** *Did you put the £4 into that at that time?* Yes.

- 3030.** *While we are upon the question of money, did you keep any money in a jar in the bedroom?* Yes, we did.
- 3031.** *What money did you keep there?* It varied in amount. It was what we had really saved from time to time, and it was simply put there for convenience sake.
- 3032.** *Did it always stay there or did you ever take it out?* If we went out of the house at night, we always took it out. We never left any money in the house at all if we were out together.
- 3033.** *Did that apply to the Company's money as well?* It applied to every single penny in the house.
- 3034.** *So from time to time, you would take that out. Did it stand up in the jar in the way which has been described?* Yes.
- 3035.** *When you say "we went out" you mean you and your wife together?* Yes.
- 3036.** *On the 19<sup>th</sup> January, had you had any kind of quarrel with your wife or at any time?* No, none whatever.
- 3037.** *We know you were due to go and play a match of chess. I will take this as shortly as I can. What time did you leave your house to go to the Chess Club?* As near as I can tell you about a quarter past 7.
- 3038.** *That is the time you gave the police near the event?* Yes.
- 3039.** *How did you go there, by what method? I do not want the whole route, but did you walk or go by tram or how?* I walked up Richmond Park, turned the corner by the Church and up Belmont Road and there caught the tram.
- 3040.** *It has been suggested that you used the telephone box to telephone a message to yourself. Is there a word of truth in that?* Absolutely none.
- 3041.** *You have heard the evidence given by Mr Beattie as to what happened at the Chess Club?* Yes.
- 3042.** *Is that substantially correct?* It is.
- 3043.** *Were you engaged in your game when he spoke to you?* I was.
- 3044.** *Were you interested in your game?* I was.
- 3045.** *I think you were due to play a man named Mr Chandler but he was not there and you played a back match. Is that so?* Yes, that is so.
- 3046.** *With a Mr McCartney?* Yes.
- 3047.** *You made a note of the name and address Qualtrough in your book which is here?* Yes.
- 3048.** *Was that a little memorandum book? It does not seem to be much used, but there are a few entries in it.* It a new one sent down by our Company at the beginning of the year and has not had many entries in it except one or two addresses.
- 3049.** *That is where you put it?* Yes.
- 3050.** *Did you understand that there was a possibility of business from the message?* Yes, I understood it so.
- 3051.** *What sort of policy might you expect a father to give a son who has just come of age? What type of policy do you get for that, an endowment policy or a life policy?* Seeing the name and the daughter coming of age had been suggested I considered it might result in a policy of something like £100 endowment, or something of that nature. I did not expect it would be less than that.
- 3052.** *We have been told you would get 20 per cent of the first payment?* Yes.

3053. **Would it be worth having such a policy?** Yes.
3054. **You went on with your game. Do you remember when it finished?** No, I do not.
3055. **We have been told you got there at a quarter to 8?** Yes.
3056. **Did you go home soon after your game finished, do you remember or did you wait?**  
I cannot say exactly. I think the game was finished a little before closing time and I would probably look on some other game that was being played.
3057. **Was it a little before 10?** About 10.
3058. **That would be a fairly long game, over two hours?** Yes.
3059. **We know you went out?** Yes.
3060. **And you walked back with Mr Caird?** Yes, to the car.
3061. **Now let us come to January 20<sup>th</sup>. Did you collect on the 20<sup>th</sup> January all day?** Yes.
3062. **Did you collect all the morning?** Yes.
3063. **And all afternoon?** Yes.
3064. **Do you remember when you stopped collecting?** I do.
3065. **When was it?** A few minutes to 6.
3066. **Do you remember where you had tea that afternoon?** I had my tea at home but I think I know what you mean.
3067. **When I say "tea", did you have a cup of tea with anybody other than at your home?** Yes.
3068. **Who with?** Some people of the name of Lawrence. They asked me would I have a cup of tea. They often asked me and very often, I accepted it.
3069. **Were you your usual self that afternoon?** Quite.
3070. **It has been suggested by a policeman that as he bicycled past you at about half past 3 you had a ghastly appearance and were wiping your eyes with your sleeve.** I heard the suggestion.
3071. **Is that true?** No, it is not.
3072. **I mean that it was through any distress?** No, certainly not.
3073. **Do your eyes ever water in January?** They may do, yes.
3074. **If they did what would you do?** Probably take out my handkerchief and insert it under my glasses and just wipe them.
3075. **What time did you get home that evening?** Do you mean from my collections?
3076. **Yes.** Shortly after 6.
3077. **You were not noticing times, I know, but somewhere about after 6?** Yes, possibly 5 minutes past 6.
3078. **Was your wife at home?** Yes.
3079. **Which is the door you usually use? Do you usually use the front or the back door in daytime?** In the early part of the evening we generally go out and come in by the back door; it is a little more convenient.
3080. **And at night the front one?** If I was going out after 6 and I knew I was going to be out an hour or two I might go out by the back door and ask my wife to come down and bolt it after me and on my return come in by the front door because I would have my key.
3081. **I gather your back door is the more convenient for the tram?** Yes.
3082. **It comes to this. You usually use the back door. Was it at night you usually used the front door, or when?** We rarely went out at the front door unless we were going out

together. Then we would, but if I was going out myself, I would mostly use the back door unless it was late at night.

- 3083.** *On that particular evening getting home sometime after 6, you were due to start to meet Mr Qualtrough?* Yes.
- 3084.** *To get there at half past 7?* Yes.
- 3085.** *We were told a certain conversation had taken place about where Menlove Gardens East was the night before?* Yes.
- 3086.** *Had you ever suggested to anybody that you had never heard of Menlove Avenue?*  
No. I knew there was such a place quite well.
- 3087.** *No one at the Club knew just where Menlove Gardens East was, I gather?* No.
- 3088.** *What time did you leave your house that evening?* At a quarter to 7.
- 3089.** *Between sometime after 6, when you got home from your work, and a quarter to 7 you say your wife was there. Had you had any meal?* I had my tea.
- 3090.** *With her?* Yes.
- 3091.** *Had you done anything with regard to washing or changing your clothes after getting home before you started out again?* Yes, certainly.
- 3092.** *What did you do?* After I had had my tea I got a number of papers ready, forms, which I thought I might require, and everything finished then I went upstairs and washed my hands and face.
- 3093.** *Where did you do that?* In the bathroom, upstairs and I came out of there and went into the bedroom. I think I changed my collar and brushed my hair and then came down stairs again.
- 3094.** *When you went out was your wife alive?* Certainly.
- 3095.** *Did she come with you?* Yes.
- 3096.** *Tell us exactly how far she came as far as you can remember?* She came down the backyard as far as the backyard door and I left her with instructions to her to bolt the door after me. That was our usual practice.
- 3097.** *Do you remember now whether she bolted it? Did you hear her bolt it?* I did not.
- 3098.** *The police officer Williams says you told him she walked some of the way down the entry with you and then went back and you heard her bolt the door. Is that right?* No.
- 3099.** *I suppose I must put this question to you. I think it follows from what you have said. Did you lay a finger upon her; did you lay a hand upon your wife at all that night?* I think in going out of the back door I did what I often enough did, I just patted her shoulder and said "I won't be longer than I can help".
- 3100.** *I did not mean that. Did you do anything to injure her?* Oh no, certainly not.
- 3101.** *You have told the police in repeated statements what you did after that?* Yes.
- 3102.** *Is that account you have given true?* Absolutely.
- 3103.** *You have told them the trams you took, the places you went to and the times you got there?* Yes.
- 3104.** *And the whole story?* Yes, I gave them a perfectly frank account of my movements for the whole of the night.
- 3105.** *Just tell the Jury what you did when you got by the tram near Menlove Avenue. First of all, you have told the Police it was about 20 past 7 when you got there?* That is correct.

- 3106.** *I think this is shown bet on Exhibit No 16. Might the witness have a copy of Exhibit No 16? (Same handed). The tram conductors have given an account of things you have said to them about asking them to stop at Menlove Avenue and that sort of thing?* Yes.
- 3107.** *Substantially do you agree with what they have said?* Yes.
- 3108.** *You do not remember anything in respect of which you differ from them?* No.
- 3109.** *I think you got off the stop opposite Menlove Gardens West. Is that right?* Yes.
- 3110.** *What did you do, first of all?* I walked up to the top of Menlove Gardens West on the right hand side. Menlove Gardens West to the best of my recollection, and I see that is correct from the plan, is a triangular piece of ground, the middle of which appears to be occupied by some enclosed ground but no buildings on it. I do not know whether it is a garden or what it is, I could not see. I walked up Menlove Gardens West on the right hand side till I got as far as Menlove Gardens North. I saw the nameplate on the end of the street and realised that was not quite, where I wanted to be. I walked down Menlove Gardens some distance, possibly about 8 or 10 houses, still on the side of the Gardens or the waste ground. Some lady came out of a house there, about the eighth house down, and I waited till she got out of the gate and I stepped across into the middle of the road and asked her did she know where Menlove Gardens East was. She did not appear to know very much about it but she suggested it might be along this road, meaning a continuation of Menlove Gardens West.
- 3111.** *She told you to continue along there?* Yes.
- 3112.** *Did you got to Menlove Gardens West?* Yes.
- 3113.** *What did you do then?* Retraced my steps and went along Menlove Gardens West and went along Dudley Gardens. I did not know the name till I saw the nameplate and then I realised there was not Menlove Gardens East in that direction. About that time a gentleman I know now to be the witness Green was coming along the road and I stopped him and asked him and he said he did not know of such a place a Menlove Gardens East and I said "Alright, perhaps I had better enquire at No 25 West", so I went back to 25 West.
- 3114.** *Getting there, we know what happened?* A lady answered the door. We had a little conversation and she could not help me. Then I went along Menlove Gardens South and these were even numbers, there for my number was not among those. I turned round into Menlove Gardens North, the other end, and I noticed they were even numbers also and, therefore, my number could not be amongst those and I was a bit puzzled to know what to do. I did not know where I was going to find myself. Then at this spot which you see here, a man was standing at that corner and I asked him, but he appeared to be a stranger and he could not help me.
- 3115.** *Where did you find yourself then?* In Menlove Avenue at the tram stop.
- 3116.** *Where did you go next?* Down Green Lane.
- 3117.** *What did you know about Green Lane?* I knew that my Superintendent lived there.
- 3118.** *You had been there before?* I had.
- 3119.** *Was that when you had the violin lessons two years ago?* It was.
- 3120.** *When you went there on those occasions how did you get there. What tram route did you take?* I cannot exactly describe it but I think possibly I would take a car which would branch off in the other direction and come down to what I now know to be Allerton Road. I would get off at a big cinema there, I think it is called the "Plaza", and walk up to his house.
- 3121.** *That does not take you anywhere near Menlove Gardens East?* No.



- 3122.** *In fact, have you ever seen Menlove Gardens East?* No.
- 3123.** *Finding yourself in Green Lane, did you do anything with regard to Mr Crewe's house?* Yes, I rang the bell or knocked, I do not remember which, and could not get an answer and walked down to the bottom end of Green Lane and somewhere round about the bottom there was a policeman coming across the road, the policeman who has given evidence here. I stepped into the road and asked him could he tell me where Menlove Gardens East was.
- 3124.** *How much conversation did you have with that police officer?* Four or five minutes possibly.
- 3125.** *He told us a good deal of it. What sort of policeman was he with regard to his demeanour and manner?* I should say he was what one might describe as quite a genial type of man. He was a man if you asked him a question you could see at once you could ask him further questions without his being offended. He was a man you could speak to.
- 3126.** *Did you talk quite a long time?* Yes, I responded to his geniality and he responded to the invitation.
- 3127.** *You told him what our trouble was; you were looking for Menlove Gardens East and you could not find it?* Yes.
- 3128.** *Did he tell you there was no Menlove Gardens East?* Yes.
- 3129.** *What took place about the directory?* After he more or less satisfied me there was not such a place he suggested what I wanted might be found in Menlove Avenue itself. We discussed that for a moment or two and he suggested No 25 Menlove Avenue. Then I asked him where that was and he told me, but he said he did not know the name Qualtrough. Then it occurred to me as I was about to leave him possibly I might be able to get a directory at some local post office, so I asked him and he said: "Yes, you can get a directory at the post office just up the road here or probably get one at the Police Station", but he suggested with regard to the police station one they might not allow me to use it and I did not bother any more about the Police Station. I simply went up to the Post Office in Allerton Road, but for a moment or two, I could not find it.
- 3130.** *He said you looked at your watch then. Is that right?* Yes.
- 3131.** *And said: "It is not 8 o'clock"?* Yes.
- 3132.** *What was in your mind when you did that?* I realised if it was a local post office it was probably a mixed sort of shop and if I left it till after 8 it would be closed, so I looked to see what time I had to spare.
- 3133.** *That was the object?* Yes.
- 3134.** *It is suggested you wanted to impress the officer with what the time was?* No.
- 3135.** *You went to the shop?* I went to the shop but the man had not got one. He suggested I might get one at a newsagent over the road and so I went over and the young lady there was kind enough to allow me to see it. I looked to see if I could find Menlove Gardens East and could not. Then I turned over the names to see if I could find the name of Qualtrough in the neighbourhood and if I could find the name I would go there, but I could not find the name.
- 3136.** *That lady said you said: "Do you know what I am looking for?" and she said: "No", and you said: "I am looking for Menlove Gardens East". What do you say about that?* That is possibly correct.
- 3137.** *Did you say: "I am looking for Menlove Gardens East"?* Yes, possibly.

3138. *Is that the sort of expression you might use?* Yes.
3139. *What time was it, as near as you can say, when you left that newsagent?* I think it was just on 8 o'clock.
3140. *Did you walk to the tram terminus and go back by tram?* No, I did not walk to the terminus, I walked to a point.
3141. *It was somewhere where you could get on a tram?* Near the cinema at a tram stop.
3142. *I used the word "terminus", I meant tram stop?* Yes.
3143. *Did you get on a tram and go home?* Yes.
3144. *It is said, as you approached your home a woman named Lily Hall saw you talking to somebody at 25 minutes to 9 near an entry. You heard where it was. Is that true?* No, it is not.
3145. *Do you know the woman, Lily Hall?* No.
3146. *She may know you by sight, of course?* Yes.
3147. *I notice that Superintendent Moore when he told you about it said "a woman who has known you for years", or something of that sort.*  
MR WALSH: "A lady".
3148. *MR ROLAND OLIVER: Yes. "A lady who had known you for years". You say you do not know her?* No.
3149. *And never saw her in your life?* No.
3150. *You say you did not talk to her?* I did not speak to a soul on my way home except to the conductors.
3151. *Did you speak to anyone that night to show what time you got back?* No.
3152. *When you got back did you give the police, I do not want to go through it all again, a true account of what you did, namely, go first to the front door, then to the back, then to the front and finally to the back again?* I have not made an untrue statement to the police in any respect whatever.
3153. *In any respect at all?* No.
3154. *Were you able to get in at your front door?* I was not.
3155. *In fact, what was its condition with regard to its being bolted?* It was bolted.
3156. *Did you find that out later on?* Yes.
3157. *When?* After we got into the house and after Constable Williams, I think it was, knocked on the door and I admitted him.
3158. *When you let in Constable Williams, you found out definitely that door was bolted?* Yes.
3159. *With regard to the back door, when you tried it first were you able to open it?* No.
3160. *Do you mean you could not turn the handle?* I do not think the handle would turn.
3161. *Did you knock upon it?* Yes, I just went like this, bang, bang. (Illustrating).
3162. *Was that your usual knock?* That is my usual practice.
3163. *Did you expect your wife to be in?* Yes, I expected her to be in and would probably be upstairs.
3164. *What were your ordinary hours?* They varied between 12 and 1 o'clock, sometimes we were later.
3165. *Was your wife a delicate woman?* Yes, I think one could say that.

- 3166.** *Do you know when she last saw the doctor?* I am not sure whether it was the same morning or the day previous.
- 3167.** *I am told it was the 19<sup>th</sup>. What was that for, do you know?* She had had a bad cough over the weekend and had not slept very well at night and she complained about it and I said: "Slip along to the doctor; he will know what to give you and that will put you right".
- 3168.** *What was the doctor's name?* Dr Curwen. He was the doctor who attended us always.
- 3169.** *When you had discovered this name and address was non-existent that you had been searching for what passed through your mind about that?* I think I came to the conclusion that a mistake had been made in the telephone message, either that Mr Beattie had got it down wrong or in some way, the wrong message had been conveyed to me. I could not account of it in any other way.
- 3170.** *When you found you could not get into your house, did you feel anxious at all?* Well, when I went to the front door the first time I was a little bit uneasy, but I did not attach any great importance to it. I thought she might have gone upstairs and not heard me and I thought I would slip round to the back and try to get in there.
- 3171.** *When you knocked and got no answer did that have any effect upon you?* I thought at the time she might have slipped out to the post there is a post box close at hand and she might have slipped out to post a letter. She often did that; I thought she might have slipped out to do that.
- 3172.** *After you had got to the back door the second time the Johnstons came out of their house?* Yes.
- 3173.** *Quite accidentally?* Absolutely.
- 3174.** *And you have heard the account they gave of what happened?* Yes.
- 3175.** *Substantially do you agree with that?* I do, yes.
- 3176.** *I must ask you a little about the use of your room. What room did you and your wife habitually use for sitting in for meals?* The middle kitchen.
- 3177.** *On what occasion was your parlour used; the front sitting room?* Whenever we had any visitors or if anybody came to see me on a business call, they would be asked in there, or if we decided to have a little music, we would go in the front room.
- 3178.** *Your wife was a good pianist?* Yes, she was.
- 3179.** *And you were learning to play the violin?* Yes.
- 3180.** *And when you played together, you played in that room?* Yes.
- 3181.** *In January, would the gas stove be lit if a visitor came?* Usually.
- 3182.** *Had you told your wife that evening when you went out at a quarter to 7 where you were going?* Yes.
- 3183.** *Or told her the evening before?* She knew all about it. As a matter of fact, we had discussed it during the day and it was really, because we discussed it together that I finally decided to go.
- 3184.** *She wanted you to go?* Yes, she thought it might be worthwhile.
- 3185.** *It was a long way away, 4 miles, but it might be something worth having?* Yes.
- 3186.** *Had you told her the man's name and where you were going?* Yes, everything about it. I might say I never made a decision if I was in a difficulty without conferring with my wife on any point.

- 3187.** *The second time you tried the back door, that is to say, when the Johnstons were there, did it open?* It did, quite easily.
- 3188.** *Do you know what made it stick the first time?* No, I do not.
- 3189.** *Going into the house, you came into the kitchen?* Yes, the back kitchen.
- 3190.** *Was there any light there?* A small light by the gas over the sink.
- 3191.** *Was that a light that gave a good light or was it just turned right down?* It was almost out, a very slight light.
- 3192.** *That is in the back kitchen?* Yes.
- 3193.** *In the main kitchen, was there any light?* No.
- 3194.** *Did you light it?* I did.
- 3195.** *Where did you go next?* I went upstairs.
- 3196.** *Did you call at all? It is said you called two words?* Yes.
- 3197.** *What did you call?* I shouted my wife's name twice, "Julia, Julia". I probably also said "Are you there", but I do not remember that.
- 3198.** *Was there a light in her bedroom?* Yes.
- 3199.** *Up or down?* Down.
- 3200.** *Did you turn it up?* Yes.
- 3201.** *We have been told your progress could be traced looking into the other two rooms on that floor?* Yes.
- 3202.** *It is said that the bed in the front sitting room was somehow disarranged and there were some of your wife's hats on it?* Yes.
- 3203.** *Do you know anything at all about that?* I do not think I had been in that room for probably a fortnight before the 20<sup>th</sup> or the 19<sup>th</sup> January.
- 3204.** *Had that anything whatever to do with you?* Nothing at all.
- 3205.** *You then came down. You had been in the kitchen and back kitchen and the only room left was the front parlour?* Yes.
- 3206.** *Was there a light in that?* No.
- 3207.** *As you went into it, did you do anything with regard to lighting it, and if so tell us exactly what you did?* When I came down stairs and approached the front room door it was closed, but not latched, that is to say, it was simply pulled to.
- 3208.** *Had you any matches with you?* I had a box in my hand that I had used upstairs.
- 3209.** *You told us you lit the middle kitchen gas and had the box in your hand?* Yes.
- 3210.** *What did you do?* The door was closed to and I pushed it a little open and then I struck a match in quite the ordinary way. That I probably did every night I went into the room in the dark. I held it up and as I held it up, I could see my wife was lying there on the floor.
- 3211.** *You told the officer you thought she was in a fit?* That was my first impression, but it only lasted possibly a fraction of a second, because I stooped down with the same match and I could see there was evidence of signs of a disturbance and blood and saw that she had been hit.
- 3212.** *Did you light the light?* Yes, I did.
- 3213.** *Which light?* The one on the right-hand side near the window.
- 3214.** *Why did you light that one?* It is the one we always use.
- 3215.** *That and the tap of the gas stove are on the same side?* Yes.

- 3216.** *When you saw, your wife lying there I suppose it follows you avoided treading on her as you went past?* Certainly.
- 3217.** *When you got the light on tell us in your own way what you did?* The moment I got the gas lit I turned round, of course, examined my wife and I got hold of her left hand that was lying over her body and felt the pulse and could not find any appearance of life at all and I looked into her face and I saw then that she was obviously quite dead. Well, I can hardly remember what I did then, but I know that I came out of the house and rushed down the yard and informed my neighbours and asked them to come in.
- 3218.** *We have the story from them from that point. With regard to the weapon which has been suggested, do you know anything about the piece of iron which was said to be against the gas stove used for cleaning under it?* I do not know anything at all about it.
- 3219.** *Have you ever seen it?* No.
- 3220.** *It is said to have been propped up against the gas stove and some time close up to the kerb?* I have never seen the piece of iron.
- 3221.** *You have not?* No.
- 3222.** *I suppose the cleaning of the house was not very much to do with you, was it?* No, not very much.
- 3223.** *Do you know what your demeanour was the rest of that evening? It was said you were extremely quiet or cool and collected. One witness said you occasionally broke down, other witnesses say you smoked cigarettes. Do you really remember what your demeanour was?* Well, I remember that I was extremely agitated and that I was trying to keep as calm and cool as possible. Probably I was smoking cigarettes for something to do, I mean to say, the inaction was more than I could stand. I had to do something to avoid breaking down. I did sit down in a chair on one or two occasions and I do remember I did break down absolutely, I could not help it or avoid it. I tried to be as calm and as cool as possible.
- 3224.** *Is there anyone in the world who could take the place of your wife in your life?* No, there is not.
- 3225.** *Have you got anyone to live with now?* No.
- 3226.** *Or to live for?* No.
- 3227.** *And no children?* No.
- 3228.** *Just a question or two about the mackintosh. Did constable Williams first draw your attention to it? I think before I come to that there is something else I should ask you. While you were in the room with the Johnstons or Mrs Johnston, did you go upstairs that you remember for some purpose? If I may bring your mind to it, it is connected with the notes upstairs?* I think I did, yes.
- 3229.** *If I can remind you of what Mrs Johnston said. She said quite early in the affair after you had wiped your wife's hands they suggested that you should see if things were all right upstairs.* Yes.
- 3230.** *And you then went up and looked at this jar, which you call your savings bank and put your savings in, and came and told them that here was £5 there?* Yes. I think I did do that.
- 3231.** *Do you remember going up to do that?* Yes.
- 3232.** *Do you remember whether or not you put your hands on the notes in the jar?* Yes, I probably took them out and handled them; counted them.

3233. **You say "probably". Do you remember doing it?** Yes, I think I can say that.
3234. **Do you remember what shape they were in?** Folded up in four.
3235. **Do you remember whether they were lying loosely or whether they were shut up tight?** They would be loose.
3236. **You think they would be?** Yes.
3237. **You came down and said they were there?** Yes.
3238. **Now let us come to the mackintosh. After you let Constable Williams in, he pointed it out to you and said: "This looks like a mackintosh"?** Yes.
3239. **Did you look at it then?** Yes.
3240. **Had you noticed it before?** Yes.
3241. **I think Mrs Johnston mentioned it?** Yes.
3242. **You had already seen it and identified it to Mrs Johnston. The point is this: that it was the police constable who said to you: "That looks like a mackintosh"?** Yes.
3243. **Before that, had you moved it at all?** No.
3244. **But you had handled it?** I just fingered it.
3245. **I think it was said you fingered it then?** Yes.
3246. **Then substantially do you agree (I am not talking every detail) with what Police Constable Williams said you did about going round the house and that sort of thing?** Yes.
3247. **You have told the Jury the only point about your statement to Williams that you dispute, namely, you said that your wife had come down the entry with you?** That is so, I do dispute that. I think he must have misheard me.
3248. **And you acknowledged the mackintosh to Williams and one or two other officers that came into the kitchen. Is that correct?** That is quite right.
3249. **Before you gave the statement, which is Exhibit 44, in which you mentioned the names of people who might have done this, had you been pressed by Inspector Gold to give the names of people who could possibly have done it by the questions he asked you on the night of the 21<sup>st</sup>?** Yes. The questions were put to me in such a way that I felt that I had to give the names of people. It was put to me something like this: "As near as you can remember would your wife admit anybody to the house", I agree she might, and he said: "Can you tell me the names of anybody she would admit", and I gave him the names of quite a number of people that my wife would know and would admit at night.
3250. **Had you at that time considered the possibility of a man coming and giving the name Qualtrough to your wife? Looking at it now, if someone did come and give the name of Qualtrough to your wife on that night, do you think she would have let him in?** Seeing I had gone to meet Mr Qualtrough, I think she would because she knew all about the business.
3251. **It is only a matter of speculation?** Yes.
3252. **If she had let him in where would she have taken him?** Into the front room. There is no question about that.
3253. **I think you were with the Police till what time in the morning that night: what time did you go to bed?** Half past 4 to 5.
3254. **The next morning?** Yes, early morning.
3255. **How long did you stay at the station next day?** I think I stayed till 10 o'clock.
3256. **You were not allowed to sleep at your own home that night; you slept at your sister-in-law?** Yes.

- 3257.** *I think her name is Mrs Amy Wallace and you spent a good deal of time thence onwards with the police giving assistance as you could.* I practically lived at the police station that week, had many meals down there and was there every night I should say.
- 3258.** *Did you realise at some time or other that there were people who suspected you of having done this?* I did, yes.
- 3259.** *Did that happen quickly?* Within three or four days, I began to suspect that might be the case.
- 3260.** *Did the police ask you about the conversation you had with Mr Beattie on the 22<sup>nd</sup> two days afterwards?* Yes.
- 3261.** *You agree what the conversation was, asking him to try and remember the time. What was in your mind then?* When I was talking to Mr Beattie?
- 3262.** *Yes. Why did you think time was important then?* Well, I had just come from the police station; I had been there all that time and sometime during the evening Superintendent Thomas had come into the room, I think it was Superintendent Moore's room, I am not sure, and another gentleman I do not know who he was, but Superintendent Thomas had a conversation with me regarding this telephone message which had been received and he gave me the information that they had been able to trace that call to a call box somewhere in the Anfield district.
- 3263.** *That would be near your home?* It was suggested to me that it was near my home. If that was so and the time was stated to be about 7 o'clock, I was in this position. I felt that if I had left home at a quarter past 7 and the telephone call had been made a 7 o'clock, and if the Police up to that moment had believed all my statements to be true and I had no reason to doubt otherwise, then that automatically cleared me of having sent that message. That is what I thought about.
- 3264.** *If it was, a genuine message you realised you would be an innocent man?* Yes, quite.
- 3265.** *Was it with that in your mind that you asked Mr Beattie if he could possibly remember the time?* It was, because Mr Beattie was uncertain and I thought if he could fix it, as he thought it was about 7, that it was 7 o'clock and I left at a quarter past 7, at all events I could not have sent that message.
- 3266.** *That, at all events, was what was in your mind? Comment is made that when the officers asked you next day why you were interested in the time you did not say why you said it was indiscreet of you?* Yes, I did.
- 3267.** *Why was that?* When Superintendent Moore put these questions to me – I think it was Superintendent Moore – I realised that if he could tell me of meeting Mr Beattie somewhere around about a quarter past 10 the previous night and knew something of the conversation I must have been followed, my movements must have been under observation. That was the conclusion I arrived at. If I had been under observation I was therefore, to my mind, a suspected person and the argument that went through my mind was it was indiscreet of me, if I was a suspected person, to be talking to a man who may be called as a witness in any charge made in this case. I realised that was an indiscretion and that was why I was unwilling to say anything further about it.
- 3268.** *Had Mr Beattie said anything about the night before? I do not know whether you remember what he said?* I cannot give the words, but he advised me to say as little about the case as possible to outsiders.

3269. ***Because I think he said, what you said might be misconstrued?*** Yes.

3270. ***Do you agree with that?*** I agree it was misconstrued.

CROSS-EXAMINED BY MR HEMMERDE.

3271. ***I want to ask you first a few general questions. Where was your wife Monday evening, the 19<sup>th</sup> January?*** She was in the house.

3272. ***You left her there?*** Yes.

3273. ***Quite well?*** Except for the cold, she had.

3274. ***Yes, otherwise quite well?*** Yes.

3275. ***Where was Mr Crewe on Tuesday, the 20<sup>th</sup> January?*** I understood that he had gone to the cinema.

3276. ***Who told you?*** He told me himself.

3277. ***That he had gone to the cinema?*** He gave evidence of it here.

3278. ***On that night, the 20<sup>th</sup>?*** On the Monday night.

3279. ***I am not talking of the Monday; I am talking of the Tuesday.*** On the Tuesday, I do not know where he was.

3280. ***I thought you did know? On the Monday night, you say you knew he had been to the cinema?*** No, I am wrong. On the Monday night, I do not know where he was.

3281. ***I want to know on the Tuesday night where he was?*** That was the night I called at his house.

3282. ***On the night of the murder, do you know where Mr Crewe was?*** I have heard him give evidence that he was at the cinema.

3283. ***I did not catch that. Did you know at the time?*** I did not.

3284. ***You had no idea on the night of the 20<sup>th</sup> that Mr Crewe was not at home?*** I had not.

3285. ***You are a friend of his?*** Yes.

3286. ***Very friendly?*** Fairly friendly, yes.

3287. ***This must have been quite a slight cold of your wife's, was it not?*** We did not regard it as a serious matter.

3288. ***I notice that afterwards in your first statement you say: first of all, when I arrived at my house at 2.10 "my wife was then well and I had dinner and left the house"; and again afterwards: "I entered my house and had tea with my wife who was quite well".***  
Yes, except for the slight cold.

3289. ***You did not say that in your statement so you did not attach any importance to it?***  
Her cold was not a very severe one, no.

3290. ***So far as the use of your parlour was concerned, did you use it much for music?***  
Yes, quite a fair amount.

3291. ***When you had an off evening, I suppose being both musical you were inclined to spend it with music?*** Yes.

3292. ***And I suppose being, to some extent, a musician you did not leave your piano open when you were not using it?*** Yes, we did.

3293. ***Always?*** Yes, pretty fairly always.

3294. ***One sees it open in the photograph taken after the murder?*** Yes.



3295. *And sees open music upon it?* Quite possible.
3296. *Have you the book of photographs there?* No, that is a plan.
3297. *Just take it. (Same handed). Does your knowledge of music tell you what that was on the piano?* No, it cannot, except it might be the piece of music.
3298. *Yes, it might be the piece of music; it might be the violin score and the other?* I think it is too long to be violin music.
3299. *You think it is? When you used the place for music on a night in January, you would usually have the fire lighted?* Yes, we did.
3300. *And the gas?* And the gas.
3301. *Had you any other light to throw upon the music than the gas?* We had the two gas jets, no others.
3302. *Two?* Yes.
3303. *And you generally use them both, I suppose?* No, if we were by ourselves we would use one.
3304. *For the music?* Yes.
3305. *Then if you had been going that night to stay at home, it would have been quite natural that the piano should be open and the fire lit and you would be having your ordinary musical evening. If you had not had your appointment with Mr Qualtrough?* No, probably we should not have had any music that evening. Her cold would have made her say: "It will be rather cold in the front room; I do not think we will bother tonight with music.
3306. *She might?* Yes.
3307. *Her cold had not been to bad for her to walk out into the yard and see you exit?* That is so.
3308. *Was she wearing your mackintosh at the time?* No.
3309. *Her cold was evidently not at all bad?* We did not consider it serious.
3310. *And she was not a singer?* She had been at one time.
3311. *It was piano playing you spent your time in and, therefore, the cold would not affect her?* Not a bit.
3312. *Therefore, if you had made up your mind to stay at home and she knew it, it would be perfectly natural that you would be spending your time there with the fire lit, gas lit and playing music?* It would be quite natural.
3313. *Had you ever told you wife you were going out that night?* Certainly, we discussed it.
3314. *You discussed it?* We discussed it at teatime.
3315. *If your wife had not know you were going out that night she might have got the room ready for the music?* Not unless I had asked her to do so.
3316. *No, but if you had asked her to do so?* She would have done it.
3317. *If you had let your wife know you were going to be in that is just how the room might have been?* If we had decided to have music that is, of course, how it would have been naturally.
3318. *Just one point you made just now about the notes upstairs. You said just now that you counted the notes when you went up with Police Constable Williams?*  
**MR ROLAND OLIVER:** *I do not remember his saying that.*

**MR JUSTICE WRIGHT:** *If there is any question, I will ask the Shorthand Writer to read it. I do not remember that. (The Shorthand Writer read Question 3229 down to Question 3234 and the answer thereto).*

- 3319.** **MR HEMMERDE:** *It is clear then you did say you counted them. You see the surprise it has caused. Have you ever said such a thing before even to your solicitor Counsel?* Have I ever said what?
- 3320.** *That you counted those notes?* I do not know.
- 3321.** *Throughout that evening, did you ever find blood on your hands?* I did not observe it.
- 3322.** *At any time, have you ever said to any human being that you find blood on your hands?* I do not think so.
- 3323.** *Then so far as you know, no blood from your hands could have got on those notes?* Yes, I think I can say that.
- 3324.** *At what moment did you first realise that the Police suspected you?* I do not think I realised it at all until I had the conversation regarding the Beattie incident.
- 3325.** *Did you realise then they suspected you?* That was my impression.
- 3326.** *Now another question. You used to go to Calderstones very often or fairly often?* My wife and I might have gone possibly once a year.
- 3327.** *Rarely, was it not?* No, I do not think so. We generally went about twice a year the time the roses were out.
- 3328.** *How used you to get there?* Take a car to Lodge Lane and change over.
- 3329.** *The only route is off Menlove Avenue, is it not?* I could not really tell you that.
- 3330.** *Could you not?* No.
- 3331.** *I put it to you; you can only get to Calderstones by tramcar via Menlove Avenue?* No, I could not say that definitely. There may be two routes, I cannot really tell you. I do not know.
- 3332.** *When you went to Calderstones, as your diary shows, used not you to go up Menlove Avenue?* We probably did, but I did not know whether there was any other route or not.
- 3333.** *Did you not know Menlove Avenue quite well?* No, I did not.
- 3334.** *I see here twice, May 22<sup>nd</sup> 1929 and August 30<sup>th</sup> you go to Calderstones; that is twice in a few months.* Yes, quite possible.
- 3335.** *You did not know Menlove Avenue well?* I did not.
- 3336.** *How did you go to Woolton Woods with your wife?* Took the car to Smithdown Road corner. I probably enquired of some driver of a car which car would take us there and get on that one.
- 3337.** *You would find yourself then at the Penny Lane junction?* Possibly.
- 3338.** *Used you go to the Plaza Cinema with Mr Crewe?* No.
- 3339.** *Never?* No.
- 3340.** *You have never been there?* Yes, I have been there.
- 3341.** *Not with Mr Crewe?* Yes, I have been there with Mr Crewe.
- 3342.** *I thought you said you had not?* You asked me if I had been to see Mr Crewe. I will explain. I had been to Mr Crewe for a music lesson and he said "I will see you down the road", and as arrived at the Plaza and he said "Come over and have a coffee before you go",

and we went over and had a coffee and came out and I went home. I did not go into the place.

**3343. Not into the cinema?** No.

**3344. You did not go into the cinema at all?** No, only the restaurant part.

**3345. Is that called the Plaza too?** I understand so, it is all in one.

**3346. "After the lesson we went into the Plaza Cinema, a wonderfully well got up place"?**

Yes, quite.

**3347. Inside?** Inside the large hall in which you go for tea or coffee or refreshments.

**3348. What time did you get there?** I cannot say, I should say probably half past 9 or it may have been a little later even.

**3349. And got home about 11?** Yes, possibly.

**3350. That is according to the diary.**

**MR JUSTICE WRIGHT: What is the date of that?**

**MR HEMMERDE: That is the 5<sup>th</sup> December, (1928), my Lord.**

**3351. You do realise that from the Plaza cinema you are only a few hundred yards from Menlove Avenue?** I know that now, yes.

**3352. You also know that half way up Green Lane, which joins Allerton Road and Menlove Avenue, lives Mr Crewe?** Yes, I know that, of course.

**3353. Did it ever occur to you when you were in difficulties that night on the 20<sup>th</sup> and you could not find Menlove Gardens East, just to look in and ask Mr Crewe where it was?** Yes.

**3354. You have just said you thought he was at home that night. Why did not you look in there instead of going to the Post Office and the Police Station?** I have given evidence that I did look in.

**3355. Into Mr Crewe?** I knocked at his door but could get no answer.

**3356. When did you do that?** That night. I should say it was about 7.47.

**3357. Before you saw the police officer?** Immediately preceding that. I walked straight from his house and met the policeman at the bottom of the street.

**3358. You knew your way from Menlove Gardens down to Mr Crewe?** I knew I was in Green Lane. I met a man at the tram stop and asked him.

**3359. Did you walk down Menlove Avenue?** Yes.

**3360. And you know that Green Lane ran between Menlove Avenue and Allerton Road?** I did not know what the other road was called, but I knew there was another tram route on that road.

**3361. Do you say that you stated somewhere that you called on Mr Crewe that night, that you never stated it to anyone till you gave it in evidence today that you called on Mr Crewe?** I think that is in evidence in one of my statements to the police. I will not be positive about it, but I think so. I think Inspector Gold would probably have that information.

**3362. I will find out if it is there. I have got Exhibit 44 when you went and gave all the names. "When I was at Allerton looking for the address, 25 Menlove Gardens East, in addition to the people I have already mentioned, I enquired from a woman in Menlove Gardens North. She came out of house near the end by Menlove Gardens West. She told me it might be further up in the continuation of Menlove Gardens West. I went along as suggested by her and came to a cross road, I think it was Dudlow Road, and I met a young**

*man about 25 years, tall and fair and I enquired from him but he could not inform me. I walked back down the West Gardens to the South Gardens and found all even numbers. I did not knock and came out on to Menlove Avenue itself where I saw a man waiting for a tram by a stop where there was a shelter. I went up to him and asked him if he could tell me where Menlove Gardens East was, he said he was a stranger and did not know. I think these are all the people I spoke to that night at Allerton". Did you in any statement that you made – I will go through them if necessary – ever state that you called that night and knocked at Mr Crewe's?* Yes, I think I did.

**3363.** *What statement?* I cannot tell you, but I think I volunteered that information on some statement.

**3364.** *I have looked through them and I cannot find it. I put it to you; you never have said so until today. Of course, you realise now the importance of that point, that you were quite near the Superintendent who would know the district well, and yet you were walking round asking of everybody else where it was.*

*MR ROLAND OLIVER: I am sure my friend does not want to do the witness injustices. This was put to Mr Crewe at the Police Court, and I am sorry I did not put it to Mr Crewe here, but it was put to Mr Crewe there in fact and it was ascertained he was out.*

*MR HEMMERDE: My learned friend does not see my point as to whether he was out or not. I first got the point from the witness that he did not know he was out.*

*MR JUSTICE WRIGHT: I do not remember Mr Oliver, it may or may not be important, as one goes along any statement in which the witness said he had gone to Mr Crewe's.*

*MR ROLAND OLIVER: I am not suggesting it occurs in any of his statements. What I mean is, it was in the notes of his defending counsel as early as the 20<sup>th</sup> January and put to Mr Crewe.*

*MR HEMMERDE: My learned friend does not quite see my point.*

*MR JUSTICE WRIGHT: It is a matter for argument. Your point is it is not in any of the voluntary statements.*

*MR HEMMERDE: Yes, my Lord, that he has never stated so at all himself in any of the statements that he went there.*

*MR JUSTICE WRIGHT: If you are passing away from that, I want to ask Mr Oliver something for my own information. I may have misheard it, but I thought you mentioned about the question of the coins being all right by Mr Johnston.*

*MR ROLAND OLIVER: My recollection of the evidence was that before the police officer arrived Mr Johnston, or one of them, had said something to the effect: "Is it all right upstairs".*

*MR HEMMERDE: That is so.*

*MR ROLAND OLIVER: Yes. "Before I go for the police will you see if it is all right upstairs?" And it was said there was £5 upstairs in the jar.*

*MR JUSTICE WRIGHT: Yes, it was not that I was thinking of. I was thinking of the first time anyone went up and looked with him and the coins were touched.*

*MR ROLAND OLIVER: The first time anyone went with him was Constable Williams.*

*MR JUSTICE WRIGHT: There was some reference to it I know in a conversation.*

*MR ROLAND OLIVER: Yes, my Lord.*

**MR HEMMERDE: I will just clear that up and will ask him about that.**

- 3365.** *On which of your visits up there do you say that you counted the notes?* I think it was the first visit.
- 3366.** *When the police officer was not there?* Yes.
- 3367.** *Do you think that can have been the case because you gave the police officer the wrong number. There are only four there which looks as if you could not have counted them the first time.* It is possible I was mistaken.
- 3368.** *And you know he did not see you count them the second time.* No, he did not and I made no attempt to do so.
- 3369.** *And today is the first time that you said you did count them?* I do not remember.
- 3370.** *Do you accept the suggestion that it was quite easy for anyone to know when you would be at the City Cafe?* Yes, quite easy for anyone who was acquainted with the City Cafe or the Chess Club at the City Cafe, quite easy.
- 3371.** *Anyone who was interested enough to look at the City Chess Club notices?* Yes.
- 3372.** *No one could possibly have known that you would be at the Cafe that night?* Nobody could say absolutely, certainly, that I would be there, no.
- 3373.** *You told no one you were going to be there?* That is so.
- 3374.** *Therefore, if anyone not a member of the Club happened to know that you were down to play a game that would not mean by any means certainly that you would be there?* That is so.
- 3375.** *And you had not told anyone you were going there?* I had not.
- 3376.** *You have said how, on the night of the 20<sup>th</sup>, you had about £4 of Prudential money?* I have.
- 3377.** *I suppose that out of your weekly debt – I leave out the monthly one for the moment – you have always got a certain amount of payments to make as you go along?* Yes, that is so.
- 3378.** *And the balance that is in your hands on the Monday or Tuesday would never be very much apart from the monthly debit?* Yes, they might be very considerable.
- 3379.** *Your total collection, we know, would be something of the average of £30.* £30 to £40, yes.
- 3380.** *Is it not roughly nearer £30 than £40?* Yes, it might be.
- 3381.** *There are some 10,000 Prudential agents in the country?* Yes.
- 3382.** *And the average debit is rather under £30 than over?* It is round about £30.
- 3383.** *And yours was round about £30?* Yes.
- 3384.** *And that debit is the gross debit apart from the payments out that you make. I am not asking about cheques which might be sent by the company to pay people. You have to pay sickness benefits?* Yes.
- 3385.** *The result would be that at the end of your week's collecting you would seldom be more than a few pounds in hand?* The point can be proved precisely, what I have paid in week for a number of years. It might be £20 or £25, it varied, and it might be £30. You do not realise that in addition to what is known as an industrial branch collection, I might pick up varying sums in the ordinary branch.

3386. *Allow me to take it in my own order. I want your answer first to this question. You know I am dealing at the moment with the industrial branch, what we call the weekly debit. That is the correct expression, is it not?* Yes.
3387. *And it included nothing else but that weekly debit?* Yes.
3388. *By the time, you have met your outgoings, would it not be the fact that on the Tuesday or Wednesday, you would never have more than a few pounds in hand?* I could have £20 or £25.
3389. *You mean almost the whole debit?* Yes.
3390. *Would the average week be that? You would generally be down to certainly rather less than £10?* No.
3391. *What was very peculiar about this week that you were down to £4 on the Tuesday night?* I had paid out about 10 guineas sickness benefit.
3392. *Was that over the average?* I cannot strike an average because it varies so much.
3393. *You see, you heard your Counsel say that anyone might anticipate there being in your possession on such a night £30 to £50 in cash, and even £80 to £100?* It is quite possible.
3394. *On the monthly, yes, but £30 to £50 as a matter of fact is really almost double what might be your gross debit, apart from any payments out?* Yes, and many a time I would collect much more than was my gross debit and many a time, less.
3395. *I want to ask you another thing upon that question. Anyone knowing the nature of your business would know when your monthly collection would be?* An outside person would not know, certainly.
3396. *No, but anyone who knew sufficiently to know the methods of your business would know that as well?* They might do.
3397. *And if he was going to make a raid on your house and attack your wife alive, he would naturally choose the time of the monthly collection?* He might.
3398. *That would strike you as being the more natural, would it not? So far as you know, had your wife got any enemies at all?* None whatever.
3399. *I was right in describing her as a frail, quiet, rather old-fashioned lady?* I do not think she was what you might call old-fashioned and I do not think she was what you might describe her as frail. She did not have the best of health and she was not a robust person.
3400. *As far as you know, she had no enemies at all?* I do not think she had a single one.
3401. *And, although you gave certain names to the police of persons she might have admitted is there one of them against whom you have the slightest suspicion of having committed this offence?* No.
3402. *When you used to go to the Chess Club, how used she to spend the evening there?* It would depend. Sometimes she sat in the kitchen sewing or occupied in various domestic duties.
3403. *Would she go out to friends some evenings?* Very rarely. Sometimes she would go in the front room and light up and play a tune or two for possibly half an hour and come back into the kitchen and occupy herself with domestic duties. It would vary of course.
3404. *When Mr Qualtrough rang up on Monday night, we know he was a few hundred yards from your house?* I do not know.
3405. *You have heard he was at the call box?* He was supposed to be there, I do not know.

3406. ***You do not dispute that it was rung up from there?*** In the face of the evidence, I cannot dispute that.
3407. ***Very well then, you can say Yes, he was about 400 yards from your house. Your wife was alone presumably. As he rang up the City Cafe, he must have expected you there?*** One must presume that.
3408. ***He might have ascertained other people expected you to be there?*** Yes.
3409. ***Otherwise, he would not have left the message?*** Yes.
3410. ***And you were there two hour or more?*** Yes.
3411. ***And ample opportunity for him to have gone round to your house would it not?***  
Yes.
3412. ***Only a few minutes away?*** Yes.
3413. ***And your wife left there alone?*** Yes.
3414. ***What you are suggesting he did do was to ring up and make an appointment for that night?*** I am not suggesting that at all.
3415. ***Is that the entry made when Mr Beattie spoke to you?*** Yes.
3416. ***Did you put in the "East" in block letters after you had written "Mossley Hill"?*** Yes.
3417. ***Why in these block letters?*** Because in writing it down, I took the name from Mr Beattie and I repeated it afterwards "R M Qualtrough, 25 Menlove Gardens, West, Mossley Hill", and he said "Not West, East".
3418. ***You had not begun to write West had you?*** I had not got to that point and he corrected me and I wrote "East" in block letters in order that I myself would be reminded that it is correct.
3419. ***Have you ever used that telephone box?*** Yes.
3420. ***You have?*** I have.
3421. ***Were you used to using it?*** I was not.
3422. ***Do you generally use the one in the library?*** Usually.
3423. ***Did you think there was a light in it, the one we are discussing?*** I did not know.
3424. ***How many times do you think you have used it?*** Once or twice perhaps.
3425. ***In private matters, you would use it rather than go and speak on the library 'phone?*** No, I would go to the library for preference, it is nearer.
3426. ***There have been occasions when you have used it. Has anyone ever left a message for you before at the City Cafe?*** No.
3427. ***Or has anyone ever left such a message for you anywhere?*** Of that type, no.
3428. ***You never have?*** I have never received a message like that before in my life.
3429. ***And, of course, Mr Qualtrough had not possible means of knowing whether you would receive it that night because no one knew you were going to be a the Club?*** That is so.
3430. ***Then he rang you up at 7.15 or 7.20 and without knowing you would ever get the message and without knowing you would ever go to Menlove Gardens East apparently he was ready waiting for your departure the next night?*** It would look like it.
3431. ***Did it ever occur to you that he would have to watch both doors, front and back?***  
No, it did not.
3432. ***You are a man of business instincts; you could hardly be a Prudential agent if you were not?*** That is so.
3433. ***And you never had a message sent you before?*** I have not.

3434. ***You must have realised he had not the slightest idea as to whether you got his message or not because you knew no one knew you were going to be there?*** Yes.
3435. ***And, therefore, he never knew you were going to get his message and in spite of that, you go off to Menlove Gardens East?*** Yes.
3436. ***Had you no anxiety in leaving your wife that night?*** No.
3437. ***Not only he could not know that you would go, but he could not have known that you would look up a directory and find there was no such place?*** No.
3438. ***He would have to risk all that?*** Yes.
3439. ***And, of course, you could have found out at once if you had looked up in the directory where Menlove Gardens East was or was not?*** I could have done.
3440. ***And I suppose the slightest enquiry at the Prudential Office would have told you the town of Liverpool is divided into blocks each under an agent, and then there is a superintendent over the agent. It would have been the simplest thing in the world to find out through the machinery at the hands of the Prudential whether there was such a place?***  
It was not necessary.
3441. ***Then when you went up to Penny Land you know now at the terminus there you were a very few yards away from Menlove Gardens East?*** Yes.
3442. ***Did it ever occur to you to ask the policeman there on point duty where it was?***  
No.
3443. ***If you had, you would have learned at once it was not there?*** The tram conductor gave me sufficient evidence to show I had only to take the car on the right route and I would be where I wanted to be.
3444. ***You were not asking the tram conductor where you?*** No, but he know the route.
3445. ***Would you describe yourself as a very talkative and communicative man – rather contrary, are you not?*** I do not know how I could describe myself. I leave others to do that.
3446. ***Would not you say you were a person who would not say more than is necessary?***  
I would not say.
3447. ***Do you know the witness Phillips, the conductor, say three times you told him you wanted to go to Menlove Gardens East?*** That may be so.
3448. ***And once you told him, you were a complete stranger in the district and had important business?*** Yes.
3449. ***Had you important business?*** Yes, because it might have meant money to be put into my pocket.
3450. ***And you did not know who the person was?*** No, I did not.
3451. ***Do you know the next conductor, Thompson, says you asked him about Menlove Gardens East and you told him: "I am a complete stranger round here"?*** Yes.
3452. ***And you know the police constable says how you asked him where Menlove Gardens East was?*** Yes.
3453. ***Had you already been told by the young clerk, Green, that there was no such place?*** Yes.
3454. ***And having been told by the police constable there was no such place did you then go to the newsagent, Miss Pinches, and did you speak to her about looking for Menlove Gardens East?*** Yes, I think so.
3455. ***She says that you did?*** Yes.
3456. ***And did you learn from her there was no such place?*** I did.



3457. **As a matter of fact, does it not strike you, looking back upon it now, that all these inquiries were absolutely unnecessary; one simple enquiry of the policeman on point duty would have done it?** No, it does not strike me at all as being out of the way.
3458. **Where is Mr Crewe generally during the day?** At his office.
3459. **And that is on the telephone?** The office is on the telephone.
3460. **You had only to ring up Mr Crewe and find out where Menlove Gardens East was, if it was near him?** I could have done that, but I did not think of it.
3461. **Then again, you see, on the night at the Cafe, you were making so much of the name Qualtrough and talking to two of the members about it as a curious name?** No, I was talking to Mr Caird. It just occurred to me it was rather a peculiar name and I simply asked Mr Caird had he heard of the name and he had, but it was an entirely new name to me. It did not strike me there was anything unnatural in such a conversation.
3462. **Does not the whole thing strike you as very remarkable that a man who does not know you should ring you up for business in another district and expect you to go there, and yet without knowing whether you had gone there or not come and wait outside your house for the chance of murdering your wife?** Yes.
3463. **It is a curious thing, is it not?** Yes.
3464. **It would have been easier for him, would it not, to have given a right address a little further off?** I suppose it would.
3465. **If you had been given a right address, of course, you need not make a number of enquiries, one would have been sufficient. You follow what I mean?** Yes.
3466. **The wrong address is essential to the creation of evidence for the alibi. Do you follow that?** No, I do not follow you.
3467. **If you had been told Menlove Gardens West, the first enquiry would have landed you there?** Yes.
3468. **If you are told of an address which does not exist, you can ask seven or eight people, everyone of whom would be a witness where you were?** Yes.
3469. **So to a man, who was planning to do this, a wrong address would be essential to his alibi?** Yes.

(ADJOURNED FOR A SHORT TIME)

3470. **MR HEMMERDE: Now I think you told Police Constable Williams that when you could not find Menlove Gardens East, you became suspicious and returned home: is that right?** I think so.
3471. **Why did you become suspicious?** Well, seeing I could not definitely find either the man or the place I had an idea that something was not quite right, and seeing that there had been in our own street only fairly recently a burglary and one about possibly eighteen months or two years ago a number of tragedies in the street, I was rather inclined at first to think that something of the sort might have been attempted at my own house. I did not become unduly uneasy.
3472. **Did it not occur to you that the address might have been taken down wrong on the telephone?** I have stated that I have.
3473. **It did occur to you?** It did.
3474. **That was a very natural thing to have happened, was it not?** Yes.

3475. ***But you became suspicious?*** I was uneasy.
3476. ***And so you went home?*** I went straight home, of course.
3477. ***Then when you reached home you expected to find your wife in and a light on in the kitchen; is that right?*** That is what I would expect to find.
3478. ***Did it make you suspicious when you found there was no light in the kitchen?*** Yes, I was still uneasy; I could not understand why there should be no light in the kitchen – I mean in the living kitchen, of course.
3479. ***How were you able to see that there was no light in the kitchen?*** Through the window in the back kitchen.
3480. ***Were you?*** Yes.
3481. ***Do you remember a conversation you had with Police Constable Williams upon that subject?*** Yes.
3482. ***That he said to you when you first came up the yard “Did you notice any light shining through the curtains?”*** That is so.
3483. ***And you said the curtains would prevent the light from escaping?*** Quite correct.
3484. ***Now let us look at the plan of the house. There is the door to the kitchen, is there not?*** Which kitchen do refer to?
3485. ***I refer to the kitchen; that is not the back kitchen.*** Yes.
3486. ***There is a door there separating it from the back kitchen?*** Yes.
3487. ***If that door was shut, how would there be any light from the front kitchen to the back kitchen?*** There would not be any, but I did not say the door was closed.
3488. ***I do not say that, but if it had been closed, there would have been nothing to make you uneasy?*** You could see.
3489. ***What I am pointing out to you is that when you came into the yard, you had no reason to know there was no light in the kitchen?*** No.
3490. ***It was quite impossible to see whether there was or was not?*** Until I tried the door, I did not look through the window in the kitchen.
3491. ***When you tried the door or looked through the window in the back kitchen, if the front kitchen door was shut, you could not see whether there was a light in the front kitchen or not?*** No.
3492. ***Therefore, when you told Constable Williams that the curtains would prevent the light from escaping, it was a fact and with the door of the inner kitchen shut there was no possible way by which you could see there was no light in the kitchen?*** Quite right.
3493. ***So there was nothing to make you uneasy so far as seeing there was not light in the kitchen was concerned?*** Not up to that moment.
3494. ***Not until you got in?*** Yes, there was.
3495. ***What was there before you got in with reference to the light in the kitchen which made you uneasy?*** When I tried the back door on my first attempt in walking away from it, I looked through the back kitchen window and I could see across at the angle that there was no light shining in the kitchen.
3496. ***If the door was shut, there would not have been?*** I had no (unreadable) was closed, and finding no light, naturally made me uneasy.
3497. ***Surely, if she was in the kitchen sitting there making herself comfortable for the evening would you not expect the door to be shut?*** No, not necessarily.
3498. ***But she had a cold?*** Not necessarily.

3499. ***A woman with a cold being left in the kitchen, would you expect her to have the door closed?*** Yes.
3500. ***I put it to you that when you say you were made uneasy by seeing no light in the kitchen you were not in a position to see whether there was or was not?*** I was.
3501. ***When were you looking through the window in the back kitchen?*** After my first attempt to open the back kitchen door.
3502. ***Before the Johnstons had seen you?*** Yes, before I went round to the front door the second time.
3503. ***Then is this the fact, that when you could not get in the first time you looked through the window and that made you uneasy?*** I think that was the order of it.
3504. ***Is that so; do you know? When Mr Roland Oliver was examining you just now, you said "When I could not get in I thought nothing. When I knocked at the back I thought she might have gone to the post"?*** That is quite possible.
3505. ***Then you were not uneasy?*** I was both uneasy and not uneasy. If you can follow me. It was a very difficult position, and I did not quite know exactly what I did think.
3506. ***You made your usual knock at the door?*** Yes.
3507. ***You knew she might have gone to the post?*** I thought she might have gone, or might be upstairs. I did not know quite what to think.
3508. ***You were uneasy at the tramway junction?*** Yes.
3509. ***And you continued uneasy on the way home?*** Yes, but I was not unduly alarmed.
3510. ***Not unduly alarmed?*** No, I do not think so.
3511. ***Do you swear that you were talking to nobody outside?*** I do.
3512. ***You know who Miss Lily Hall is, do you not?*** Until she appeared in the witness box, I never saw her to my knowledge.
3513. ***You had heard of her, had you not?*** No.
3514. ***Through your wife?*** No.
3515. ***Someone called Hall you had heard your wife talk of in connection with the church?*** Yes, but I do not know this one.
3516. ***She says she has known you for many years by sight?*** Possibly, I do not know.
3517. ***And you would have been passing along there at that time, but not talking to anyone?*** Yes, not talking to anyone.
3518. ***I am putting to you that you had not reason to be suspicious when you returned home because you knew?*** Knew what?
3519. ***What exactly had happened in the house?*** How could I know?
3520. ***Both doors were locked?*** Yes.
3521. ***You heard Police Constable Williams say you said "My wife accompanied me to the back door and walked a little way down the entry with me. She returned and bolted the back yard door". You never said that?*** Yes, I did, but I cannot swear that she actually bolted the door because I did not hear it.
3522. ***Do yourself justice and listen. "My wife accompanied me to the back door and walked a little way down the entry with me".*** I do not accept that.
3523. ***Did she do that?*** No.
3524. ***Did you tell him that?*** I do not think so.
3525. ***You heard him distinctly say you told him that, because he thought at the time when her back was turned someone had got into the house?*** I heard him say that.

- 3526.** *And you say you did not say that?* I am sure, because my wife would never come down the back street with me; we always parted at the back door. I feel convinced that what I said to Police Constable Williams was: "She came down to the back door and bolted it after me".
- 3527.** *What did you say to him? Repeat that.* "My wife followed me out of the house to the back yard door and bolted it after me".
- 3528.** *Did you hear her bolt it?* No, I did not.
- 3529.** *When you went and you found that the back door would not open, did that increase your uneasiness?* Yes, it made me feel that things were not quite right.
- 3530.** *Had you been to the front first?* Yes.
- 3531.** *What had been your experience with the lock there; that it had just slipped back and would not open?* No, I could not make my key turn at all on the first occasion.
- 3532.** *Suppose it was bolted, could you make your key turn?* Ordinarily, yes.
- 3533.** *Then there would be nothing to prevent the key turning; the bolt is in no way connected with the lock?* No.
- 3534.** *You could not make your key turn?* That is so.
- 3535.** *Did you know that your lock was out of order and wanted coaxing?* We had trouble with it from time to time for quite a long period; it had occasionally got stuck, and we had had to oil it on purpose, but we never had had any difficulty in getting in.
- 3536.** *But occasionally when you turned too far the catch slipped back?* No, I never had that experience with it.
- 3537.** *On this occasion in the front door, you could not turn the key at all?* At first, no.
- 3538.** *At the back door what was your position?* I tried it. I got hold of the knob and it would not happen; the bolt would not slip back.
- 3539.** *Is it you view that the door there was locked or bolted?* No, it is not; not now. I probably thought so at the time, but on considering it, I think I am wrong in that view, because I think that the thing had stuck, as it did on many occasions. It was usual with the back door.
- 3540.** *As a matter of fact, this was a lock that often stuck?* Yes.
- 3541.** *And you now think that is what it was doing on this occasion?* I do.
- 3542.** *As it was a thing it often did, what made you so uneasy? It did increase your uneasiness, did it not?* It was unusual for me to go to the front door and find I could not open it, and when I went round to the back and could not open it and got no answer to my knock then naturally I was a little bit uneasy.
- 3543.** *At the time, you thought the back door was locked?* I think at that moment I rather had that opinion.
- 3544.** *When did you cease to have that opinion?* I do not know.
- 3545.** *Then let us be quite clear. The result of your investigations leaves you now under the impression that the front door was locked and the back door was stiff? That is so, is it not?* I now know, of course, the front door was actually bolted.
- 3546.** *Very well, bolted if you like, and the back door stiff?* Yes.
- 3547.** *You know you did tell Police Constable Williams that you tried the front door and found it bolted? You remember that?* Yes.
- 3548.** *That is what you are saying now?* Yes.

- 3549.** *Do you remember having a long conversation with Superintendent Moore when he showed you how the door worked?* I do not remember the conversation, except that I knew we did have a conversation. I mean to say, I do not remember the details of the conversation; I know there was a talk.
- 3550.** *You remember him asking you – I will have the exact words – about the working of that lock. Is this what happened: Superintendent Moore and Inspector Gold were together, and did they call you out and ask you for your door key?* Yes, I think that is correct.
- 3551.** *Did Mr Moore then try the key in the lock?* Yes, I think so.
- 3552.** *And found that the lock would turn to a certain point but if the key were turned too far round the lock would slip and the door again be locked?* Yes.
- 3553.** *In your presence?* Yes, that was my own experience.
- 3554.** *That had been your experience?* On the second occasion on which I went to the door.
- 3555.** *And on previous occasions?* No; as I said before, never.
- 3556.** *But that had happened to you on the second occasion when you went to the door?* Yes, on that night.
- 3557.** *He says he tried the key in the lock and opened the door and entered the house. Then he said to you: "I could open the door all right, but the lock was defective", and you said: "I was not like that this morning"?* It was not, as far as I could tell you. I had entered the house on the previous night at about half-past ten, when I came from the Chess Club, and had no difficulty in opening the door.
- 3558.** *Did you say a word to him about it having been locked, bolted? He has sworn you did not?* Did I say what?
- 3559.** *A word to him about that front door having been bolted?* I cannot say whether I did or not.
- 3560.** *Did you say a word to him about your experiences with the lock the second time you went there being the same as his?* I cannot recall it.
- 3561.** *All you did say to him was: "It was not like that this morning"?* Yes, I think I did.
- 3562.** *I put it to you that until he pointed out that he knew how the lock was working you had never suggested that it worked in that way?* I may not have suggested it, but I knew that it was so.
- 3563.** *Now see what you said when it came to your statement on the 20<sup>th</sup>, Exhibit 42. This was after he had pointed this out to you. "I then went back to the front. I was suspicious because I expected my wife to be in and the light on in the kitchen. I tried my key in the front door again and found the lock did not work properly. The key would turn in it but seem to unturn without unlocking the door". I put it to you that in that statement you had merely dictated what you had seen him do that night?* No, I simply told the truth.
- 3564.** *But you never told him you had had such an experience with the key?* I have had a lot of experience with it I have not been able to tell anybody.
- 3565.** *And did you tell him that that door was bolted?* I cannot remember.
- 3566.** *You see, I am putting to you that neither of these doors was either bolted or locked, and that this suggestion that they were bolted was purely play-acting?* You may think so, of course, but you are wrong.
- 3567.** *Had you ever knocked at the front?* That night.

3568. **Yes?** Yes.
3569. **Loudly?** Very gently.
3570. **Was it your ordinary knock at the door?** Yes.
3571. **And it had attracted not attention?** No, I got no reply.
3572. **Did you knock loudly or call?** No, I did not call.
3573. **Your wife's bedroom would look down on the yard?** Yes.
3574. **There was a small light in it?** There was.
3575. **Did you think of calling to her?** I did not.
3576. **You did not call in the front?** I did not.
3577. **You knocked gently?** I did.
3578. **When you went round the second time and found the key was not working properly in the door or the lock was not working, did you call then?** No.
3579. **Not at all. Then we know when the Johnstons came the first question you asked then was "Have you heard anything unusual tonight"?** Yes, that is quite correct.
3580. **Did you really think, merely because you could not unlock the doors at once, that something terrible had happened then?** I did not know what had happened; I simply knew that I could not get in either the front or the back, and that was an unusual circumstance to me, and I simply enquired of my neighbours if they had heard anything unusual.
3581. **What would have happened if she had gone to the post?** I would be in the same position, I would not be able to get in but the chances are she would not have bolted the door.
3582. **She might?** No.
3583. **You did not know when you saw the Johnstons that she had not bolted the back door?** No.
3584. **So this is the position: You are outside there, your wife may have gone to the post and you asked the neighbours: "Have you heard anything unusual"?** Yes.
3585. **Then there is one other question I want to put to you upon that. Do you remember Inspector Gold asking you whether you thought there was someone in the house when you got back? I think that was page 53. That was when the statement Exhibit 42 was taken. Do you remember him asking you if you thought anyone was in the house when you got back, and do you remember your answer?** No, I do not.
3586. **"I thought someone was in the house when I went to the front door because I could not open it, and I could not open the back door". Do you remember saying that?** No, I do not.
3587. **Do you still think that when you were there you thought there was someone in the house?** No, I do not.
3588. **You have given up the theory?** Yes.
3589. **Did you ever believe it?** I might have done at the moment.
3590. **Did you ever believe that someone was in the house and had unbolted the door there?** At the moment I did.
3591. **And then gone out through the front door: was that your idea?** No.
3592. **Do you know that it was late that evening when you had found out that the front door was bolted, according to you?** Yes.
3593. **You see, I put it to you that you did not believe that either of these doors could not be negotiated? You understand that? Now I pass to another point, the bar of iron. You**

- have heard Mrs Draper say that for nine months she was been there every week, and that has been by the gas stove either standing up or lying down?* I heard so.
3594. *Are you a smoker? You are; you smoke cigarettes?* Yes.
3595. *It was kept to clear out cigarette ends and other things from underneath the gas stove? I heard her say that.*
3596. *You also heard Professor MacFall say that this would be exactly the sort of thing that could be used?* I heard him say that.
3597. *You used that room whenever you used a room for music?* Yes.
3598. *And in the winter, you would have the fire lighted?* Yes, frequently.
3599. *Have you seen one like that before?* No, not one like it.
3600. *You have never seen a bar of iron such as Mrs Draper referred to?* I have not.
3601. *You realise how very easy it would be to get rid of it, do you not?* I do, yes.
3602. *Do you remember, when Mrs Johnston was there, suddenly saying to her what you heard her say yesterday, that you glanced round the room and said "Whatever have they used?" Do you remember saying that?* No, I do not remember that.
3603. *Why should you have assumed that something in the house had been used to murder your wife?* I do not know that I did assume that.
3604. *You realised – I realised that my wife had been struck by some weapon; that is all I can say.*
3605. *And your suggestion is that obviously she had been struck by a man who had arranged for your absence?* Quite.
3606. *And yet you glance around the room and you say "Whatever have they used"?* Quite naturally.
3607. *You think that is quite a natural remark to make?* I do.
3608. *Now I will pass to another point, and that is the mackintosh, about which I want to ask you something. When was it that you first noticed the mackintosh?* Either the second or my third visit to the room. I think the second.
3609. *The second or third visit to the room?* I think that was with Mrs Johnston. The first visit I had not time to see anything at all; I simply saw that she was lying there and I lit the gas and rushed out.
3610. *You are quite clear that you did not notice it when you first of all came and found your wife there?* Yes, I think I am satisfied I did not.
3611. *When did you become satisfied of that?* I cannot really tell you precisely at what moment I did.
3612. *Just listen to what you said. "On the evening of the 20<sup>th</sup> when I discovered my wife lying on the floor, I noticed my mackintosh lying on the floor at the back of her". I cannot remember whether it was my first or second visit.*
3613. *That was your recollection on that night?* That looks more likely to be correct than my statement now.
3614. *On that night, your recollection was that you had noticed it when you discovered her on the floor?* After I had lit the gas?
3615. *Yes?* That is so.
3616. *Then when Mrs Johnston was there later with you, you say to her, as she says, bending down and looking at it, "Whatever was she doing with my mackintosh?" As though you were making a discovery. You had already discovered it?* I do not think my

statement implied that I was making a discovery for the first time. It was a natural query to me. It was there, and I wondered what the dickens she was doing with it.

3617. *You noticed that I was careful to get from Mrs Johnston as to whether you knelt down and examined it, and she described what you did?* Yes.
3618. *You remember her husband had never seen it, and she did not till you pointed it out, and the impression you made upon her was that you had just discovered it?* I do not know what impression I made upon her.
3619. *But you had not just discovered it?* Evidently not.  
*MR JUSTICE WRIGHT: All she said was that she noticed it first when he fingered it.*  
*MR HEMMERDE: Yes, my Lord; I was not sure; therefore I did not put it. I think she said she happened to look and he fingered it.*  
*MR JUSTICE WRIGHT: Yes.*  
*MR HEMMERDE: You see what I am putting to you. If you were describing things that really happened, you would be accurate, like when you said your wife went down the entry and things of that sort. Here you may be wrong about what you said that night about having noticed it when you first came in; but what I am putting to you is, you said it that night, apparently giving her the impression as though you had made a discovery – “Whatever was she doing with my mackintosh”.*  
*MR JUSTICE WRIGHT: No, I do not remember that. She was not asked about what her impression was: she simply described what she saw.*  
*MR HEMMERDE: I have it down: “Whatever are you doing with my mackintosh?” He stooped down and fingered it and she said “Is it yours?” And he said “Yes, it is mine”.*  
*MR JUSTICE WRIGHT: But she did not say anything about what her impression was.*  
*MR HEMMERDE: Very well, my Lord.*  
*MR JUSTICE WRIGHT: I heard no evidence of any impression.*  
*MR HEMMERDE: My Lord, I could not ask her what her impression was.*  
*MR JUSTICE WRIGHT: No, I know.*
3620. *MR HEMMERDE: Then I will not put it in that way. (To the witness): Then later you say that it is an old one of yours to Police Constable Williams and Sergeant Breslin, and you know that Mr Johnston says that he never saw it at all; Mrs Johnston says that she never saw it until it was pointed out; Constable Williams says that he never saw it until the second light was lighted. You heard that?* I have heard a number of pieces of evidence.
3621. *But you noticed it at once, according to your statement that night?* Yes, I accept that.
3622. *You say that going into that room you lighted the gas on the right because you always light that one?* Yes.
3623. *By the time you went across to light it you had actually seen your wife lying on the floor?* Yes, I had.
3624. *When you stood at the door, it is correct, is it not, that with the kitchen door open and the light on you can not only see into the room but can actually see the subject-matter of the pictures in the room?* I rather question that.



- 3625.** *Evidence was given yesterday by people who had just tried it. I put it to you that unless you thought there was someone lying on the floor you had not reason to strike a match you could have gone straight over and lit the gas?* I very rarely went into the room without striking a match to light the gas.
- 3626.** *That would be your usual habit?* Yes. There were a number of things about and you might blunder into a chair or knock something over.
- 3627.** *You get there and you go into the room and you strike a match. Then you see your wife lying there and you go across and light the gas. That is the order, is it not?* Yes, that is right.
- 3628.** *Had your wife ever had fits?* No, she had never actually had a fit. She was subject to heart attacks, but I have not actually seen her have a fit. She was not very strong, and I have now her to be sitting in the kitchen and have to be taken upstairs to bed having had an attack, but she has not had a fit, although that was my impression when I saw her. I held the match up and thought she must have had a fainting fit and fallen.
- 3629.** *When you saw her, was not your fist impulse to dash forward?* My first impression was so see what had happened.
- 3630.** *And you lit the gas.* Yes.
- 3631.** *In a room, I put to you, not badly lighted?* I do not agree with you; it was not well lit at all.
- 3632.** *When you had lighted the gas and you had found her lying there did you then move towards her with a cry of affection or pain or anything?* Yes.
- 3633.** *Did you?* Of course, I did, but I did not shout out or cry out.
- 3634.** *How long did you stay there before you went out to the Johnstons?* Possibly half a minute. I simply felt her hand and then rushed out.
- 3635.** *And then you came back?* Yes, I came back.
- 3636.** *You know that in this house you have heard it stated there was no evidence whatever of breaking in?* Yes, that is so.
- 3637.** *And no evidence that anything was taken except the £4 that you say were in the cash box?* That is so.
- 3638.** *No evidence that the drawers upstairs had been rifled?* No, no evidence, as far as I could see, I do not think anything was.
- 3639.** *The notes upstairs in the vase had not been touched?* No.
- 3640.** *The dollar note in the cash box had not been touched. Did you see the condition of the front bedroom?* I did.
- 3641.** *Did that strike you as having been genuinely tumbled by a thief or arranged by an assassin?* It did not strike me either way.
- 3642.** *It did not?* No.
- 3643.** *Your suggestion is this, I understand; this is your theory as outlined by Mr Oliver: that someone came there, introduced himself, was allowed to come in, had the fire lighted for him in the parlour, and as your wife leant down crashed her head: is that it?* That is the suggestion, I think.
- 3644.** *And having done so, and struck her eleven blows in all, turned off the gas fire and went out?* I do not know what he did.

3645. **Does that strike you as being a probable thing, that a man would remember to turn off the gas and go out?** In view of the fact that the mackintosh had been burned, I should say "Yes".
3646. **I was accepting for a moment the mackintosh was burned there. Your wife's dress, you know, was burned there?** Yes.
3647. **You know that?** I have only seen it here.
3648. **You have heard from the officer that it was burnt in the front although it might have been at the side?** Yes.
3649. **It was a difficult thing to come across the feet like that to the gas, but does it not occur to you as strange that a total stranger coming there murdering your wife should have troubled to turn off the gas?** No, not very improbable. I expect he would turn off the incandescent light and he would see then that he had left the stove on and it would be natural that he would turn that off too.
3650. **Why, because to someone passing it would show a reflection, showing the house was inhabited; why turn it off?** I cannot explain his actions at all.
3651. **I am putting to you that the whole theory of a thief is absolutely countered by everything you find in the house. You have already said you do not seriously suggest that Parry or any of the others whom you mentioned in Exhibit 44 have anything to do with the murder. There are one or two other things I want to ask you, but not many more. There is one other thing of which I am reminded. Of course, you know that the thief had left the money in your wife's bag untouched?** Yes, I know that.
3652. **He had not been very thorough?** No, I should not think so.
3653. **Your idea is that he came for your weekly debit?** Yes.
3654. **Do you imagine he was looking in the bed upstairs for that?** No, I do not.  
**MR ROLAND OLIVER: Is that a proper question to put to a man on a criminal trial – "Do you imagine he was looking in the bed"?**  
**MR JUSTICE WRIGHT: It does not matter.**
3655. **MR HEMMERDE: When you went upstairs, you found the light turned down in your bedroom?** Yes.
3656. **Not turned up by any thief; nothing, apparently, had been done in there at all?** No, nothing.
3657. **You had no recollection of having left it on when you went out?** Yes, I do, I remember quite distinctly.
3658. **That is not what you said originally?** We always left it on if either of us went upstairs in the evening to wash or do anything; the gas was never turned out, it was left on.
3659. **That was a long habit of yours, you say. Just remember what you said to Police Constable Williams about that. "Was that light burning when you entered the house?" That is the middle bedroom. Did you reply to him: "I changed myself in this room before leaving the house and probably I left the light on myself"?** Yes, that is quite right; that is probably what I would do.
3660. **Did you ever tell him you were in the habit of leaving it on?** I do not know.
3661. **Now I want to come to the case of Mr Beattie. Why should you recognise it as an indiscretion to press Mr Beattie as to the time of that call?** If I was a suspected person, I

realised that it was unwise for me to be discussing the case with a man who might possibly be called as a witness in any charge.

**3662. Mr Wallace, you were a man who had lived for 15 years with it, happily with your wife?** Yes – 16 years.

**3663. Do you mean to suggest to my Lord and the jury that you ever had the slightest fear of anything the police should find out?** No, I have no fear at all of what the police could find out.

**3664. You had none?** No.

**3665. Then why should you have been in the slightest degree worried about any indiscretion?** Because I realised that I was being suspected, and anything I might have done or might have said might be misconstrued.

**3666. I put it to you that at this time the police were treating you with every consideration all that week, is that right? You were there for many hours, but you were there to be helpful.** I was there to give such information as I could.

**3667. Were you being treated with every consideration?** I was not allowed to leave when I wanted to.

**3668. Were you given meals?** I was, because I was not allowed to go out for them.

**3669. Because they were working at high pressure?** No, that was not the excuse.

**3670. Was a single thing said to you that you were suspected?** Not said, but when I realised that that conversation with Mr Beattie was known to the police it occurred to me I was followed.

**3671. Did it occur to you that Mr Beattie might have passed the conversation on?** I do not think it did, but my impression was the other way about.

**3672. As a matter of fact, is this true: you had only one meal, and that was because you wanted it there?** No, it is not.

**3673. How many did you have?** I cannot tell you, it is so long since.

**MR ROLAND OLIVER: He had one meal.**

**MR HEMMERDE: My Lord, I put "meals" and I was corrected, and I at once put what was right.**

**MR JUSTICE WRIGHT: There is no doubt that there are many things you can probably ask, but the question how may meals he had, or if he had any, is not of the slightest importance.**

**3674. No, my Lord – only the conversation about indiscretion which I challenge; which I think I ought to put to him to ascertain the frame of his mind at that time. (To the witness): I will not pursue that matter any further: I will just put three or four questions to you to finish, and they are these. When you got that message originally from that telephone box, it being a totally unusual thing in your life, did it ever strike you at all to make an investigation before you went the next day?** Yes, it did occur to me.

**3675. But you did not make them?** I did not make them

**3676. Did you, as well as knowing Menlove Avenue, know of the address "Menlove Gardens"?** I had never heard of it before.

**3677. You had not?** No.

3678. **And you now say that when you came back from Menlove Avenue that night, and that district, you are convinced that the front door was bolted, but now that the back door was only stiff?** Yes, that is so.
3679. **I put it to you that that front door was in the condition it had been for a very long time, and the back door was the same?** As far as the locks are concerned, yes, that is so; the back door had been like that for years, sticky.
3680. **And the front door? The front door had been out of order for quite a while, but not seriously, and I had not had that experience before.**
3681. **Had you ever known before the key not to turn in the lock?** No, and we had not been unable to get in with our keys.
3682. **How long were you trying altogether to get in that night?** Not many minutes – possibly half a minute on the first occasion and I would go round to the back, possibly four or five minutes altogether, not more, till the Johnstons came out of their home.
3683. **You could not open that door?** Which door?
3684. **That front door?** No, I could not get it open.
3685. **But you saw the Superintendent opened it at the very first time?** Yes, that is true.
3686. **Close the door and go out in the street and open it without any difficulty?** But I could not open it because the bolt was on it.
3687. **But the key?** I said the key slipped back.
3688. **You never told him that?** I do not know whether I told him that, but I tell you that.

RE-EXAMINED BY MR ROLAND OLIVER.

3689. **In your very first statement taken on that morning of the murder, this passage occurred: "I arrived at Wolverton Street at 8.45 I pulled out my key to open the front door and found it secure".** Yes.
3690. **Whether you told him of that I do not know, but that is the expression. Reams of statements have been taken from you? Can you profess to recollect word by word all the things you have said?** I cannot.
3691. **Can you recollect anything you have purposely told the officers that was not true?** I cannot.
3692. **My learned friend asked you at the beginning of his cross-examination whether if you were going to play the violin and be together you would not have gone and played in that room, and you said you would and the fire would have been lit and the light put on. Do you remember?** Yes.
3693. **My learned friend suggested that there might be two scores on the piano, one for the violin and one for the piano. When you play the violin, do you use the music stand?** Yes.
3694. **There is a music stand there?** Yes.
3695. **When you were playing the violin with your wife were you accustomed to do it when you were naked in a mackintosh; was that your habit?** What was that?
3696. **To play naked in a mackintosh?** I have never played naked in my life.
3697. **I have the diary. With the suggestions that are made, my friend has asked you about two questions from your diaries. Have they been in the possession of the police**

*since your arrest?* I do not know the precise date; they were taken from the house, but shortly after the murder was committed.

3698. *There are four of them?* Yes.

3699. *You were asked as to whether you had been to a place called Calderstones which was put to you to show that you had been there twice and would have to go through Menlove Avenue?* Yes, that is so.

3700. *With regard to one thing that is in the diary, it is suggested that in this week you had only got £4. You told us in chief before I had your diaries that you were ill on the Saturday and could not remember; do you remember?* Yes.

3701. *Here is your diary: "Saturday, January 17<sup>th</sup>. Had a slight attack of 'flu all day and did not do my usual collection. Prevention is better than cure. Steeped my feet in mustard and hot water followed by a cupful of whisky and hot water". Is that your entry?* Yes.

3702. *The next day, these are your very last entries, and I am reading it for that purpose, before the 20<sup>th</sup>: "Mustard worked wonderfully" etc, (reading to the word) "Chill". Then you talk about the people you had to see you and a lot of scientific points. You were interested in scientific matters, were you not?* Yes.

3703. *Then finally on the Sunday: "Have not touched the fiddle all day. It is unusual to let Sunday go by without some practice"?* Yes.

3704. *It is suggested that you never told the police about having visited Mr Crewe's house on the evening of the 20<sup>th</sup> when you found yourself in Green Lane. It seems you never did mention it in any of your statements, but were you telling the police the names of all the people you had spoken to in order that they might trace your movements: is that what you were doing?* Yes.

3705. *I think I can now show the passage in your statement; it is on page 6 of the exhibits, where you say, I think, "Those are all the people I spoke to at Allerton". Did you hear Mr Crewe say at the police court giving evidence (my Lord, Mr Crewe can be recalled) that he had been out on that night?* I think so.

3706. *In fact, did you see anyone at his house?* I did not see anyone, I got no answer.

3707. *The police suggested that when your kitchen lights are alight you can see quite well in the sitting room. You say you do not think you can?* Not very easily, no.

3708. *You live in the house, but I think it was said that some experiments were made by the police the day before yesterday. Do you know – I suppose you do not know; you have been in custody – that the gas was cut off on the 18<sup>th</sup> February, so for the police test they had to put a special supply on, and when we went last night there was not gas and we could not make any test.*

**MR JUSTICE WRIGHT:** *No, you could not make any test; I do not think it is very important.*

3709. **MR ROLAND OLIVER:** *No, my Lord. (To the witness): It has been finally suggested to you that the front is a curious place for your wife's skirt to be burned if she fell on the floor. Did Bailey give this evidence at the police court: "There were three horizontal burns which could have been caused by contact with fireclay of a gas fire such as is at Wolverton Street". Do you remember that?* Yes, I remember that evidence.

3710. **MR ROLAND OLIVER:** *That is your own case?* Yes.

## PROFESSOR JAMES EDWARD DIBLE SWORN. EXAMINED BY MR ROLAND OLIVER.

3711. **What is your full name?** James Edward Dible.
3712. **I think you are, amongst other things, a Fellow of the Royal College of Surgeons?**  
Yes.
3713. **I think you are a Professor of Pathology at the Liverpool University?** That is so.
3714. **I think you have heard to whole of the scientific evidence given in this case?** I have.
3715. **With regard to rigor mortis as a means of ascertaining the time of death, what do you say about it as to its being a reliable or unreliable test?** Taken by itself it is a very unreliable and inaccurate guide to the exact time of death.
3716. **Does it vary with intervals?** Yes, considerably.
3717. **Taking it generally, a frail, ill-developed, from a muscular point of view, body, with such a woman as this, 53 years of age, would that tend to accelerate or retard it?** It would tend to accelerate it.
3718. **You heard Professor MacFall say that when he first examined the body in the neighbourhood of 10 o'clock there was stiffening of the neck and some stiffening of the left upper arm. I know there must be large limits either way, but what time would that indicate to you was most likely the time of death – what time would it be consistent with death?** Putting myself, as far as possible, in Professor MacFall's position, I should be inclined to estimate death at something under 3 hours or 4 hours previously.  
**MR JUSTICE WRIGHT: What time is that, 10 minutes to 10 or 10 to 1?**  
**MR ROLAND OLIVER: He arrived at about 10 to 10. I do not know what time he put the rigor mortis at.**  
**MR HEMMERDE: Before 1 o'clock.**  
**THE WITNESS: It would be under 3 hours, over 4.**
3719. **MR ROLAND OLIVER: That would mean it might be after 7 or it might be before 8?**  
Yes.
3720. **So wide a variation as that?** Yes.
3721. **MR JUSTICE WRIGHT: I suppose it is very difficult to say exactly?** Yes, my Lord. It is an enormously difficult subject full of pitfalls.
3722. **MR ROLAND OLIVER: Would you yourself ever set out to express an opinion from rigor alone as to the time of death or would you take other things into consideration?** I should naturally take all other possible means of estimating the time of death into consideration.
3723. **And put them all together?** Yes.
3724. **What is the usual method adopted in such cases?** The rectal temperature of the body at the time it was found.
3725. **That was not taken?** I gather not.
3726. **If you had been setting out to estimate the time of death would you have take that temperature?** Certainly.
3727. **In your view, should it have been done?** Certainly.  
**MR JUSTICE WRIGHT: What Professor MacFall gave by way of description is what he found at 10 to 10?**  
**THE WITNESS: Yes, my Lord.**

**MR ROLAND OLIVER: I am asking him as shortly as I can, my Lord.**

**MR JUSTICE WRIGHT: You are quite right.**

**3728. MR ROLAND OLIVER: It is the rapidity of the onset of rigor and the rapidity of its completion that throws light upon the rapidity with which it has probably come on?** In general terms, yes, but the more rapidly it comes on the more rapidly it goes to completion.

**3729. Would you expect anyone who was observing the progress of rigor from the point of view of calculation of the time of death to take notes of his observations?** I should certainly do so in my own case.

**3730. Does the rapidity of the passing off of rigor throw any light on the rapidity of its onset?** It may give some indication but not a very accurate one, not very helpful.

**3731. Your evidence comes to this, that judging as well as you can from the material before you, death might well have taken place after 7 o'clock.** Yes.

**3732. Or very well before?** Yes.

**3733. But you cannot say with any degree of certainty when it took place on these materials.** No.

**3734. Now let me come to something else. You have heard a description of the blows that were stuck upon this unfortunate woman's head?** Yes.

**3735. The first one when she was probably half way up, the others when she lay on the ground?** Yes.

**3736. We must all agree there would be a certain amount of spurting of blood. What do you say as to the likelihood of an assailant being covered with blood from that operation?** I should say he could hardly escape being spattered and covered with blood all over.

**3737. Illustrated by the walls of the room the sort of splashes blood makes when it is quite a fresh squirt, the round obvious marks. Would fresh blood squirting impinge upon such a thing as a mackintosh and make a similar mark?** Yes, it would.

**3738. Have you looked at this mackintosh?** Yes.

**3739. Did you find such a mark?** I was shown one.

**3740. Do you think it is one?** It might be interpreted as one.

**MR JUSTICE WRIGHT: As what?**

**THE WITNESS: A squirt or fallen clot on that garment.**

**3741. MR ROLAND OLIVER: Beyond the two, which I will deal with in a moment, did you see any on the mackintosh?** No, I did not see any on the mackintosh.

**3742. I think Professor MacFall might be trusted to have shown us any if there were any there. Are those marks of blood on that mackintosh that you saw yesterday consistent with being drips?** Yes.

**3743. Dropping from an open wound on to that coat?** Yes.

**MR JUSTICE WRIGHT: It was said some might be due to lying on the hearthrug; I do not know.**

**THE WITNESS: It is only those two particular ones, my Lord, that Professor MacFall said were typical.**

**MR JUSTICE WRIGHT: You also said they might be consistent with drips.**

3744. **MR ROLAND OLIVER: Merely a drip. Which do you favour of those two? Do they look to you more like squirts or drips?** I cannot say.
3745. **MR JUSTICE WRIGHT: They might be either?** Yes, my Lord.
3746. **MR ROLAND OLIVER: With regard to the clot of blood, have you any view to express about whether blood only shed two minutes dropping from a height of 15 inches on to a hard substance like a porcelain pan would retain the shape that has been described to be the shape, one-third as high as it is wide?** No, not in my experience. It would flatten.
- MR ROLAND OLIVER: I am calling other evidence about this, my Lord.**
- MR JUSTICE WRIGHT: A drop of fresh blood, do you mean?**
- MR ROLAND OLIVER: Yes, my Lord, shed within a few minutes.**
- MR JUSTICE WRIGHT: Two or three minutes or so after?**
- THE WITNESS: Yes, my Lord.**
3747. **MR ROLAND OLIVER: Have you any view to express as to how old the blood would have to be before it is sufficiently solid to be able to drop and to retain its form?** I should put it as a matter of hours.
3748. **If you drop an absolutely fresh drop of blood on a thing like a porcelain pan what happens to it?** If it drops from a height, it splashes and if there is anything near at hand, it makes a flattened blob like a saucer upside down.
3749. **It would make a kind of hemispherical blob. It has been said that adjacent to this clot on the pan was a sort of smear, a pinkish smear. Assume that the pan ran like that (illustrating) would that account for the smear?** I think it would be accounted for by the thin red corpuscles coming in contact with moisture and then thinning away by capillary action.
3750. **Running down the hill, as it were, just sufficient to make it run?** Yes.
3751. **There is one other thing Professor MacFall said, calling attention to the condition of the blood in the room. There was only a little serum exuded and that had an effect in his time test. What do you say as to the amount of serum you would expect after giving your own time, 3 hours?** The exudation of serum should be proportionate to the amount of blood present.
3752. **We are told what it was altogether; we are told altogether probably a pint and a half?** I should expect a considerable amount of serum.
3753. **Have you had a very recent experiment?** Yes.
3754. **While this trial has been going on?** Yes.
3755. **What happened in that case?** It was the case of a man who died a violent death. His skull smashed and in that case, in 2 and a half hours, there was a very abundant exudation of serum from the blood round the head.
3756. **That case happened since you have actually been listening to the evidence in this case?** Yes.
3757. **And did you specially observe it for that record?** I did.

CROSS-EXAMINED BY MR HEMMERDE.



3758. *I understand that so far as the rigor mortis is concerned you take 3 to 4 hours as being the limit?* I said in regard to the condition in this case as detailed by Professor MacFall.
3759. *That is what I meant, 3 to 4 hours?* Something under 3 to over 4 hours.
3760. *That is within those limits. As regards the mackintosh, you noticed these two marks which were pointed out. I suppose with the usage that that mackintosh has had, being pushed under the body and all covered with blood it is very difficult to say there might not be very many marks?* Certainly.
3761. *They might disappear with usage like that?* Yes.  
*MR ROLAND OLIVER: The learned Recorder should not assume that; it is one of the matters for the jury.*  
*MR HEMMERDE: It is proved it was all bundled up together.*
3762. *If it was in that condition, all bundled up together and get covered with blood, would that mean that a good many of those marks might disappear?* Yes.  
*MR JUSTICE WRIGHT: How would they disappear?*  
*THE WITNESS: They might be rubbed off.*
3763. *You say the blood marks might be rubbed off?* Yes, my Lord, if it was subject to rough usage.  
*MR HEMMERDE: If it was made into a roll as, you have seen it.*  
*MR JUSTICE WRIGHT: It would be preserved from any contact.*  
*THE WITNESS: That is so, my Lord.*
3764. *MR HEMMERDE: As regards clotting, have you tried any experiments with fresh blood, blood under two minutes old and over ten minutes as Mr Roberts said he had done?* Yes.
3765. *Have you tried many?* A number.
3766. *For the purpose of giving evidence here, you made the tests?* Yes.
3767. *MR JUSTICE WRIGHT: Did you hear Mr Robert's evidence?* Yes, I did, my Lord.
3768. *Does that cause you to modify your view or not?* No, it does not, my Lord.
3769. *MR HEMMERDE: What Mr Roberts said was that blood two minutes old was dropped by him in the form that he showed. You heard what he said?* Yes.
3770. *Your experiment was different to that?* Quite.
3771. *You have made your experiments on this matter with a view to this case, (as you have here)?* Certainly.
3772. *It is a surprising difference between your experiments and his?* Yes.
3773. *Was your surface that you were experimenting upon damp?* No.
3774. *Was it a porcelain surface?* Yes.
3775. *Just the same as this?* Yes.
3776. *At what height were you trying the experiment?* All heights.
3777. *Did you try one at 15 inches?* I do not know that I actually tried 15 inches, but I tried larger heights and smaller heights.
3778. *And under those circumstances did you get the result Mr Roberts got on 15 inches?* No. I got a flattening out in every case where the blood had not coagulated.

3779. *I suppose you would agree with Mr Roberts that if the blood was more than two minutes old it would be easier to get the results that he has suggested?* More than 2 minutes is rather a vague period.
3780. *Well, say five or four?* No, I do not think so.
3781. *MR JUSTICE WRIGHT: You say unless the blood coagulated possibly it would to some extent. What time do you think is necessary to produce that coagulation?* If you use a conical clot, I think a question of hours, my Lord, at least an hour.
3782. *That means the coagulated little bit of blood dropped from a height of a couple of feet or so would form not exactly a hemisphere but something such as was found here?*  
Yes, my Lord.
3783. *You say not less than an hour?* That is my experience, my Lord.
3784. *MR HEMMERDE: Is there a difference between the time in which male and female blood coagulates?* No.
3785. *None?* Not an appreciable difference.
3786. *Is it not a difference in the proportion of 3 minutes to 4? The female blood coagulates in 3 to the extent that a male would in 4?* I do not know.
3787. *Is it not a well-known psychological fact that that is so?* I have never observed it.
3788. *Did you make some observations in this case taking blood 4 minutes coagulated?*  
No.
3789. *You did not?* No.
3790. *MR JUSTICE WRIGHT: Would it coagulate at all, according to your view, in 4 minutes?* No, my Lord, probably not.

**DR ROBERT COOPE SWORN. EXAMINED BY MR ROLAND OLIVER.**

3791. *Is your name Robert Coope?* Yes.
3792. *You have various medical degrees which I need not trouble with.*
3793. *You practice at 13, Rodney Street, Liverpool?* Yes.
3794. *Are you Honorary Assistant Physician to the Liverpool Royal Infirmary?* Yes.
3795. *Physician to the Liverpool Hospital for Diseases of the Chest, Lecturer in clinical Chemistry and Acting Demonstrator in Medical Pathology at the University of Liverpool?*  
Yes.
3796. *Have you made a very large series of tests with regard to the clotting of human blood?* 115 experiments in all.
3797. *With regard to the time, it takes to clot and the condition of it from time to time?*  
Yes and the trying of it.
3798. *First of all, with regard to a single drop of fresh blood. If that falls upon a hard substance what happens?* It will be perfectly flat – I beg your pardon, not perfectly flat but with a slight curve upon it and it is so fluid. If you take that as a section with the corpuscles running down to the edge you see them actually as a halo round the edge as the clot dries.
3799. *That is when it is absolutely dry?* When it is absolutely dry.
3800. *We need not trouble about that. That is not the point. But starting from there how quickly does it first begin to clot?* It depends how you measure the clot. If you measure, the clot by the time it takes to become jelly so that you can turn a saucer over it

takes much longer than the time when you test it by certain clinical methods which are given in the books.

**3801. MR JUSTICE WRIGHT: You have been here some time I suppose?** Yes, my Lord.

**3802. Have you heard the evidence about what was found on this woman?** I have, my Lord.

**3803. MR ROLAND OLIVER: I will put the question direct. We know the experiments made by Professor MacFall. The proposition is with regard to that clot on the edge of the pan?** Yes.

**3804. MR JUSTICE WRIGHT: Had the drop of blood which formed that little thing been coagulated or was it fresh when it fell on that pan?** I should say, my Lord, it was at least an hour coagulated or I think considerably longer; and the reason I give for thinking it considerably longer is in the drying of it. Certain experiments have been made.

**3805. MR ROLAND OLIVER: Before you come to that will you just answer this. In your view that clot must have been an hour at least away from the hand that shed it before it fell from the hand?** Yes, an hour.

**3806. And you think very likely longer?** Yes, I do.

**3807. Is that the result of the many experiments which you have made?** It is.

**3808. MR JUSTICE WRIGHT: Suppose it fell from a height of 15 inches, what would you say?** It would be flat, my Lord, even if it fell from a height of a quarter of an inch.

**3809. You mean if it was fresh blood?** If it was fresh blood, even if it were what I call a soft clot it has to be a firm clot and it will take that shape and retain that shape.

**3810. MR ROLAND OLIVER: Did you find it consistent with your own experience that that clot of blood should be only away from the veins which produced it two or three minutes before it fell?** No.

**3811. MR JUSTICE WRIGHT: supposing it had been one or two minutes, what would you say?** No, my Lord, I will not go under an hour. That is the minimum. I think it was much longer, but that certainly is the minimum.

CROSS-EXAMINED BY MR HEMMERDE.

**3812. You have not seen this clot?** I have not.

**3813. You made these experiments recently?** I have.

**3814. For the purpose of giving evidence here?** Yes.

**3815. You heard what Mr Roberts said this morning about his experiments?** I did.

**3816. They must have been very surprising to you?** Yes, they were.

**3817. They were?** They were indeed.

**3818. Can you account for the difference in any way? Is it the wet surface or anything that can be accounted for?** The wet surface makes them go out even flatter as I made the experiments.

**3819. That is what I am going to suggest?** That is so.

**3820. You can suggest nothing that will reconcile your views?** Nothing.

**3821. Your experiments have yielded entirely different results?** Quite.

**3822. Can you help us upon this question; does female blood coagulate quicker than male blood?** Very slightly, yes, but it varies. The test books give you definite figures but it varies from patient to patient.

- 3823.** *I suppose textbooks, like experts, vary?* The do.
- 3824.** *You tried all sorts of heights too?* Yes, I did. I tried some preliminary experiments with heights but I eventually found one got results which were quite inconsistent with Mr Roberts' experiments even with heights of a quarter of an inch.
- 3825.** *MR JUSTICE WRIGHT: How did you make those experiments?* Of course, my Lord, I started making them for the purpose of this case on February 26<sup>th</sup>, and I have continued them since.
- 3826.** *And you have kept notes about them?* Yes, my Lord.
- 3827.** *MR HEMMERDE: Have you seen the wall in this house at 29, Wolverton Street?*  
No.
- 3828.** *We know there are spots of actual fresh blood there?* Yes.
- 3829.** *You have seen them?* I have not seen them.
- 3830.** *Then you cannot speak about that. Have you seen the pictures which have been produced here?* I have.
- 3831.** *Would you look at them? (Same handed). Have you got a glass there? I am suggesting to you that some of these spots thrown upon the wall bear that shape?* One cannot tell the depth of them.
- 3832.** *Let me see that one?* Do you mean the depth, because the depth is the important point?
- 3833.** *Will you look at this one here, or any of these, just round by the young woman there?*  
*MR JUSTICE WRIGHT: Is this one of the Exhibits?*  
*MR HEMMERDE: It is a picture from the room, my Lord and one of the Exhibits.*  
*THE WITNESS: Which one do you mean?*
- 3834.** *The one by the young woman?* They are semi-circular but if you look at that sideways, you could not possibly think they were anything more than thin flicks, nothing like three-sixteenths of an inch to one-eighth of an inch.
- 3835.** *But that has dried without running?* I think we are misunderstanding one another. This was not wet.
- 3836.** *Are you assuming merely a damp surface?* I have done experiments with both damp surfaces and dry.
- 3837.** *Then you have done one on a similar surface to that?* Yes. Then I got a round spot like this but nothing like the area, the depth of the spot described.
- 3838.** *They have dried tremendously now, they are months old. Were they red?*
- 3839.** *I cannot tell you that?* It is inconceivable to me that they were.
- 3840.** *MR JUSTICE WRIGHT: Each clot was one-eighth of an inch in depth and three-sixteenths of an inch in diameter?* Yes.

CROSS-EXAMINED BY MR ROLAND OLIVER.

- 3841.** *I understand that was handed to you as indicating that even those spots were red. Did you understand that?* I understood that.
- 3842.** *Will you look at them? Are they in any way red, any of them?* Not at all.
- 3843.** *They are just what you would expect?* They are just what I should expect with fresh blood.

**3844. MR HEMMERDE: *But the shape?*** I am not disputing the semi-circular shape.

**3845. MR ROLAND OLIVER: *It is its depth as compared with its diameter which you base your opinion?*** Yes, that is so.

**MR JUSTICE WRIGHT: *It is what?***

**MR ROLAND OLIVER: *The depth of the area, my Lord.***

(THERE APPEARS TO HAVE BEEN A LEAP IN THE TEXT OF THE TRANSCRIPT HERE!)

**MR ROLAND OLIVER: *I have here a number of people who saw him that afternoon.***

**MR JUSTICE WRIGHT: *I do not suppose the jury would want to see them?***

**MR ROLAND OLIVER: *If it is indicated to me that I need not trouble with that part of the case I will not do so.***

**MR HEMMERDE: *I shall make no point of the Rothwell part of the case.***

**MR ROLAND OLIVER: *If that is understood, and the Prosecution will not comment on it I will not trouble to call them.***

**MR JUSTICE WRIGHT: *No, the Prosecution will not say that a man looks rather haggard.***

**MR HEMMERDE: *If he had not been called at the police court, I should not have mentioned it.***

**MR ROLAND OLIVER: *I would like to call the last two of them in point of fact to show what his demeanour was at six o'clock.***

**MR JUSTICE WRIGHT: *That is not unreasonable.***

**MR ROLAND OLIVER: *If your Lordship pleases.***

**ALLISON WILDMAN SWORN. EXAMINED BY MR ROLAND OLIVER.**

**3846. *You live at 5 Twickenham Street, Anfield, Liverpool?*** Yes.

**3847. *You are 16 years old, and you work for Messrs Cowan & Company, haulage contractors?*** Yes.

**3848. *In the spare time, were you last January delivering newspapers in the morning and evening for your uncle, Mr William Wildman at 156 Lower Breck Road, Anfield?*** Yes.

**3849. *Do you remember the evening of the day on which Mrs Wallace was murdered?***  
Yes.

**3850. *What time that evening did you begin delivering papers?*** I began delivering papers at about twenty past six.

**3851. *Where did you go?*** I bring the papers from the motor, I take them to the shop and then go down Suburban Road to 11, 19, 21 and 28; 42 Winchester Road, 34 Clarendon Road, 52 and 48 Claude Road.

**3852. *Then you go back to the shop?*** Yes.

**3853. *And get some more newspapers and start a second round?*** Yes.

**3854. *The jury can see these places on their map if they look. Do you go to Hanwell Street?*** Yes.

**3855. *Taplow Street?*** Yes.

**3856. *And by two entries to Richmond Park?*** Yes.

3857. *Down the entry which is called Campbell's Dancing Rooms into Wolverton Street from Richmond Park?* Yes.
3858. *Then you go along Wolverton Street, where you deliver papers to No's 28, 27, 22, 20 and 18?* Yes.
3859. *No 27 is next door to No 29, Mr Wallace's house?* Yes.
3860. *The doors almost touch?* That is right.
3861. *When you delivered your paper at No 27 that evening, what was happening, if anything, at No 28?* I saw a milk boy standing on the top step of No 29.
3862. *MR JUSTICE WRIGHT: He has got numbers wrongly, but it does not matter – next door to Wallace's; you know the Wallaces?* Yes.
3863. *It is next door to that, No 27?* Yes.
3864. *MR ROLAND OLIVER: Did you know the boy by name?* Not by name.
3865. *Did you notice anything he was wearing?* He was wearing a Collegiate cap.
3866. *Have you seen the boy Close since?* Yes.
3867. *Was that the boy?* Yes, that was the boy.
3868. *Tell us, will you, what time that was?* I passed Holy Trinity Church clock at 25 to seven, and it takes me two minutes to walk to Wolverton Street, so it would be 23 minutes to seven when I got there.
3869. *When you went away where was the boy?* Still standing on the step.

CROSS-EXAMINED BY MR HEMMERDE.

3870. *Did you tell your mother the next day that you had been in Wolverton Street about 6.35?* Yes.
3871. *I suppose at that time that was to the best of your recollection?* No, it was not, but I was rather in a hurry to get to work and I stopped and told my mother about it and come down again.
3872. *It would not take you longer, would it, to say "6.37" than "6.35"; it would be one syllable more?* No, it would not.
3873. *How long after this incident, did you know there was any importance about the time you were there?* When Inspector Gold called to see me.
3874. *How long after was that?* About six weeks afterwards.
3875. *But before Inspector Gold called to see you, Mr Munro had been to see you, had he not?* Yes.
3876. *How long before Inspector Gold, did Mr Munro arrive?* About a month.
3877. *Then you did not see anyone about it for a month?* No.
3878. *The 18<sup>th</sup> February, I am told it is; then it was nearly a month after the episode, at any rate, four weeks, when you saw him?* Yes.
3879. *Then until that time, you had no idea of the importance of a few minutes one way or the other?* No.
3880. *All that you remember was that at the time you did say to your mother "I saw another boy there about 6.35 last night"; that was just after you heard of the murder?* Yes.
3881. *And I suppose "about 6.35" is the very nearest that you can get?* No, I can distinctly remember 25 to seven by the church clock.

3882. *I suppose you look at the church clock every time you pass?* Yes.
3883. *You do?* Yes.
3884. *Then there was no reason why you should remember it more this night than any other. You always look at the church clock ever night?* Yes.
3885. *And notice the time?* Yes.

RE-EXAMINED BY MR ROLAND OLIVER.

3886. *Did this murder make an impression on your district?* Yes.
3887. *Did you read it in the paper when Close gave evidence?* No.
3888. *You did not?* No.

ELSIE WRIGHT SWORN. EXAMINED BY MR ROLAND OLIVER.

3889. *Elsie Wright, do you live at Sedley Street, No 63?* Yes.
3890. *The Jury will remember that it is just below Richmond Road. How old are you?*  
Thirteen.
3891. *Last January used you to work in the evenings at Close's Dairy?* Yes.
3892. *Close's Dairy is No 51 Sedley Street, is it not?* Yes.
3893. *Is the boy Alan Close the son of the proprietor of that dairy?* Yes.
3894. *You knew him quite well when you worked there, did you not?* Yes.
3895. *Do you remember the Tuesday, the date of the death of Mrs Wallace, the 20<sup>th</sup> January?* Yes.
3896. *What were you doing that evening?* I was delivering milk as usual.
3897. *Was Alan also delivering milk?* Yes.
3898. *Did you see him at all that evening?* Yes.
3899. *Where did you see him?* At the bottom of Letchworth Street.
3900. *Which way was he going?* Down towards Richmond Park.
3901. *He was coming from Sedley Street up Letchworth Street on his way to Richmond Park?* Yes.
3902. *Would that way take him to Wolverton Street?* Yes.
3903. *Did you speak to him?* Yes.
3904. *Stop and speak to him, or what?* I just said "Hallo".
3905. *Do you know what time that was?* About 20 to seven.
3906. *What makes you say that?* When I was the bottom of Richmond Park, the half-past six bells were ringing of the Belmont Institution.
3907. *Where is that: is it in Belmont Road, is it?* Yes.
3908. *You heard the bells. What time do they ring?* Half-past six.
3909. *Is there a service then?* I think so.
3910. *How long do they go on ringing?* Not very, long, about a minute or two.
3911. *MR JUSTICE WRIGHT: Where were you then?* At the end of Richmond Park by Breck Road.
3912. *MR ROLAND OLIVER: That is the other end of Richmond Park?* Yes, by the church.
3913. *Has you been delivering in Richmond Park?* In Twyford Street. I came up Breck Road, and the bells were ringing when I got to Richmond Park.

3914. ***Then what did you do?*** The bells stopped then and it was half-past six by the church clock.
3915. ***You saw the clock?*** Yes.
3916. ***What did you do after that?*** I went to the vicarage of Holy Trinity in Richmond Park.
3917. ***Was that before you got to Twyford Street?*** No, I had been there.
3918. ***Then did you go to Richmond Park?*** Yes.
3919. ***Did you deliver milk there?*** Yes. They kept me about five minutes.
3920. ***Did you have to deliver milk there?*** Yes.
3921. ***And that kept you there some time?*** Yes.
3922. ***Then where did you go?*** Then up Richmond Park and delivered some milk.
3923. ***And then went to Letchworth Street, where you had to deliver?*** Yes.
3924. ***The next day I suppose you all heard of the murder?*** Yes.
3925. ***In the evening of the next day, were you with some other children, a boy named Metcalf and a boy named Kenneth Caird?*** Yes.
3926. ***Whereabouts where you?*** Standing on Breck Road near Richmond Park
3927. ***Did Close come up and join you?*** Yes.
3928. ***Did you see the papers that day?*** Yes.
3929. ***Did you hear Metcalf speak to Close?*** Yes.
3930. ***What did he say?*** He asked him first of all did he deliver milk the night before at Mrs Wallace's and Alan said "Yes", and he then asked him had he told the police and Alan said "No". Metcalf told him it was important to go tell the police and Metcalf said "We will all come with you if you go to the house" and we all went.
3931. ***Was anything said about what time Close delivered?*** Yes, we all said what time and Close said "About a quarter to seven".
3932. ***Was it after that that you went with him to the police?*** Yes.
3933. ***Have you any doubt that that is what he said to you?*** No, sir.
3934. ***I do not know that it matters very much: with regard to the importance of his going to the police, did he call himself any name?*** Yes.
3935. ***What did he say?*** He said "I am the missing link" when we were coming up the entry.

CROSS-EXAMINED BY MR HEMMERDE.

3936. ***At what time were the papers reporting that Mr Wallace had left his house at 6.15?*** Yes.
3937. ***So the only question really that was of interest to you children was whether Alan had left well after that time or had seen the lady well after that time?*** Yes.
3938. ***That, of course, was the thing you had got your mind fixed upon?*** Yes.
3939. ***That was why you were going to take him off to the police?*** Yes.
3940. ***He had said that what he did say was that he was there sometime between 6.30 and 6.45. Do you not think that is what he is very likely to have said, not "6.45" but "between 6.30 and 6.45"?*** No, he said "A quarter to seven".
3941. ***MR JUSTICE WRIGHT: "About a quarter to seven"?*** No, "At a quarter to seven".  
***MR JUSTICE WRIGHT: I thought you said "About".***



3942. **MR HEMMERDE:** *She did say "About". (To the witness): When did you see anybody about this case?* The next morning I saw Alan Close.
3943. *When did you first see this gentleman here? (Pointing). How soon after the murder, do you remember?* It was on Friday, but a week to that Friday.
3944. *You think it was about Friday week after?*  
**MR ROLAND OLIVER:** *If you would like the date, it is the 13<sup>th</sup> February.*
3945. **MR HEMMERDE:** *A little later than that. (To the witness): My friend tells me it was the 13<sup>th</sup> February?* Yes.
3946. *You see, what I am suggesting to you is that at that time, the one thing you had your mind on was that Mr Wallace had gone at 6.15, Alan had seen Mrs Wallace well after that time, and that was the only thing that really mattered?* Yes.
3947. *And then nearly a month later, you think you recollected that he said 6.45, I suppose you hear these bells every night?* Yes.
3948. *And they give you an idea whether you are early or late every night?* Yes.

RE-EXAMINED BY MR ROLAND OLIVER.

3949. *Did you read what Alan Close said in the newspaper or not?* Yes.
3950. *What did you read?* I read that he told the police that it was 6.30 when he went to the Wallace's house.
3951. *Did that bring it to your mind?* Yes.
3952. *How long after was that?* I do not quite remember.
3953. *Was it soon after? We can find out.*
3954. **MR JUSTICE WRIGHT:** *You said you saw the time by a clock. I suppose that is Trinity Church?* Yes.
3955. *Do you remember what time it was?* About 6.30.  
**MR HEMMERDE:** *The evidence was given on February 20<sup>th</sup>, that is the week after, I am told.*
3956. **MR ROLAND OLIVER:** *Did you read what Alan Close had said?* Yes.
3957. *Do you remember whether what you read was a speech by Mr Bishop or what Alan Close said?* It was what Alan said.  
**MR ROLAND OLIVER:** *Was it in evidence or was it the thing which Mr Bishop in his speech said the boy was going to give in evidence? It must have been the speech.*

DOUGLAS METCLAFE SWORN. EXAMINED BY MR ROLAND OLIVER.

3958. *Your address is 15 Redbourne Street, Anfield, and you work for Mr Yates, 51 Breck Road, as a paperboy?* Yes.
3959. *Do you remember the night of Mrs Wallace's death?* Yes.
3960. *Were you anywhere near Wolverton Street that evening?* Yes.
3961. *What time?* About twenty or a quarter to seven.
3962. *Why do you say that? How do you know that time?* I had to go to the Parochial Hall to deliver a paper to Mrs Davies, and I asked one of the men what time it was as I

wanted to go to a match and one man told me "Twenty to seven". Then I went to Campbell's and stood talking to some boys outside.

- 3963.** *That is Campbell's Dancing Hall?* Yes, and I went back to some boys and stood talking about five minutes.
- 3964.** *Who did you see?* I saw Wildman going down an entry leading off Wolverton Street.
- 3965.** *You saw Wildman leaving Wolverton Street?* Yes.
- 3966.** *Were you in this group on the evening of the 21<sup>st</sup>, the day after the murder, with Elsie Wright and others?* Yes.
- 3967.** *Did you hear Alan Close say what time it was that he had seen Mrs Wallace alive?*  
Yes, he said it was a quarter to seven.
- 3968.** *Have you any doubt about that?* No, sir.

CROSS-EXAMINED BY MR HEMMERDE.

- 3969.** *You knew the importance of it?* Yes.
- 3970.** *What was the importance of it?* I heard some people saying Mr Wallace went out at a quarter past six that night, and Close said he saw Mrs Wallace at a quarter to seven, and I said "The police ought to know that because it could not have been Mr Wallace if he went out at a quarter past six".
- 3971.** *You heard he had gone out at 6.15?* It said that in the paper.
- 3972.** *Yes, and the only interest you had was, Close had seen him afterwards?* Yes.  
*MR ROLAND OLIVER: Seen her afterwards.*
- 3973.** *Yes, seen her afterwards?* That is so.
- 3974.** *I suggest that what he said to you was that he had seen her between 6.30 and 6.45?* No, he never said that; he said point blank, quarter to seven.
- 3975.** *Exactly, a quarter to seven?* Yes.
- 3976.** *When did you see anyone connected with this case – Mr Munro, for instance?*  
*MR ROLAND OLIVER: The 9<sup>th</sup> February.*
- 3977.** *MR HEMMERDE: Between that time when you saw him have you seen anyone about the case, the police or anyone?* Two detectives I should think they were stopped me at the end of Wolverton Street.
- 3978.** *You mean after you had seen Mr Munro?* No, before I had seen Mr Munro, and they asked me did I take papers there? I said "I do not take them of an evening, but I take them Monday and Tuesday morning.
- 3979.** *They asked about this matter; that was about something else. You did not have any conversation. They were looking for the paper lad for the evening, and they spoke to you?* Yes.
- 3980.** *What I wanted to know was, before you saw Mr Munro had anyone of the police or either side, Mr Wallace's solicitor, seen you?* No, sir.
- 3981.** *Then, of course, you just told them what you remembered?* Yes.

RE-EXAMINED BY MR ROLAND OLIVER.

3982. *Did you read in the papers about the case?* Yes.  
3983. *Did you see what time Close said it was in his evidence?* I cannot remember.

KENNETH CAIRD SWORN. EXAMINED BY MR ROLAND OLIVER.

3984. *Kenneth Campbell Caird, you live at 3 Letchworth Street and you are fourteen years of age?* Yes.  
3985. *And I think you are at the Collegiate School?* Yes.  
3986. *Did you, on the evening of the 21<sup>st</sup> January last, hear Alan Close say what time he last saw Mrs Wallace alive?* Yes, he said a quarter to seven.  
3987. *Have you any doubt about that?* No, not the least.

CROSS-EXAMINED BY MR HEMMERDE.

3988. *Was what he said "A quarter to seven", or "6.45"?* "A quarter to seven".  
3989. *Had you been discussing at the time what had happened in the papers, that Mr Wallace had left at 6.15?* I had not been discussing what was in the papers, but I was talking to Alan Close when he came up, and I was told by Elsie Wright.  
3990. *What had you been told?* They told me Alan Close had seen Mrs Wallace the night before at a quarter to seven.  
3991. *Before Alan Close came up?* Yes, and when Close came up he told us himself.  
3992. *Someone had told you before that he was going to say that?* Yes, and when Close came up he said it as well.  
3993. *Did he? He said "A quarter to seven"?* Yes.  
3994. *At that time, did you know that Mr Wallace had left at 6.15?* No.  
3995. *You did not now that at all?* No.  
3996. *Then you had not the least interest in the time?* No.  
3997. *Not the slightest?* No.  
3998. *Or any reason for remembering it?* I went home and told my mother about it.  
3999. *Have you ever heard what he did say was "Between 6.30 and 6.45"?* No, he said "A quarter to seven", not "Between 6.30 and 6.45".  
4000. *Are you not thinking of what you were told, not what you heard?* He did not say "6.45".  
4001. *When did you first say this? On the 9<sup>th</sup> February, was it?* Yes.  
4002. *Had you seen anyone before the 9<sup>th</sup> February to do with this case?* No.  
4003. *Had you been discussing the case a great deal?* No.  
4004. *Not very much?* No.  
4005. *You were going to school then, I suppose?* Yes.  
4006. *Going to the same school as he is?* Yes.

DAVID JONES SWORN. EXAMINED BY MR ROLAND OLIVER.

4007. *David Jones, you live in 3 Parliament Square, Toxteth?* Yes.  
4008. *And you deliver evening newspapers?* Yes.

4009. **You delivered the Liverpool "Echo" to the Wallaces for some four or five years at 29 Wolverton Street?** Yes.
4010. **Do you remember the day of the murder?** Yes.
4011. **Did you deliver the "Echo" that evening?** Yes.
4012. **Can you tell the jury, within limits, what time you delivered it?** At 25 minutes to seven.
4013. **Have the police taken a statement from you?** Yes.
4014. **When did they take that?** At Anfield Road Police Station.
4015. **I said "When" – how soon?** About a quarter to eight.
4016. **How soon after the murder?**  
**MR HEMMERDE: On The 22<sup>nd</sup> January.**
4017. **MR ROLAND OLIVER: On the 22<sup>nd</sup>?** It was a Thursday.
4018. **MR JUSTICE WRIGHT: What did you do – knock at the door?** Put the paper through the letterbox.
4019. **MR ROLAND OLIVER: You did not see Mrs Wallace?** I see nobody.

CROSS-EXAMINED BY MR HEMMERDE.

4020. **You gave a statement on the 22<sup>nd</sup> January?** Yes.
4021. **On the Thursday?** Yes.
4022. **When did you give a statement to Mr Munro here?** The 8<sup>th</sup> of the month, the Tuesday after the what-you-may-call-it.
4023. **And when you made the statement, you said you had delivered a paper there at 6.35?** Yes, at 6.35, 25 minutes to, the latest.
4024. **That is the latest you deliver?** Yes.
4025. **Did you tell the police you delivered it about 6.30?** 6.30 to 6.35.
4026. **No, "About 6.30". Just look at your statement. (Same handed to witness). That is your signature, is it not?** Yes.
4027. **"About 6.30", twice?** Yes.
4028. **Then having signed that with the police, you then see someone else and you not say "6.30 to 6.35"?** I told Mr Munro 6.30 to 6.35. 6.35 was the latest I was at the house.
4029. **You did not tell the police that?** No.
4030. **What you said was "6.30". When you delivered at 6.30, did you notice any lights in the house?** No.
4031. **Did you see or hear anyone in the house?** No.
4032. **Did you enter by the middle entry from Richmond Park?** Yes.
4033. **And while you were about there, did you see anyone about there?** No, sir, only myself.

LOUISA HARRISON SWORN. EXAMINED BY MR ALLEN.

4034. **What is your full name?** Louisa Harrison.
4035. **You live at 11 Pennsylvania Road, Liverpool?** Yes.
4036. **Have you known the accused, Mr Wallace, for about three years as an agent?** Yes.

4037. *Did he call on you on Tuesday, the day of the murder?* Yes.
4038. *At about what time?* About half-past three.
4039. *Did you notice anything unusual about him in any way?* Nothing at all.
4040. *Did he appear to have been crying and dabbing his eyes with the end of his sleeve?*  
He was joking with me.  
**MR HEMMERDE: No questions.**

**AMY LAWRENCE SWORN. EXAMINED BY MR ALLEN.**

4041. *Your full name is Amy Lawrence?* Yes.
4042. *You live at 16 Londonderry Road, Liverpool?* Yes.
4043. *Have you known Mr Wallace for some time as a collector?* For twelve months.
4044. *Did he call on you on the day of the murder?* Yes.
4045. *What happened that afternoon? Did you invite him in?* Yes.
4046. *What happened when he got inside?* My husband asked him to have a cup of tea and he had one.
4047. *What was he like?* He was the same as usual.  
**MR HEMMERDE: No question.**

**MARGARET MARTIN SWORN. EXAMINED BY MR ALLEN.**

4048. *Mrs Martin, your full name is Margaret Martin, and you live at 19 Eastman Road, Liverpool?* Yes.
4049. *Have you known Mr Wallace for two years as an insurance agent?* Yes.
4050. *Did he call on you on Tuesday, the day of this murder, the 20<sup>th</sup> January?* Yes.
4051. *At about what time?* I cannot give the correct time.
4052. *About, approximately?* About half-past five; it might be anything up to ten minutes.
4053. *Up to ten to six?* No, not up to ten to six; between half-past five and then to.
4054. *Did he leave a form for you to sign?* Yes.
4055. *Did he explain the business?* Yes.
4056. *Was it with regard to the surrender of a policy?* Yes.
4057. *How did you find him?* Just the same as he has ever been since he collected, calm and the same in appearance.  
**MR HEMMERDE: No question.**  
**MR ROLAND OLIVER: That is the case, my Lord.**  
**MR JUSTICE WRIGHT: I think the speeches had better be made tomorrow morning.**

(ADJOURNED TILL TOMORROW MORNING AT 10 O'CLOCK)

SUMMING UP.

**MR JUSTICE WRIGHT: Members of the Jury, we have now reached the last stage but one in this somewhat long, but not too long, trial. This is a charge of murder which you have to consider, and a murder charge against the prisoner. Now that a murder was committed, and a very deliberate and a very brutal murder, there can be no doubt at all. As you all know, the crime of murder**

*means the premeditated and deliberate and wrongful and felonious killing of another person. There can be no doubt at all here that this poor woman was done to death by, first, a very crushing blow, and then, if she was not already dead, by a succession of ten other blows. It is not uncommon in the annals of crime that the murderer, having struck one blow, in some sort of insensate frenzy goes on to strike other blows. It does not follow merely from that that there can be any suggestion that the murderer was insane. In this case there is no question of insanity to be considered: it could only be raised by Defence, and it obviously was not raised, and could not be raised, in the present matter, because it is perfectly clear that whoever murdered this woman did so in pursuance of a plan, made the day before and commencing with the telephone message. Members of the Jury, you, I believe, are living more or less in this neighbourhood; I come here a stranger, and know nothing about the case until I come into Court or look at the depositions, and I need not warn you that you must approach this matter without any pre-conceived notions at all. Your business here is to listen to the evidence and to consider the evidence and nothing else. You are not even entitled to act; in fact, you would not act, upon the speeches of Counsel. If in the speeches of counsel, either in the opening speech or any other speech, any statement was made which is not borne out by the evidence, you will disregard any such statement, and, as I have said before, you will come with an open and unprejudiced mind to consider all this evidence given in great detail and more or less difficult to put together which has been put before you.*

*This murder, I should imagine, must be almost unexampled in the annals of crime. Here you have a murder committed some time on an evening in January, committed in a populace neighbourhood in a house, and you have that murder so devised and so arranged that nothing remains which would point to anyone as the murderer, no signs of anyone having come into the house forcibly, no fingerprints, no marks of blood anywhere in the house – I mean apart from the marks due to the actual commission of the crime round the woman's head as she lay there – and no marks on the house. I disregard the little smear upon the note, which I will say something about later, but even that is not a fingerprint; it is a mere smear; and no weapon that can be traced anywhere, and, so far as can be ascertained, no conceivable motive in any human being. It is a most remarkable murder; but there it is. There is no doubt that the woman was murdered, and there is no doubt that whoever did it covered up his traces and evaded leaving behind any sort of trace whatever. There it is. There is certainly no eyewitness, except the actual murderer, besides the dead woman, and therefore the evidence in this case, and the evidence that can be brought against anybody here, is purely circumstantial. You know in many cases, especially of murder, the only evidence that is available is circumstantial evidence, but circumstantial evidence may vary in value almost infinitely. There is some circumstantial evidence which is as good and conclusive as the evidence of actual eyewitnesses. In other cases the only circumstantial evidence which anyone can present still leaves loopholes and doubts, and still leaves possibilities of other explanations, of other persons, and still leaves the charge against the accused man little more than a probability and nothing that could be described as reasonably conclusive. If I might give you an illustration, supposing you have a room with one door and a closed window and a passage leading from that door and a man comes up the passage, goes through the door into the room and finds another man standing with a pistol, and on the floor a dead man: the circumstantial evidence there would be almost conclusive, if not conclusive. If, on the other hand, the conditions being much the same, there was an intruder who, hearing the pistol shot, went into the room, if there was another door and he went in and found a man holding a pistol, it might be perfectly consistent with his having*

*gone in and the actual murderer being outside the door. The real test of the value of circumstantial evidence is: Does it exclude every reasonable possibility? I can put it even higher: Does it exclude other theories or possibilities? If you cannot put the evidence against the accused man beyond a probability and nothing more, if that is a probability, which is not inconsistent with there being other reasonable possibilities, then it is impossible for a Jury to say: "We are satisfied beyond reasonable doubt that the charge is made out against the accused man". A man cannot be convicted of any crime, least of all murder, merely on probabilities, unless they are so strong as to amount to a reasonable certainty. If you have other possibilities, a jury would not, and I believe ought not, to come to the conclusion that the charge is established.*

*Then again, the question is not: Who did this crime? The question is: Did the prisoner do it? Or rather, to put it more accurately: Is it proved to your reasonable satisfaction and beyond all reasonable doubt that the prisoner did it? It is a fallacy to say: "If the prisoner did not do it, who did?" It is a fallacy to look at it and say "It is very difficult to think the prisoner did not do it", and it may be equally difficult to think the prisoner did do it. The Prosecution have to discharge the onus cast upon them of establishing the guilt of the prisoner and must go far beyond suspicion or surmise, or even probability, unless the probability is such as to amount to a practical certainty; and when a jury is considering circumstantial evidence they must always bear these considerations in mind and must not be led by any extraneous consideration to act upon what cannot be regarded as establishing beyond peradventure, beyond all reasonable doubt, the guilt of the accused man.*

*You have heard at very considerable length the evidence in this case, and you have had very forcible speeches from Counsel on both sides, and they have put before you in very great detail, their view of the evidence in the case. I am not saying the either of these speeches have been, or any of these speeches have been, given at undue length but the considerations have been very fully laid before you. You are the judges of the facts; I am not the judge of the facts at all. But it is regular and usual, especially in these cases, for the judge to make some survey of the evidence which has been laid before the jury in the case, because that may help the jury, although they are the judges of fact. Of course, you will remember that you have heard the evidence, and you are the judges of the evidence, and if I omit or over stress any matter contrary to your view, it is your view which is the dominant view in this case.*

*Now when one comes to consider the evidence here on the question of motive, I do not think I can say anything at all. All the evidence is that the prisoner and his wife to all appearances were living together in happiness and in amity. You have heard the evidence. There was no pecuniary inducement that one can see for the prisoner to desire the death of this wife: she had a small insurance policy on her life, a matter of £20, and she had something like £90 in the Savings Bank. But there is no reason to think that he wanted that £20, for if he did want it he could have got it, because he had a bank balance of his own. There was nothing that he could gain, so far as one can see, by her death. It can also be pointed out that there is no one else, as far as can be seen, who had anything to gain by her death if you exclude the hypothesis of the unknown robber who it is suggested (and it is a suggestion you will have to consider very carefully) may have committed this crime. As I said before, it is not a question of determining who or what sort of person other than the prisoner did the crime or could have done the crime? It is a question whether it is brought home to the prisoner, and whether it is brought home to him by the evidence with such certainty*

*as is required in a case of this sort. As far as the question of motive is concerned, you will form your own view about it, but of course, as far as the prisoner is concerned there is no apparent motive.*

*Now that being so, let us see what are the relevant facts, or rather what the main line of evidence about those facts, starting, first of all, with the day before, the 19<sup>th</sup> January, and the telephone call. What is the position about that? It is said, and said with a great deal of force, that if you were satisfied beyond reasonable doubt that it was the prisoner who sent the telephone call, a bogus call, in order to establish a faked alibi, then you might feel that you had come ground upon which to proceed to help you in deciding whether he did the actual murder. The evidence throughout this case from beginning to end is purely circumstantial. There is the call box without a light at seven o'clock on a January night. No doubt there are street lamps round, and it is 400 yards from the prisoner's house and about half an hour – I do not know that the time is very clearly fixed, but somewhere about half an hour – from the Chess Club at the City Cafe; and there are other telephone boxes in the library or shops in the neighbourhood possibly nearer. We know that there was some difficulty in getting the message through, whoever went to the kiosk, but we know that it got through at twenty minutes past seven. That seems to be a quite definite time, because the lady Supervisor has produced an official note which they keep when there is a difficulty of getting a reply. So we get 7.20 as fixing that time, and no doubt some little time before, whoever rang must have been at the kiosk; I do not know how long it is said – three or four minutes, I understand. Then there was the message sent on the telephone to the Chess Club. Now whoever sent that message, of course, must have known a good deal about the prisoner's habits. It was said at one stage that no one could have known that he was going to the Club that night. It may be that nobody could have known with certainty, but we know now that a notice appeared fixing the time at which members of the Club will play, and that on this notice it appeared that the prisoner would be playing that night. So it is not a case in which the knowledge of the prisoner being at that Club can be said with absolute certainty to be limited to him. If there had been no probability of his going to the Club that night at about that time, it might well be that there would be a very strong presumption that it was the prisoner who went there. But it seems to me, although it is entirely a matter for you, that there must be on the evidence some possibility that someone else knew of the prisoner's possible movements, prospective movements, with sufficient confidence to take some action upon them. It is said by the Prosecution that it is difficult to conceive anybody doing such a thing. Various improbabilities are pointed out: How would they know when the prisoner was going to the Cafe; how would they know that he had been to the Cafe; why did they not ring up again? And all those sorts of things. Of course, if there was some other outside criminal planning, with ingenious cunning, the purpose which he carried out to the last, for a motive which no one can understand and apparently is undiscoverable, it might be material for consideration; but you have got to ask yourselves: what is the reasonably certain evidence substantially excluding other possibilities to such an extent that you can find the fact established to your reasonable satisfaction that it was the prisoner who rang up that night? I am not going through all the arguments, which no doubt, you will fully consider, but one has to remember that there is some evidence as to the voice. You may form whatever view you think fit about that evidence, but you must consider it. The cafe waitress and the telephone operator said the voice to them sounded like an ordinary voice. Mr Beattie, whom had known the prisoner for a great many years, said it was a strong, gruff, confident voice, and when he was asked, did it*



*appear to in any way resemble the prisoner's voice – I forget his exact language, but he said it did not, and by no stretch of the imagination could he associate the voice he heard with the prisoner. Of course, in such a case if it was the prisoner he might have disguised his voice; still, even done on the telephone in a disguised voice, in a conversation so prolonged as that such as was deposed to in the evidence, it is very difficult to imagine that a man like Mr Beattie would not, even under the disguise, have recognised the prisoner's voice if it was the prisoner's. That is a thing that you will, as I say, have to consider. There is the circumstantial evidence, and you will have to consider how far that satisfied your mind, having considered the other probabilities. Before I leave this aspect of the case, let me say a word about the conversation a day or two afterwards between the prisoner and Mr Beattie when they met in the evening and the prisoner asked Mr Beattie to be as definite as he could about the time when the telephone message was sent. It is said that is the mark of an uneasy conscience, and that point has been somewhat stressed. Well, it may be, but on the other hand, if the prisoner was then already feeling that he was the subject of suspicion he might perfectly well have made these enquiries simply to impress upon Mr Beattie the importance of being accurate if any question should arise. It would, one imagines, be very dangerous to draw any inference adverse, seriously adverse, to the prisoner from that conversation. However, so much for that. Bear in mind, as you no doubt will, the various considerations and the difficulties which attach to the question of the telephone conversation.*

*One may now go to the night of the tragedy. You have heard some description of the crime so far as it can be reconstructed. It was a crime which involved, apparently (and here we are going rather into the region of speculation) this woman going into the sitting room and no doubt turning on the light and lighting the stove. It must, no doubt, be coupled with the fact that they generally lived in the kitchen, but on occasion they went into the sitting room when they wanted to have some music, and on occasion, when visitors came, Mrs Wallace would take the visitors into the sitting room and light the fire. There are two theories, at least there were, perhaps, once, as to how she was stuck. One was that she was sat in that armchair, you remember, by the fireplace and was struck down with a blow and then when she fell on the ground the remaining ten blows were administered. That would mean that the assailant came to her and attacked her in front. Of course, on that view, I do not know that I ought to say it is not possible, but it is very difficult to think that the assailant was her husband, wearing a mackintosh. It is possible, of course, but if he was not going out there and then one asks why did he put on the mackintosh, why did she light the fire; and if she lighted the fire under the impression that he was not going out and they were going to have come music why should he be wearing his mackintosh? Then the next probability in the tragedy is that she was struck down when stooping over the fire, it may be just when she had lighted it, and that would account for the burning of the skirt and the burning of the mackintosh. If the mackintosh was burned by accident in that way – it is possible you have doubts about it, but I find it very difficult to see how it could have been worn by the murderer unless he over-balanced and fell over the murdered woman. But I do not want to pursue the matter too far. The other view about the mackintosh is that Mrs Wallace herself had it somewhere loose about her probably when the blow was struck, and that it fell on the fire just as the skirt came against the fire as the woman fell; and it does appear as if whoever was doing the act had picked up the mackintosh and put out the burning part, because ashes were found upon the hearth rug. If that were so, then it must almost certainly have been pushed under the right shoulder, according to the description which is given by Mrs Johnston and by Professor MacFall. The mackintosh in that way may or may*

*not be significant. Mrs Johnston said that when she saw it she thought to herself, "Dear me, she must have thrown it over her shoulders"; but whether she had any reason to think so is not clear. The prisoner, as far as I can follow, never disowned the mackintosh; he drew Mrs Johnston's attention to the mackintosh and said it was his own; he mentioned it to Police Constable Williams and said it was his mackintosh; and then he mentioned it to Superintendent Moore, who said he did it in a way which showed that he had some doubt whether it was his or not. One must be careful not to pay too much attention to these things. He had been on that night interviewed, and when reference is made to discrepancies in his statement, I cannot help thinking it is wonderful how his statements are lucid and consistent as they have been. I will refer to this later, but you will remember that he made a long statement that night, between twelve and one, and at other places at different times: he gave an account to Williams, the police constable, a very long account to Superintendent Moore and other statements. I have read them through very carefully, and it appears to me that it is very striking that they are as accurate as they are and as consistent as they are. No doubt, discrepancies can be pointed out, and you will form your own view as to what importance you will attach to those discrepancies.*

*Now, to go back to a point on that act in the room. Whoever did the crime, the evidence seems conclusive must have been very seriously splashed with blood. There was a very bad wound, and one of the arteries had been severed, and it is quite obvious from that picture and also from the photos that there must have been a great deal of blood splashes about it. How in the world was it possible that the murderer, whoever he was, left not trace behind?*

*With regard to the little blob on the pan, I think that may be disregarded. No one knows how it got there, and it is difficult to see how it has any connection with the murder, unless the murderer stayed in the house for about an hour after the deed was committed and in that way in some operation the clot of blood fell from him, because you have heard the evidence of the two very distinguished scientists who were called for the Defence yesterday, and they said that coagulation could scarcely come in less than an hour after the blood was shed; and if I rightly appreciated Professor MacFall's evidence he took the same view, although I may be mistaken. Anyhow, you will probably think that that clot of blood when it fell must have been of something like an hour's standing. It is a matter for you, and you have the evidence both ways, including Professor Roberts. If you take that view, then it can only be connected with the crime if the murderer was in the bathroom an hour after the murder was committed; otherwise, it is immaterial, so I pass that by.*

*With regard to the smear on those notes which were in the jar in the middle bedroom, I frankly confess that I cannot understand what inference is to be drawn from that. You have heard the evidence about it, and if you can draw any inference from it, you will do so. I may say something about it later in the case. It is quite obvious that that smear on the note was not a thumb mark. It may be, and of course, it is said, that that is all part of a faked scheme. No doubt, you will consider that. If you were satisfied that there was a deliberately faked scheme, that would be circumstantial evidence which you would have to consider carefully against the prisoner. But looking at these notes, whoever did the murder must have anyhow cleaned some part of himself: he must have got away with the weapon: he must have had something else to do, because, however well he knew the house, he must have had somewhat elaborate arrangements to make before he could slip out.*

*Now what time had the prisoner available, if he was the murderer? Because that is the most vital part of the case. If you think, on the evidence as to time, that the times are so short as either to make it impossible that the prisoner should have done this act or anyhow to make it very improbable, then that would be a very strong element in your conclusion on the real question in the case. As I say, and I need not remind you again, it is for the Prosecution to prove facts which are only consistent according to all reasonable methods of judging, with the guilt of the prisoner; and if you find on a crucial point like this that the element of time is so restricted and so narrow as to make it very improbable, even if not impossible, for the prisoner to have done what it is said he did, then that would assist you in coming to a conclusion as to his guilt or otherwise. The times here are not very precise, but there is one time which I think is precise, subject to the clock being right, and that is the time at which the prisoner boarded the tram and arrived on the tram at Lodge Lane. Nobody noticed when he got on the tram at St Margaret's Church, but at six minutes past seven, he was on the tram to Lodge Lane. How long did it take him to get there? Various experiments have been made, and they vary from 16, 17, 18, 19 minutes, to one of 20 minutes, I think. I will not turn up to look, but I think they are approximately right, according to my recollection. There were these various experiments made. There was one of 15 minutes and one of 18 minutes by Fothergill; then another constable took 18 minutes, and then there is one of 17 minutes and one of 20 minutes. So you may take it that somewhere about that time he was in that neighbourhood. The prisoner says he left the house at a quarter to seven, and according to those figures he must have left somewhere between a quarter and ten minutes to seven. Six minutes past seven, if you allow 20 minutes, would make it practically a quarter to seven if you allow 18 minutes and so on. The fact that you can fix the time of his being at Lodge Lane enables you to fix with a certain amount of certainty when he must have been at the house. What about the other side of the matter? The case for the Prosecution was entirely based on the evidence of the boy Close, a very intelligent boy and apparently a perfectly honest witness, but on the basis of that evidence, it was obvious that the time was clearly, what I may call a reconstructed time. His time of departure was 6.25, as he says, on his way from the shop with his cans, he looked at the clock. But you will remember that it is only by a method of calculation that he sees when he got to the prisoner's house in Wolverton Street. You will remember what he had to do; I am not going through it again; it seems a complicated operation. He had to walk 500 yards and go through these various operations in the course of doing so, Mrs Wallace did not come out when he first got there, but he saw her when he came back and picked up the can, because she said something to him about his hurrying home as he had a cough. That must have been a minute or two more, and it could scarcely have been any less. Then the Defence called two witnesses: one was the newspaperman Jones, who says that he left the newspapers at the house by dropping it into the letterbox somewhere about half-past six. He is not very precise as to the time, but the newspaper was afterwards found in the house by the police, so it must have been collected. Then there is the boy Wildman, who says he was delivering newspapers next door and saw the boy Close, and he puts that time at something like 6.37. I must say, I do not agree with any attacks that were made upon the police in the conduct of this case. I think they have done their duty with great enthusiasm and ability; but I cannot help thinking that they were guilty of an error of judgment in not calling the two witnesses Jones and Wildman in the course of the Prosecution. It is true that Jones' time may be a little uncertain, and Wildman, although he had mentioned it to his mother next day, had already associated, although I do not think that ought to affect the position, with*

*the solicitor for the defence. But that rather indicates in a case of this sort, where the ascertainment of the time within as narrow a limit as possible is so important, that they are witnesses who I think ought to have been put before the jury in the case by the Prosecution. The case for the Prosecution as it stood depended entirely on the evidence of the boy Close. If you think that the time was something like 6.35, then deducting 6.35 from even 6.50, or still less 6.47, you get a very narrow limit of time for the prisoner, if it were the prisoner who did this, to do all that he must have done. I need not deal with that any further, because the considerations, I am sure, are fully present to your minds too, in weighing the probabilities of this case and the possibilities of this case. I have pointed out the difficulties, and you may think the uncertainties, connected with the telephone call. When you come to the next stage, the actual execution of the murder, you will have to consider very carefully whether the narrow limits of time allowed, possibly of not more than ten minutes, would be sufficient for the prisoner if he were so minded, to carry out his purpose. You are only considering whether the charge is made out against the prisoner to your reasonable satisfaction; that is all you are considering. It is perfectly true that if he planned and executed this scheme, he would have had everything ready and everything would have gone, in the way of execution, with the utmost precision and rapidity. But there was a lot to do; you must consider; and twenty minutes afterwards he was found, at twenty minutes past seven, apparently completely dressed and apparently without a signs of discomposure, on a tramcar twenty minutes' journey from his home: therefore, he must have worked with lightning rapidity and effectiveness. It does not follow that he did not do it, but you have to be satisfied that he did do it. There is that point, and I need not discuss any more that aspect of the case. As I say, you are the judges of fact and you have heard all the evidence, and I am not pretending to make an exhaustive examination of it, although I hope an accurate one.*

*Then you come to the next element in the case, and that is the question of what the prisoner did according to his own account and that of others in the interval of time from leaving the house to his getting back. But before I come to that part of the case, I think I ought to say something about the medical evidence as to the time of the death. That medical evidence, you may think (it is purely a matter for you) does not really afford you any guide or any assistance in determining when this woman met her death, Professor MacFall gave a time, and his view was, if I followed it, that the murder must have taken place before six, because it was put to him. According to my recollection, that if the murder took place at or about half-past six then his opinion derived from the rigor mortis must be wrong, and he said it must be. He, however, gave a wide margin; and a still wider margin was given by Dr Pierce, as I understand his evidence. He could not say from his observation of the rigor mortis; although he put the death probably in the neighbourhood of six, he said it might have been as early as four or it might have been as late as eight. Then Professor Dible, not having seen the body, but acting on his reading of the evidence of Professor MacFall and Professor MacFall's observations, estimated that the death must have taken place sometime under three hours before ten or ten minutes to ten or rather over four hours; that is the margin he gave. With these conflicting views, you may well think that you can derive no help from this medical evidence. Then again, the question of exudation of serum seems to be even more obscure. As I followed Professor Dible's evidence and Dr Cook's evidence, especially Professor Dible's evidence, he would have expected a greater exudation of serum than was observed by Professor MacFall at ten o'clock if the death had taken place before seven. You may think that is evidence from which you derive no assistance in considering that aspect of it, and you must act upon other*

*considerations. It may be, as far as independent evidence goes, that you have nothing which would enable you to fix the time of the death on that evening. Indeed, the evidence is quite consistent with some unknown criminal for some unknown motive having got into the house and executed the murder and gone away. So far as weapons are concerned, the Prosecution have called Mrs Draper, who has said two things were missing; one is an iron bar, which apparently the Prosecution think is more likely to have been used, and the other is the poker, which it may be would have fulfilled the purpose with equal adequacy, however, there are those two things missing from the house. But Mrs Draper was only there last on the 7<sup>th</sup> January, and you must consider whether that evidence affords you any clue from which you can infer that the prisoner used one or other of these weapons. But they are both missing, and he cannot have used both those. If he used the iron bar or the poker, then the question arises how he got rid of it – not got rid of it in one sense, but get rid of it within the limits of time which are open to him, because he must have gone very quickly to the tram, very quickly indeed; indeed it has been pointed out by the Prosecution that he cannot have lost any time. There is no place, apparently where he could have dropped it on his way; the only possible place, the open space between the house and the tram, had been combed, and the drains searched, and no trace can be found of it. How the weapon was disposed of is a mystery. One would have thought that if he was carrying it the conductor of the tramcar would have noticed him if he was carrying an iron bar or a poker, and he did not. I do not say it is impossible for a murderer under those circumstances to have disposed of a weapon like that, but when you are considering whether it is brought home to the prisoner, you must carefully consider all those aspects of the case.*

*Then the next matter has reference to the various things which he did on that expedition between ten minutes to seven or a little earlier, and the time when he got back at 8.45. He gave an account that night, and that, I gather, enabled the police to trace the various witnesses who were important. He went to Menlove Avenue, as he has stated in the box, and his statements were corroborated by the various witnesses who have been called. The learned Recorder pointed out, and pointed out with considerable force, that it was very foolish for him to go on like that, that he might have taken steps through his friends to see whether there was a Mr Qualtrough, or to see whether there was a 25 Menlove Gardens East, and when he got there and everybody told him there was no such place as 25 Menlove Gardens East it was very foolish of him to go on making enquiries, and he ought to have gone home at once and given it up as a bad job. There was a great deal of force in that; and the learned Recorder pointed out that if this was an alibi two things would be natural: first that he should speak to his friends, as many as possible and in such a way as would impress upon them that he was there at that time and that he should tell the police as soon as the crime was discovered what he had been doing so that they could help him to establish his alibi. Of course, that is a possible view, and you have to consider that. But it is one aspect of the case, and there is another view. If the prisoner had not committed the crime and had not sent the telephone message, if he was going quite honestly to search for Mr Qualtrough in Menlove Gardens East in the hope of getting a useful commission, as it is a lucrative business, new insurance, then no doubt, having gone so far and having told his wife, as he says he did, all about it, he would anyhow not have gone home but have probed the matter to the bottom. It may be that he was very foolish, but on the other hand it is very difficult to say that his doing so points to his having committed this crime. Again, it is a matter of circumstantial evidence, and you have to take it all into account, but it is not use applying tests to evidence if none of them excludes really*

*the possibility of the innocence of the prisoner. If ever matter relied on as circumstantial is equally or substantially consistent both with the guilt or innocence of the prisoner, the multiplication of those instances may not take you any further in coming to a conclusion of guilt. However, it is a matter for you as to what inference you can draw; either adverse or favourable to the prisoner from his account and the other evidence as to what he did in this limit of time.*

*Then you come back to Wolverton Street, and there is the evidence of Miss Lily Hall, no doubt saying what she thinks she saw. She thinks she saw the prisoner at 8.35, and you have heard from the Prosecution what importance, such as it is, they attach to that. The prisoner says he was not there, and it is word against word. It was night, and there is no special reason, apparently, why Miss Hall should have made all these observations, or even with regard to the time, she should be accurate. Therefore, I put that aside, and you will give such weight to it as you think right. Then we come to 8.45, when he came to the house. There again the Prosecution says this is all a fake; it is all part of his preconceived scheme, just as he sent the telephone message, just as he sought to fake his alibi, just as he sought to fake the disorder and robbery in the house – I am not going again through that, because you remember what it was – and so he faked the discovery of the crime; and they rely on that and the whole story. There again, you will have to consider whether that helps you or does not help you to come to a conclusion as to whether you can form any firm basis of decision on these facts. If he is perfectly innocent, he had been wandering about searching for this person, and if he came back disappointed and then found the door of the house did not open as readily as he expected, it may well be he would lose his head to a certain extent and not set with that deliberation with which criminals are expected to set when their proceedings are countered. As to whether the front door was locked, you will remember the evidence, but it seems to me to stand in this way. He said that night to police constable Williams and in his evidence here that the front door was broken. He did not mention it to Superintendent Moore, who asked him if the back door was open, and he said it was not; he did not ask him about the front door. You will remember Police Constable Williams' account: he says the prisoner said the door was bolted and he had to unbolt it to let him, Williams, in, and Constable Williams said he did not hear any bolt drawn. That is all he can say; and Mrs Johnston, who was with them, did not notice one way or the other. So you have the statement of the prisoner that at the time the door was bolted. He said that evening he thought there was someone in the house, but it was only a conjecture that there was someone in the house when he first went, and he now thinks that was wrong. Of course, if the door was bolted, that would account for his not getting in at the front door and the question of the lock would not be material. On the other hand, if the lock was there with no bolt, then he ought to have opened it. You will have to consider what importance you can attach to the condition of this somewhat defective lock. Of course, if he was in the state I have indicated because he had been on a wild goose chase and could not get in at once, that might account for some difficulty, but on the other hand the Prosecution say that it was nothing of the sort: he knew what he was doing and he was feigning a difficulty which did not exist. There again you have to make up your minds about it. It is not at all impossible that under those circumstances in that state of mind he might have been so upset at the moment as to have had a difficulty in overcoming the friction of the two locks. When he got in, various criticisms have been made as to what he did: he went through the kitchen and found no one there, and then he went upstairs; then he did not go to the sitting room until after he had been upstairs. It is not very easy to see what significance can be attached to that, or indeed to the fact that he lighted the right hand jet instead*

*of the left hand jet. His evidence is that they rather favoured the right hand jet; and it is difficult to see that any idea can be obtained of his guilt from the mere fact that he did not step on the body or step in the blood. There appears to have been enough light to see a body lying there and probably there appeared to have been enough room for him to step round the body and avoid the blood. He was going about all the time; and I have not heard that any one of these police officers or doctors did actually step in the blood, and if they did not I do not see why he should. Then you come to those various things, and I do not want to say any more about them, as I have examined the evidence in that way and I do not intend to detain you any longer.*

*In conclusion, I will only remind you what the question you have to determine is. The question is, can you have any doubt that the prisoner did do it? You may think: "Well, someone did it". Human nature is very strange. You may have a man send a bogus message, and having sent the bogus message, even if he did not see the prisoner actually leave the house he might go to the house, ring the bell or knock at the door, and be admitted by Mrs Wallace. If she had been told, as the prisoner said, that the prisoner was seeking an interview with Qualtrough, and if he was admitted, he would soon find out where the prisoner was and find out that he was not in the house: on the other hand, if he found he was in the house he could go away. It makes it difficult to conceive what motive there might have been, if it is difficult to conceive there was such a person who could devise all these things. Then there is the difficulty of motive from the point of view of the prisoner; and if it is difficult to see how the man could have got away leaving no trace, it is equally difficult with regard to the prisoner. However you regard the matter, the whole crime was so skilfully devised and so skilfully executed, and there is such an absence of any trace to incriminate anybody, as to make it very difficult to say, although it is a matter entirely for you, that it can be brought home to anybody in particular. If there was an unknown murderer, he has covered up his traces. Can you say it is absolutely impossible that there was no such person? But putting that aside as not being the real question, can you say, taking all this evidence as a whole, bearing in mind the strength of the case put forward by the police and by the prosecution, that you are satisfied beyond reasonable doubt that it was the hand of the prisoner and no other hand that murdered this woman? If you are not so satisfied, if it is not proved, whatever your feelings may be, whatever your surmises or suspicions or prejudices may be, if it is not established to your reasonable satisfaction as a matter of evidence, as matter of fact, or legal evidence and legal proof, then it is your duty to find the prisoner not guilty. Of course, if you are satisfied, equally it is your duty to find him guilty. But it is your duty to decide on the evidence which has been given before you during these three days and whatever your verdict is that is the acid test which you must apply. Will you consider your verdict and say whether you find the prisoner guilty or not guilty?*

THE JURY RETIRED AT 1.20 PM AND RETURNED INTO COURT AT 2.25 PM: HAVING ANSWERED TO THEIR NAMES.

THE CLERK OF THE ASSIZE: Members of the Jury, are you agreed upon your verdict?

THE FORMAN OF THE JURY: Yes.

THE CLERK OF THE ASSIZE: Do you find William Herbert Wallace guilty or not guilty?

THE FORMAN: Guilty.

THE CLERK OF THE ASSIZE: You find William Herbert Wallace is guilty of murder, and that is the verdict of you all?

THE FOREMAN: Yes.

THE CLERK OF ASSIZE: William Herbert Wallace, you have been convicted of murder upon the verdict of the jury. Have you anything to say why sentence of death should not be passed according to law?

THE PRISONER: I am not guilty. That is all. I cannot say anything more.

MR JUSTICE WRIGHT: William Herbert Wallace, the jury, after a very careful hearing, have found you guilty of the murder of your wife. For the crime of murder by the law of this country, there is only one sentence, and that sentence I now pass upon you. The sentence of the Court upon you is that you be taken from this place to a lawful prison and thence to a place of execution, and that you be there hanged by the neck until you be dead, and that your body be afterwards buried within the precincts of the prison in which you shall have been last confined before your execution; any may the Lord have mercy on your soul.

#### FOURTH DAY

Closing Speech for the Defence.

MR ROLAND OLIVER – Members of the jury, by the rules of procedure in our Courts, as I have called witnesses in this case, I have to address you before my learned friend. That means that my learned friend will have an opportunity of replying upon any argument that I use: I shall have no opportunity, of course, of answering him.

Members of the jury, there are two facts in this case which, in my submission, are essential facts in determining guilt. One is: Who sent the telephone message? The other is: At what time have, the Prosecution proved that Mrs Wallace was killed? With regard to who sent the telephone message, I said to you yesterday what I have to say about it: it is not my purpose in this address to repeat over again what I said to you yesterday. You were good enough to listen to me with a courtesy and patience which I have never know before, and it would be wrong to repeat the arguments I then used. I ask you: How does the evidence stand on that matter? And I ask you whether, on that evidence, you can possibly say that Wallace sent the telephone message. Now, with regard to the second essential question. At what time have, the Prosecution proved that Mrs Wallace was killed; there are two branches of evidence upon that: (1) the medical evidence; and (2) the boy Close. With regard to the medical evidence, it stands in this way, does it not? You get such deductions as can be drawn from the onset of *rigor mortis*. You have Professor MacFall saying that, in his opinion, death was caused four hours at least before ten o'clock. Well, that is wrong, and the reason I say it is wrong is, of course, because she was seen alive long after six o'clock. The solution of that matter is given to you by Professor Dible. But *rigor mortis* taken alone is a hopelessly fallible test; it is not a test at all. You have got to take it with all sorts of other things, including the temperature of the body, which was never taken at all. Does not the medical evidence stand in this way: *rigor mortis* cannot place the death? There is an element of error of at least an hour either way; and that is how I ask you to treat it. I accept quite candidly that, upon the medical evidence, the death might have taken place at such time as Wallace might have been there, but I submit to you that, looking at the whole of the facts, it is not a bit more likely to have taken place then than after Wallace had gone; and there is another fact which points considerably in Wallace's favour, and it is this: Professor MacFall's evidence upon what is called the exudation of serum, that is the liquid part of blood which



becomes expelled and remains liquid while the main mass gradually coagulates and forms a spot. Professor MacFall told you that when he arrived on the scene there was only a slight exudation of serum. You will be astonished, therefore, looking at the fact, to hear that Mrs Wallace had been dead even as much as three hours if there was only a slight exudation of serum. You follow the point. If she had been dead three hours at ten o'clock, she died at seven: if she had been dead for less than three hours, she died after seven. That is the point, and for what it is worth, I leave it.

Now, let me come to what is at least positive evidence, not speculation or matters of chance like that matter of *rigor mortis* or serum, and that is the evidence of the boy Close. Do you appreciate this, that the question of when that woman was last seen alive, so far as the Prosecution's case goes, rests upon the word of that boy, and the value of his recollection, that at that particular moment on that evening he looked at a clock and saw it was twenty-five minutes past six. The whole of it depends upon that, because it is from that that the police have built up this case, that he got there early as half past six, by means of a marvellous experiment in which the boy covered the distance I describe yesterday, which he admitted, first of all, as six minutes, and, by apparently some process of speeding up, five minutes. If that boy stood unchallenged, you might say: "Well, we have seen him, and we do believe that he looked at the clock at twenty-five minutes past six." Does he stand unchallenged? What do you know about him? Have you a shadow of doubt, that within twenty-four hours of this crime – when he had no interest either way, and before the police had interviewed him, just recording the fact – he said to his street companions whom I called: "I saw her last night at a quarter to seven"? Why should that be wrong? That is the boy's unaided recollection. So much did it impress the boys and girls that he spoke to, that one of the said: "If that is so, you ought to go to the police, because according to the papers Mr Wallace went out last night at a quarter past six, and if you saw her alive at a quarter to seven he could not have done it." The case for the police here is: "When no one suspected you, how did you know you were suspected?" Why, the very children in the street suspected him. Of course, he would be suspected. Are you satisfied that that boy saw her at half past six, or do you think he saw her at a quarter to seven? You saw his demeanour when that matter was put to him. I said, "Did you not tell those other children the next night that you saw Mrs Wallace at a quarter to seven?" Answer: "No." Then eventually: "Well, I said between half past six and a quarter to seven." That is the boy upon whose evidence you are asked to rely absolutely. Do you doubt that he went to the police and told them it was a quarter to seven; do you doubt it? I asked the two witnesses about his statements. Do you doubt that at the moment the police decided to charge Mr Wallace, a quarter to seven became quite hopeless for them, because Mr Wallace had established, by evidence that cannot be controverted, that he left the house at about a quarter to seven. Members of the jury, are you satisfied now on that boy's evidence? The police elected to leave the question of the time that Mrs Wallace was last seen Alive. Why?

So much for Close's evidence. You saw Wildman, the first boy I called, and you had an opportunity of judging his demeanour. There was no hesitation about him. He is not a coached witness, you know; he has not been brought into line. If he had been brought into line, he would have known, and said, "At a quarter to seven, I saw him on her doorstep." Not at all. He gives the time at 6.37 or 6.38; it is between half past six and a quarter to seven. You follow that is the time he puts it at. Then it is said: "You did not give your statement for a long time afterwards." But on the night, in the district, there happened an event which imprinted itself upon the mind of every man, woman and child in that neighbourhood; and do you think that the boy whom you saw, Wildman, did not have it indelibly imprinted on his memory in the next twenty-four hours? In the next twenty-four hours, it

was stamped on his memory with regard to the time. Why was not his word as good as Close and why did not the police call him? Here is a man on trial for his life. Why have not the police called at the witnesses who can assist you? That is one of them. Now, here is another. David Jones delivered the *Liverpool Echo* that night at the house, and he delivered it not by ringing the bell and seeing Mrs Wallace, but by putting it in the letterbox and leaving it. The police take a statement from him within two days, and he told them that he delivered the paper at half past six that evening. That paper opened and apparently read, was upon the kitchen table and I think it actually appears on one of the photographs of the room in the kitchen. That paper had been taken in, and, for aught we know, read; at all events, there it lies on the kitchen table. Is that a fact which throws no light upon what time Mrs Wallace was last seen alive?

Now, members of the jury, Mrs Wallace was alive at half past six, because I do not suppose anyone would suggest that, after committing the murder, Mr Wallace went and took that paper out of the letterbox and put it on the table. You may probably remember that in one of his many interrogations he was asked whether there was anyone, he would expect to be arriving after he left, and he said: "I cannot think of anyone except perhaps the paper-boy." If that paper arrived when he was upstairs preparing for his journey, that would be perfectly consistent. But you know what it shows is beyond doubt, that that poor woman was alive well after half past six o'clock.

Now, let me pass from that to something else. I spent some time yesterday – and, indeed, believe me when I say it is not my purpose to repeat myself – in discussing with you what Wallace had got to do in the time at his disposal, whatever it may have been, to get himself completely clean so that he could pass the eagle eye of Inspector Gold, as he did that night. I have told you the things he had got to do, and all I want to say now about it is this: This Prosecution have got to satisfy you of the case they bring against the accused. What is their case? It varies from day to day. At the police court, it was this: Wallace, in a mackintosh, killed his wife. No suggestion then that he was naked. They come here, and some genius has observed that he was dressed; he must have had blood upon his clothes – the mackintosh, and he must have had blood upon his trousers, too. That will not do for us, because he must have got rid of his clothes. He could not have washed them; he must have got rid of them. So we have the learned Recorder suggesting he was naked. And that raises another difficulty, the problem of the bath, which I pointed out yesterday – naked! But then there was sprung upon them this, in the cross-examination of Superintendent Moore. It is rather funny that these two should be in that room at all together, the visitors' room, with the gas lit and the fire on. It is rather funny. How could they get there at all? Then we get the counter-blast of that yesterday, by the learned Recorder cross-examining Wallace. He said: "You were playing the violin there in the evening. Look at these two pieces of music on the piano" – he ignores the violin stand – but "look at these two pieces of music on the piano." What happened to the music? What happened to the naked man in the mackintosh? Could you conceive the picture of the husband naked in a mackintosh coming in to play the violin? That has gone. But, of course, it goes with its concomitant troubles, because it brings back the clothes. One work more about the mackintosh, and I have finished. Here, Professor MacFall sought to suggest to you that there were typical spurts of blood upon the mackintosh, showing that blood had squirted upon it and upon the assailant. He sought to suggest that there were many of them. He said: "I can show two that are typical," and he showed you two. If there was one word of truth in that, why was it left to this trial? Not a word of it, or a hint of such a suggestion, was made at the police court. It must be perfectly obvious. May I show you this picture, members of the jury? You have only to look at it to see what happens when a

horrible deed like this is done. That picture is the most eloquent witness for me in this matter. That mackintosh has got two things which are equally consistent with being splashes which have projected, or splashes which have dripped, and only two with the absolutely typical sort of soda-water effect. If they were upon the mackintosh, they would have been shown to you, and would have been shown at the police court. I ask you to absolutely reject that, and say, if that had been upon the assailant it would have had typical splashed like this picture on the wall, and probably many more, because the assailant would be so close. But it has not got them. Therefore, it must have been round the shoulders, or somehow upon the dead woman. And do not forget this, members of the jury, it is partly burned. Have any of you a shadow of doubt it got burned by some accident, and at the same time as the woman's skirt got burned? Why should the assailant burn his mackintosh? It was obviously done by accident, and obviously, in my submission, the same accident.

Now, members of the jury, I pass from that and come to another more or less, less vital matter in this case, and that is the clot on the pan? The case for the Prosecution is that that clot fell within a minute of two of the murder. Professor MacFall, in his evidence, admitted to me it takes some time for blood to coagulate, and when it first coagulates, it does so in the form of a jelly which is so soft that if you drop it, it would splash. It would take about an hour, he admitted to me and this is on the evidence, you know – to be solid enough to be dropped and remain as it was without splashing. Then he tried to suggest that that faint smear in the direction of the inner part of the pan was a splash. That, of course, I ask you to say is not, obviously, I what my doctors told you, the fact being, with a moist surface it slightly exudes and flows in the direction of a fall, admittedly from the top if the pan inwards. That was Professor MacFall, and that was evidently a terrible blow to the Prosecution, because yesterday morning, at the very end of their case, you were again called upon to hear Mr Roberts. He had made experiments in blood, which showed that you could form a clot of that character dropping fifteen inches on to a hard surface two minutes after it has been exuding. Members of the jury do not let me mince matters. I am going to ask you to disbelieve that evidence; and I will give you the reason why I ask you to disbelieve it. If it stood alone, you need not believe it, but it is now utterly contradicted by two men of science, one Professor Dible, whom you have seen, and Dr Coope, who, as a specialist, performed over one hundred experiments for this very purpose. Those two men of science told you, and it is for you to say why you should not believe them, it would take at least an hour. Now if it would take an hour, it did not come off the accused Wallace. That is how the matter stands, and I ask you to say it must be perfectly obvious, now that you have had all the evidence before you, that that clot on the pan somehow or other got picked up by some of the many people among the twelve people, police and others, who were in that house on that night.

Now, with regard to the blood on the notes, I said what I have to say about that yesterday, that slight smear on one of the notes. You have got this additional piece of evidence now, a thing no one knew before it was given in evidence. It was put by my learned friend the Recorder, but I think it was volunteered in answer to my question – a thing I had not heard from the accused himself. He said he probably picked them up, and probably he may have done it if he counted them in the middle like that, and there is a smear of blood on one. What other explanation is there, members of the jury? Of course you cannot answer, I know, but what other explanation can there be? Why should it be part of his scheme after he had murdered his wife to take out four £1 notes and put them in a jar on the bedroom table? It is not part of his scheme at all; it does not help him.

Now, I pass from that, and there is not very much more I am going to deal with, but what it is, is mainly this: I have called him, and I asked you before I called, to observe him when he was in the witness box, and I know you did. I suppose it is going to be said by my learned friend the Recorder, "What a cool man." If he had been an agitated man, and if he had blundered, I suppose my learned friend the Recorder would have said, "Did you notice his demeanour; do you think that is the demeanour of an innocent man?" You can put anything against an innocent man you like. Is there no such thing as calmness of innocence? Did you notice the way that man answered the questions? Did you hear him fence or prevaricate once? Did you hear the frankness of his evidence, and apparently entirely untroubled? I was impressed with a phrase I had not heard before I came into this Court: "He has put himself upon his country, and you are his country." My friend asks you to look at his demeanour, I ask you to say that his demeanour in the witness box was that of an absolutely innocent person, absolutely. Has any sort of inroad been made upon his character, or upon his antecedents? I told you what they were in my opening speech. If they had found out anything about him, you would have heard of it. You know what his friends, and people who knew him, thought of him; you know what his life had been for fifty-two years. You know, you cannot doubt his devotion to his wife or to those friends. With regard to his character in this case, the police took possession of, and have retained, the diary of three years of his life – obviously honestly kept. It is very full, and if you want to look at it, it is there. The story of his life from inside – what the man has written himself, his own thought, his own feelings – and, if you look at it, of his companionship with his wife, which corroborate him in the only manner in which it could corroborate, because he first of all said he collected on a Saturday, and then corrected himself and said he did not, and one looked at his diary and found that he could not have done so, and it was a perfectly honest mistake. Members of the jury, are you going to convict the man of murder? That is what it come to. Is the case proved against him?

Now, members of the jury, take some of the things which were put to him in cross-examination, and see how frank he was. It was put to him, by my learned friend the Recorder that, when the telephoning took place on January 19<sup>th</sup>, "that would have been a splendid opportunity, would it not, to have gone and robbed your house when you were know to be at the Chess Club?" That may be argued again. He frankly said it would have been. But, members of the jury do not forget the argument against it. He is not arguing his case, you know; he is just answering the questions. The argument against it, keep in your mind. They would not know if they saw him go out, and were watching him, that he was going to the Chess Club. They might think he might go there, and being the ordinary payday of the Prudential, it is said that would be the most likely day to get a good haul. That is the answer not given by him, but mere argument coming from me; and I ask you to weight it. Then the next thing put to him is this: "You had two doors to this place and there must have been two watchers." Is that an insuperable difficulty? So you think that is unlikely? Do these sort of people, if they did this, never work in pairs? My learned friend seems to think it helps his case that two iron instruments are missing from the house. I do not know how he says that points to Wallace. Then the next think: "You knew Menlove Gardens; look at your diary. There are two visits to Calderstone and some to Woolton Park," which is towards Menlove Avenue. Of course, he had been along Menlove Avenue, but when you go along a back street like that, you do not go along memorising the names of the side streets. I pass that by. The next one is: "You say today, you visited Mr Crewe's house when you were up there that evening. Why did you not tell the police so?" The answer is this: "I did not tell the police that, because I was telling the police the people I had

seen and spoken to, in order that they might go and get corroboration of what I had said.” “Those are all people that I can remember I spoke to,” is the phrase in the statement. What is the use of telling the police, to assist their enquiry, that he had gone to a friend’s house and could not get in? You know Mr Crewe was out that night. Why should not he be telling the truth about it? The next point made against him was this: “When you got to your house and could not get in, why did you not shout? “What is the use of calling out at the front door when his wife would be either in the bedroom, which is away from the front, or in the kitchen? At the back door, he was knocking. How can it be said against a man, “When you knocked and could not get in, why did not you call?” What is the good of calling if he had knocked? He had knocked and had not been heard. Is that against him? The next point is that Police Constable Williams said that he said his wife came part of the way down the entry with him. Just think; every word a policeman says, I suppose, is to be taken as gospel. Police Constable Williams is only a human being, and Police Constable Williams had gone in there and heard a long statement. I have counted it. It is about one hundred and fifty words – the first statement. He had gone there and heard a long statement, asked questions and got answers, and immediately afterwards, Constable Williams had sat down and made a note of what was said. Do you think it is necessarily proved that all Constable Williams said is true? I am not suggesting he invented anything. A mistake can be made between, “My wife came down the entry with me,” and, “My wife came down the yard with me.” Then, with regard to the bolted door, Wallace said, “I did not say, ‘bolted the door.’ I think I said, ‘she would bolt the door.’” Is that, merely an inaccuracy, to be pressed against this man? Just look at the state of mind of the man at the time, having just discovered this shocking crime. If that was his state of mind, do you think it should be pressed?

Then, my learned friend made capital out of this: He got Wallace to admit that a wrong address was essential to the creation of an alibi. Wallace is not arguing the case, you know; he is not an ingenious man who is thinking out the best answer he can give. At the most, that is only a matter of opinion, but what do you think about it? Do you think that is the true inference, that the wrong address should only be given by a person who is preparing an alibi? Members of this jury, just consider this: If that telephone message was sent by a criminal, do you see no value in his giving the wrong address? If he gives the right address – well, I should not say that because he would not. But the point about the wrong address is this, that it gives him time. Of course, for the criminal there is not right address. He might give the name of a person who lives in the street, but, if he did, Wallace could go and knock at the door, and ask. “Yes, I am Mr So-and-so.” “Have not you got business for me?” Reply: “I have never heard o you in my life”; and he would go back at once. A wrong address is going to keep him away from that house for the next half an hour. It is not the time to commit the crime that is being played for; it is time to get away. Do you see no value in a criminal giving the wrong address? Of course there was.

Then, with regard to the turning out of the lights: Why should the criminal turn out the lights? I say to you, if that is going to be said, why should Wallace turn out the lights? I will tell you why either should turn out the lights. If either were the criminal, I suppose the first thing when the mackintosh caught fire and the skirt caught fire would be to turn off the gas, then, when the time came to leave the room, would the light be left on by the criminal; would he leave it on? Of course, he would not. Why, anybody coming along, the window of that room being in the front street, seeing a light in the room, a friend of Wallace, might knock at the door. No answer. “That is funny; there is a light in there.” Wallace, if he were planning this murder, why should he turn out the light? If the Recorder

is going to say the criminal would leave it on, why should not Wallace leave it on? He would say when he came into the house: "I saw a light and I went straight in."

Then as to what he did when he came back. He does not find his wife downstairs, and he goes upstairs, and searches in the only place where he thought he would find her, and it is suggested that he knew she was not there all the time. Then, finally, the suspicious conversation with Mr Beattie; the thing that was said to be an indiscretion, you know. "Oh," says the Recorder, "why should you think you were suspected?" "Well," he said, "I had reason enough to think I was suspected. The very children in the streets suspect me." He was obviously suspected; and when Mr Beattie says to him, "If I were you I would not talk about this, because what you say might be misconstrued" – I went over it yesterday; I will not do it again – the officers go to him and say, "What did you want to know the time for?" and he says, "Well, I had an idea – we all have ideas – it was indiscreet of me." Is that to be taken against him?"

Now, members of the jury, what the Recorder is going to say to you now, I can only guess, but I wonder if he is going to explain to you some of the things he told you about before? I hope he will not think I am making that complaint to him personally, because Mr Recorder puts before you arguments and evidence which are given to him by his clients. I wonder if he is going to explain to you how he came to tell you there was not money in this house, in fact there was a very little, but that if mere accident? I see him making a note. Let him not this then. His own witness, Mr Crewe, said there might be expected to be anything between £20 and £30, or, if it was a monthly collection, £80 to £100 in cash. He tries to escape by saying that Mr Crewe is a friend of Wallace. All the more to Wallace's credit if he is. Does that mean that he is not going to tell you the truth? See how ill this comes from my learned friend. They could have proved it exactly if they liked. What was to prevent them from going to the Prudential, a thing that any ordinary Prosecution would do, and calling the Prudential, with their books, to prove this thing properly? What was to prevent it? They have got the power. Instead of that, he calls a witness who give you the figure: I call Wallace, who corroborates him. Then my learned friend is apparently going to say to you: "You need not believe my witness Mr Crewe." And, how is he going to explain his telling you that no one would know that Wallace would be at this Chess Club on the 19<sup>th</sup>? The police must have told him that; everybody who used that cafe would know if they wanted to. How is he going to explain his telling you that Close know the time very accurately; and how is he going to explain to you what he said, that Wallace went to the wrong room first. I wonder what you would have thought, and I wonder what my learned friend would have said, if Wallace, going into the house on that night, had gone straight to the last room in which an innocent man would expect to find his wife? I wonder what he would have said, and I wonder what he is going to tell you about missing the body? Do you remember his opening: "Going into a dark room he somehow missed the body and the blood"? It is their case now that it was a light room, a light reflected from the kitchen. A criticism is made because my client struck a match. That is the kind of stuff what has been put up to you, to try to convict this man. What is he going to tell you about burning the mackintosh? He devoted between five and ten minutes of his opening pointing out to you the extraordinary significance of the fact that the mackintosh was burned, and that no one but Wallace would have any necessity for burning it. Have you a shadow of doubt, on the evidence before you, that the mackintosh was burned by accident? By some accident, it got caught across that fireplace and burned. It is obvious, because there are the ashes in front of the fire. Who would seek to burn that? And how is it the mackintosh was on the woman, and also the skirt; and how will he explain the clot on the pan of Wallace did not take it?

How is he going to explain it? How is he going to explain this murder? Is he going to adopt Professor MacFall's suggestion that it was the sudden frenzy of a man who had planned it for twenty-four hours? You have seen Wallace. Do you think he is mad? And how is he going to explain this: If Wallace was dressed when this was done, where are his clothes? If Wallace was naked, how were they together in that room? Where did he have a bath?

Members of the jury, I have finished. The onus in this matter, the burden of proof, is wholly upon the Crown. You have got a crime here without a motive; you have got a man here against whose character there is not a word to be said; you have got a man here whose affection for his wife cannot be doubted. You are trying a man for the murder of a woman, who was his only companion, for no benefit. The Romans had a maxim which is as true today as it was then: "No one ever suddenly became the basest of men." How can you conceive such a man with these antecedents doing such a thing as this? Finally, if I may say so, it is not enough that you should think it possible that he did this – not merely enough, but it is not nearly enough. On looking at the two stories, you may say: "Well, the story of the Defence does not sound very likely, but the story of the Prosecution does not sound very likely either; and if that be the state of your minds, then he is entitled to be acquitted. I suggest that this should be the state of your minds: The story for the Defence is not very likely, but at least it is consistent with all the facts; the story for the prosecution sound impossible.

CLOSING SPEECH FOR THE CROWN.

MR HEMMERDE: May it please you Lordship, members of the jury. It now becomes my duty to address you finally on behalf of the Prosecution. My learned friend need have no doubt. I shall not ask you to wait until my Lord addresses you before you learn, that if you are dissatisfied with the story of the Prosecution and the story for the Defence, the Prosecution have failed to make? I do not think any, if you, having heard my opening speech in this case, could readily have been in doubt after you had heard it that, in accordance with what I regard my duty, I put before you that the burden of proof was on the Prosecution, and you could not convict this man merely upon coincidences.

Now I take my learned friend for two points. Who sent the telephone message? Is the first vital point; and, What time have the Prosecution established that Mrs Wallace was killed? Is the second vital point. Let us take the facts on the first. The prisoner admits that on the Monday night about 7.15 he left his house. About 7.15 obviously may mean two or three minutes one-way or the other. He gave that statement quite early on – I think the night of the murder – and that statement is not and cannot be varied. The telephone box is four hundred yards from his house. Walking five miles an hour, one would do that in rather under three minutes; walking four mile an hour, in rather over. He is a tall man, and one could probably fairly give him a good four miles an hour walking at night at 7.15. From the telephone box, about three minutes from his house, someone tries to get through to the City Cafe. My learned friend said: "How did the Recorder get the fat that nobody knew or could know he was going to be there? He must have got it from the police." I did not; I got it from his client. In the deposition, as I put it to him, Inspector Gold, giving his evidence before the Magistrates, and again here, said: "I asked him if he knew anyone who knew he was going to the club"; and, "Had he told anyone he was going?" To that, Wallace said: "No, I had not told anyone I was going, and I cannot think of anyone who knew I was going"; and upon that, I based the statement that nobody would know that he was going or could know. It is suggested somebody

might have looked at the match list up in the City Cafe, and I think you know from Mr Beattie that that was only provisional as people might never turn up for their matches, and have acted upon that. Now let me come back. Assuming he left the house on this three minutes' journey at 7.15, he could easily have been in that telephone box at 7.18; but by a singular coincidence the man who wanted him, Qualtrough, was in that telephone box at the identical time at which Mr Wallace might have been there, and, by another singular coincidence, at that moment was trying to ring up Mr Wallace. That is how it starts. The man in the box is ringing up at a time when, on Mr Wallace's own times, he might perfectly well have been there, and it was a box that he had used, and it was the only box, as my learned friend frankly admitted, anyone on such an occasion as this would be likely to use, because the other one was in a Public Library or in a shop, and naturally a man doing a thing like this would not want to go to a box where he would be observed. We know, whoever he was, he went to a box where there was no light except an indirect light, and where anybody could perfectly well telephone without drawing any attention. The man in the box telephoned through to the City Cafe. Nobody but Wallace knew that Wallace was going to be at the Cafe; no one. That is his own story. The man rings up. Assuming for a moment that it was the prisoner, you can hardly imagine that he would ring up when he could speak to any member of the club without, to some extent, disguising his voice. You may think it difficult to disguise the voice. Some of you may have tried it before now and think it is pretty easy. That is entirely a matter for you. The voice on the telephone was confident and strong, but inclined to be gruff. If a person was imitating another person's voice, you might imagine he might do so in a voice which would have all those characteristics. That is what is suggested: that the man who rang up there was the prisoner and that he rang up no doubt disguising his voice. Now assuming that it was not the prisoner; a man, whose name Wallace had never heard, a man who could not possibly know that Wallace would be at that place, because Wallace had told nobody, rings up the club, and leaves a message of an appointment for the next night at Menlove Gardens East with a stranger. The stranger cannot tell him whether Wallace is coming or not, but, if he comes, he will give him the message. He is asked if he will not ring up later. He says "No," he has got some function on, some twenty-first birthday party. If it was not Wallace, obviously he would say he could not ring up later, because he would not be there. If the man had important business, and he wanted to speak to a man he did not know, do not you think he would then want to ring up later? And, remember, when he was ringing up, he was four hundred yards only from the house of Mr Wallace and it is perfectly clear that he did not call there, and he did not leave any note there. What he did do, was to telephone up to a place where he could not know he was going to be. It is common ground that the man who rang up there, whether Wallace or another man, was planning the murder of the next night. Therefore, you would have thought he would be certain to see that his message was one which would get him to the person whose whereabouts he wanted to affect the next night. He does nothing of the sort. He leaves it with Mr Beattie, who cannot even tell him that Wallace is coming. He never enquires afterwards whether Wallace came there and got his message, but he leaves the whole thing there in the air. Can you believe that any man planning a crime the next night would not first at all see definitely that that the man would be safely out of the way? What was there to prevent him sending a message to ask him to speak at a later time on the telephone? Supposing it was Qualtrough himself on the telephone, he could say: "I will ring up in an hour and see if he is there"; and if he was not there, well and good. But can you believe that the man would leave it just to chance as to whether he got that message or not? That is how we start: Wallace, leaving his house at a time which would perfectly well have brought him straight to that box, is not in the box, but, by a singular coincidence, the man who wants Wallace is



in the box, and asking for Wallace at a place where only Wallace knows he is going to be. Within a few moments of that, just down the street, Mr Wallace says he thinks he remembers posting a letter. You see how near he was, and you will realise the extraordinary coincidence of that. Remember that the next night, according to the story, Qualtrough must have taken all the steps on the assumption that that message got home to the man whom he wanted to move. Those are the events of that night, with this exception: I am not going to stress it again, but you will remember how the conversations took place there: "Where is Menlove Gardens East?" Many of you may know Liverpool pretty well. It may occur to you that a man who wanted to know where Menlove Gardens East was had a perfectly easy way of finding out that night or the next morning. He goes home, talking to two club friends, dwelling upon the name "Qualtrough" as being so odd, discussing the way he is going to get to Menlove Gardens East, and then, the next night what happens? He says he leaves the house at 6.45. He goes by tram, and he goes up on two trams. On one of them, he actually mentions the address, Menlove Gardens East, three times to the conductor. He tells two of them that he is a stranger in the district – a man who had had music lessons a couple of hundred yards away from Menlove Avenue, a man who must have gone there going to Calderstones, as his diary points out, not only twice but more than that, because I only took two dates near one another. He points out he is a stranger in the district, and he then proceeds to talk to Green, the young clerk; to go into a house; to go down and talk to the officer; and then, apparently, to go to one or two more places. He goes in and sees Miss Lily Pinches, again asking for Menlove Gardens East, having been told by the officer, and having been told by Green, that there was no such place. He is again asking for it there, and so far as we can see on his evidence, he never does the obvious thing. We know he does not go and ask the police officer on point duty, who could have told him Menlove Gardens was just up the road, but there was not Menlove Gardens East. We have no evidence that he goes to his superintendent except his statement at the last moment, because he says, he had heard that the superintendent was not in. But whether he went there or not, if he did not go, does it not strike you as a most singular thing that he never told the police of that vital fact, because if he had gone and asked Mr Crewe, "Is Menlove Gardens East up here?" he would have known at once there was no Menlove Gardens East, as apparently everyone in the district whom he asked seemed to know? That is how it strikes one as far as the Menlove Gardens East incident is concerned. Do you think that any man searching for Menlove Gardens East would ever have asked all those questions, and gone finally to that newsagent after being told even by the police officer that there was not such a place? Then you remember in examination in chief he said, when he found there was not such a place, he thought that Mr Beattie must have made a mistake: "I came to the conclusion a mistake had been made in the telephone message, either Mr Beattie had got it wrong, or Mr Qualtrough had given the wrong address." That is what he said, and you might imagine that was the natural thing he should have thought. But remember, according to his story, he had been induced to leave his house by a false address and false business being suggested to him. Supposing that he had not left his house, and had not gone after this business, and then he would have stayed in the house – or might have. Supposing that he had looked it up in the directory or spoken to Mr Crewe of the Prudential, and found there was no such place, he naturally would not have gone there, and yet this murderer, the other man, Qualtrough, must have assumed he would go, although the slightest thought, even if he believed his message had got home to him, would have told him he need not go at all, and, farther than that, Menlove Gardens East or Menlove Gardens, let us say, is barely twenty minutes away by tram. Supposing Wallace thinks –

MR ROLAND OLIVER: Mr Recorder, that is quite wrong, not twenty minutes, it is more than half an hour according to your witnesses' test.

MR HEMMERDE: I am obliged to my friend. I want to get my figures exactly accurate because I want you to see that this means. A man is waiting to murder this woman, he is getting another man out of the way, he sends him off a distance, I think we had it roughly, of about three miles.

MR ROLAND OLIVER: About four.

MR HEMMERDE: About four. It takes just over half an hour. At any moment, an enquiry might tell him that there was not such place. If he had made the enquiry at the Penny Lane junction from the officer on point duty, he might have found there was not such place and returned straight home, which would mean he could perfectly well have been back at home a little more than an hour after he had left it. When you hear suggestions made that this murder may have been committed a considerable time after he left, you will bear that in mind, that the man had chosen an address so little distant away that, even assuming the man went on a tram and took no faster mode of locomotion, as probably he would go on a tram, he might be back well by eight o'clock. That is the position. Do you think any man would have run that risk for a moment? You heard me put, yesterday, the suggestion that any man who had given the wrong address would undoubtedly confuse matters, and he would run the risk that someone might look it up and never go. Here you have got the position that this man might not have gone; he could have returned quite soon. What he does do when he gets up there is to ask a number of people the information that he had already got from somebody else. My learned friend says at a future time he was very frank about all his movements. Really, that does not seem to be very improbable because, of course, according to the story of the Prosecution, he wanted the police to know the whole of his movements up in that district. If he was a guilty man, he would be perfectly frank with the police, in his own interest; if he was an innocent man, he would have been perfectly frank with the police because he had nothing to hide. Can you imagine under those circumstances that he would not have mentioned the fact that he had attempted to get the information from Mr Crewe by calling at his house? However, that is a matter entirely for you. I am content to point out to you up to that point, the inherent improbabilities of the story that he would first of all have ever gone there; secondly, that the man Qualtrough would have dreamed he have gone there; thirdly, that Qualtrough would ever have known that he had gone there; and you may be able to think of a number of other improbabilities. I do not want to press that. Wallace had come to the conclusion, according to his evidence yesterday, that he had made a mistake, and we find him making a statement, I think it was Constable Williams, that he became suspicious and returned home. Why on earth should he become suspicious and return home? Could anything be more easy than to make a mistake on the telephone between Gardens East, West, South or North, and to make that mistake, possibly, about a name, although the name being an odd one that is less likely. He then goes back home, and, according to him, he hurried back. According to the evidence of the Prosecution, he was not hurrying back particularly, because Miss Hall saw him speaking to someone. You heard her. She says she has known him by sight for years, and she immediately recognised the man, and she told her sister and told her father, who came down and told the police that same week, that she had seen Wallace there, She was going off to the second house at the cinema at 8.50, and she knows the time, but whether it is 8.40 or 8.50 does not matter. She saw him before he got to the house. My learned friend said: "Have the police advertised for the man to whom he was speaking?" They have advertised. You may call spirits from

the deep but not be sure that they will come. You may think that she has made a mistake, or, if she has not made a mistake, that the person will not come forward. It is only testing his accuracy when he says he returned home because he was feeling uneasy, suspicious; and if you find him almost at once denying that he had a conversation near his house, which would suggest he was not hurrying home, if you find him not telling the truth, you would use that knowledge in testing his other evidence. Then he arrives home, and I want you to follow this, because if that is anything which I can safely rely upon, it is my duty to point it out to you. He reaches home. You have heard all the evidence about his being unable to get into the house. You find, first of all, he is unable to get in at the front. He hurries round to the back, and he is unable to get in there. In the front, you have heard from the locksmith that the lock has been in a certain condition obviously for a considerable time. We know that when he first of all spoke to Constable Williams he made the suggestion that both doors were locked against him. He used the expression, whether it was to Constable Williams, or to the Johnstons, "Both doors are locked against me, or bolted." Did he find that they were? It is here that you have to look at the thing really searchingly. Remember that until the witness Superintendent Moore took charge of the question of the lock, he had said the front door was bolted. When Superintendent Moore showed him that he perfectly well understood how the lock worked, and showed that he could open it quite easily, you find him, in his first statement to the police, saying at first he could not get in because the thing would not turn, but afterwards that it turned in the way that the Superintendent has described. Do you believe for one moment that he could not get into that front door? Do you believe he could not get into the back? What are the facts at the back? That the back lock had stuck. We know now that he goes round to the back. He, first of all, says he cannot get in, but Mr and Mrs Johnston are there, and Mr Johnston has said that he will get a key if necessary – or Mrs Johnston, I forget which. Then he says it opens now. Later in the evening, we find him suggesting to the police that someone must have been in the house and have unlocked that door. He does not suggest that now. You have heard him say yesterday, he did not suggest that any longer. If he is not really trying to get into that house, but trying to create an impression that he cannot get into the house, is not a vital circumstance? What would be the attitude of a man who had nothing to fear who came back to that house? Would he ever have said to Police Superintendent Moore when he is trying the lock: "It was not like that this morning." Is he not trying to suggest that the lock is in a different condition then to what the locksmith said it might have been in for quite a long time?

I started by saying what Constable Williams had said. But the vital point is, of course, that the prisoner has told you that he did not discover it was bolted until he went to let Williams in. But to Superintendent Moore, when he pointed out that the lock worked all right, he never suggested it was bolted at all. I suggest to you, that when you find variances like that, and when you have a discussion like he has with Superintendent Moore about the lock, no suggestion then of the bolt, and Williams in answer to me said he heard no bolt drawn back, he heard a fumble with the lock but heard not bolt, I ask you to draw a conclusion from that, that something was happening that was not a genuine attempt to get into the house at the front door. Do you think that, used as he was to the lock sticking, he was making any genuine effort to get in at the back? These are matters on which you have to form your view. I said to him: "When you found a difficulty with the lock, why did not you not call out in the yard?" as many of you might if you had lost your key or something. He did not say there was a light upstairs in his wife's room but he did not call out. He gave the usual knock. If she had fallen asleep or anything and the light was turned down, that might not be enough. All

these matters you have to watch carefully to see, first of all, if there are suspicious circumstances and that you appreciate them, and, secondly, if they do not strike you as suspicious circumstances, in fairness to the prisoner you dismiss them. You find him there. I put it to him: "You made it clear to Constable Williams when you came to the back yard you could not see a light in the kitchen because the curtains were drawn"; and he said: "When I looked into the rear kitchen, I could see there was a light in the far kitchen"; and I pointed out to him if his wife had a cold, and the door was closed, he would know perfectly well that the near kitchen was not lighted. He goes in eventually, and Mr and Mrs Johnston stopped outside. He goes in and you followed his journey through the house. I do not want to press it. You have heard him say he called out twice and one of the Johnstons heard him; and you also heard him say, in answer to me, when he found his wife: "Did you not show some signs of emotion or affection?" and he said he did, he cried. If he did, no one heard it. There was not sound reached the Johnstons. He came out a little agitated, and said: "She is dead; come in and see," and they went in.

Now, remember this. The point is not really vital as to what happened upstairs at all. A great deal has been said, and a great deal of evidence has been called, as to the time at which that blood clot got on to the rim of the pan upstairs; and something has been made, too, as to the time at which the notes upstairs got touched with blood. Just take the facts as we know them. A Prudential agent, at the end of this week, after he had paid his outgoings, deducting them, of course, from his incomings, had left a balance of £4, so he says. I put it to him that that must have been the usual condition, and he admitted that his usual industrial collection would be about £30, round about £30, and from that there must be considerable outgoings. I would suggest to you that it is not likely that there was a very large sum left in the house, and for this reason. You remember how he told you that he put the Prudential moneys in a moneybox without a fixed lid, and put it up on the shelf, and that he put upstairs in the bedroom, in a jam pot, certain of their joint savings against the time of a holiday. And remember this: he said so careful were they not to leave money in that house that, whenever they went out, they took that money out of the jam pot and took it with them when they were both out. People who were as careful as that you would have thought would not leave a very large collection in a cash box without a fixed lid. Remember that the only possible motive that is suggested for anyone coming there, was to take the money that he would know would be there – as I put to the prisoner there are some 10,000 Prudential agents in the country. Here a murderer picks on one who has a weekly collection round about £30, and a monthly collection a fortnight earlier and a fortnight later amounting to anything between £80 or £100! A person who would know about the Prudential agents goes there at a time when there can only be the balance of the weekly collection, and that is the object in getting into the house! You remember he said that there was £4 missing from the cash box, which apparently someone had climbed up to reach, and then felt about for the money in the cash box, and taken it down – because they must actually have taken down the cash box – and taken out the money and put it up again. As one of the police officers said to him, would a thief be likely to do that? Then again, upstairs, my learned friend said at one time, there was no evidence of anyone having gone upstairs. I do not think he could have meant that. It is clear somebody went upstairs, because the bed in the front room had obviously been upset. The prisoner did not suggest his wife had left it like that, and apparently, the view he formed at the time was, that someone had disturbed the room. They had been up there, and whether that someone had dropped a clot of blood is a matter which you may or may not think is a matter of importance. You heard the accused in the box yesterday saying, obviously for the first time, because you remember the surprise it

caused Mr Roland Oliver, that he counted the notes upstairs. When I asked him was it the first time or the second he went up there and counted them, he said: "I think it was the first"; and when I pointed out to him that he came down and said there was £5 put there, he said he could not have counted them at that time. I do not want to press that unduly, but how do you think that blood got on that note? At no time, he says, did he ever notice blood on his hands; at no time did Williams see him take those notes out. Williams just lifted them, but not more than that. He certainly never say the accused count them.

Now, my learned friend has said that one has a theory; that I have suggested a theory, that this man was playing the piano, or was down there playing music with his wife, naked and wearing a mackintosh. You know perfectly well I have suggested nothing of the sort. What I did say to you is, you must not attach too much importance to the fact that there is no blood found upon a man, because people have been known to commit crimes without anything on. In this case, we know this: Here is a man who admittedly was changing upstairs; he had admitted he was changing. It is clear that his mackintosh took some part in this matter. He has said he had never seen his wife wearing it under any circumstances. He has said that when she came down to see him off she was not wearing it then. It is suggested that when she went to answer the front door, if she ever did go to answer it, that she may have put it over her shoulders and that is how it came to be there. Do you think there is the slightest ground for supposing anything of the sort? He had never seen it; and remember, the moment he comes, he says: "When I first went in there, I noticed the mackintosh." You remember afterwards, he says to Mrs Johnston, who had not noticed the mackintosh, nor had Mr Johnston: "Why, what is she doing with my mackintosh?" I leave out the words about "her mackintosh," and "mine," because Mr Roland Oliver made a suggestion which for the moment I accept, "What is she doing with my mackintosh?" and Mr Johnston said: "Is it your mackintosh?" and he kneels down and fingers it and says: "Yes, it is mine." I am not going through the details afterwards, how he admitted to the police officers it was his; and to another police officer he says: "If there are patches upon it, it is mine." I am not going into that. Those are very small matters, but I must just mention about this in passing, that when Williams asked him to describe what he did that night when he left the house, he said, according to Williams, "My wife accompanied me down the yard, a short way down the entry"; and Williams says, "I am perfectly certain he said that, because it flashed through my mind at the moment, did anyone slink in behind." If he said that, you find him describing the last moment he was with his wife in two completely different ways, and I say, as I said in my opening speech, that if you find such inconsistencies as that, you must suspect the truthfulness of a man who, under those circumstances, describes in two different ways such a moment which must have been so imprinted upon his mind. I said just now that where I thought there was anything one could not press, I would say so. Let me take the question of the mackintosh. I said when I opened this case, that if you come to the conclusion that someone had set fire to that mackintosh, there was only one person that would have had an interest in destroying it. You have heard evidence that suggests to you that this mackintosh and the dress were both burnt by the gas fire in that room. The evidence may satisfy you that was the case, and that the burning of both those garments was the result of an accident. If you think that is the best way of looking at it, you can put it entirely out of your minds, subject to anything my Lord may say. The only comment I make is this: the Defence has suggested this room was never used except when visitors came. We know now this room was used, and used regularly, whenever they were having music, which was their occupation when they were at home all evening. You may remember there appears in the diary an entry that on the Sunday he had practiced the

violin, so apparently they were keen on music. He was keen to make progress, and that room might very well have been in use. Assuming for a moment that the person who telephoned that night before was the prisoner, what would be his attitude the next night? Would he have said a word to his wife about going out? Would not his natural impulse be to let things be as usual, to prepare the room there, while he changed after his day's work upstairs? Supposing that he had never told her he was going out – and, of course, if he planned this murder in the way suggested you may be pretty sure he would not – but, suppose that was the case and this woman had lighted the fire, prepared the room, and there is the piano with the music upon it, and that all was in order for one of their homely evenings like that, the whole of this business had been deliberately planned, and she was struck down in that room in the way that Professor MacFall, or any of the other witnesses have suggested, you have got there the possibility that if she was so struck down, there might have been the burning of her dress; you have got the possibility that there might have been the burning of the raincoat, but who was wearing it? Can you picture to yourselves a man coming into that; house and taking up the nearest raincoat to put on to commit murder? There are marks under the arms of blood, where a man might put his hand through; there are many marks of blood upon the raincoat, some got from the floor, and two or three others, apparently direct spots, which might have been dripping from the body, but which, Professor MacFall thinks, are probably projected splashes upon it. You have the fact of course, that the raincoat has had pretty rough wear and there may have been more; but can you accept the idea, supported by no probability, that she put the coat on herself that night? If not, who was wearing it; who was wearing the raincoat? Supposing the prisoner had been wearing the coat, and it had caught fire there by accident? Supposing that was so, is it not perfectly possible that he had interrupted his change of garments upstairs, and using that coat, had come downstairs, not with a view to playing the violin naked in a raincoat, but to come down there while she supposed he was just dressing, getting himself ready, cleaning himself up for the evening's music? Then he comes down there and strikes her dead? That is the suggestion made. You may think there is something in it. You may think there is nothing in it; but you do not get rid of it by the humorous suggestion of my friend that a person does not play the violin naked in a raincoat. If this murder was done by the prisoner, it is admitted by my friend it was thought out in every detail. He must have made up his mind exactly when he was going to do it; how he was going to do it, and with what weapon he was going to do it. He said to me nothing would be easier than to get rid of a weapon like that. It did not need him to day so. A thing like that would easily go down into the ground or into a drain. But in this case, you are dealing with a man – if it was the man who telephoned up the night before – dealing with a man who will think out everything. That raincoat is there covered with blood. How did it come there? I suggest someone wore it. Who is the most likely one to have worn it? Putting out of your minds altogether the suggestion I put forward as a possibility, that someone tried to set fire to it, and assuming in the prisoner's favour – and you will assume all things you can in the prisoner's favour – assuming that was an accident, who would be likely to wear it; and how does it come upon the scene at all? Then you will remember the slightly different accounts given of it, and then you will remember this: For nine months, the whole time Mrs Draper had visited that house, something like that iron bar had been standing up by the gas stove, or down in the fender. For the first time, she missed it after this tragedy. It was there on January 7<sup>th</sup>, when she was last there, because she was trying to rake underneath the stove to find a screw that had fallen out of the gas bracket, so she remembered it. Do you think it is possible that the prisoner, living in that house, using that room for music and staying there, has never known that that thing, which was there when Mrs Draper first came, had been there? He does not say: "I have seen it, but I

do not know where it has gone.” He says: “I never saw it in my life.” Do you believe that? Assuming that he did this thing, and assuming that he had committed such a crime as Professor MacFall has said, assuming that is the case, then what would he naturally say when he comes into the room there, the murderer, having in mind what he has done? What does he say, according to Mrs Johnston, while he is standing there: “Whatever have they used?” If he had done it with that, it had gone. “Whatever have they used?” What **could** they have used? That was in his house. He did not know there was anything like that in the house. Why should a man who had arranged to get him out of the house, and then come in and murdered his wife, have failed to bring a weapon? Why should he think they had used anything that was in the house, because Mrs Johnston, in no way an unfriendly witness, said: “Glancing round the room, he said, ‘Whatever have they used?’” You may think that was a remarkable statement to make, or you may draw no conclusion at all from the fact that he said it. I am not going to stress the raincoat matter. You may take the view now that it caught fire accidentally, and not that there was a deliberate attempt to burn it. Do not be led away from the main issue in this case by what after all is a very small matter. I drew attention to it in opening, because I said it was so remarkable as showing great care, that blood could be upstairs, on the pan, and not a trace of blood anywhere else in the room. You may or you may not accept the evidence of Mr Roberts, the City Analyst, who, two days afterwards, made experiments long before he could have had the slightest idea that the prisoner was going to be charged.

Now, members of the jury, the points I want to draw your attention to in conclusion are these: First of all, the overwhelming probability that the man who left this house at 7.15 on the evening of the 19<sup>th</sup> was the man who was in the telephone box about 7.15. He said three minutes later than that, 7.18. Only three minutes’ walk from his house there is a telephone box from which this call goes through. I suggest to you that on the part of the case a great deal points, if not everything, to the man there being the prisoner. As regards the time of death, the other point that my learned friend said was so vital, I submit that that also is easily established. The man who had made his plans, whether the boy was seen at 6.30 or 6.35 talking to this woman, had, between that time and 6.49, practically twenty minutes, and there is no reason to suppose that a man who had done a thing like that would go very slowly. If he did it, he was trying to create an alibi, and he would go as far as he could. I say there is ample time for it.

Then you come back to this, which is the vital point: Those things being possible are you satisfied beyond all reasonable doubt from things, one of which alone might not be sufficient but from all of them put together, are you satisfied beyond all reasonable doubt that this is the man who did that murder? Never mind about the clot of blood upstairs, never mind about any fine points about the notes. Can you believe that anyone would have ever committed such a crime merely for gain – the small gains in a Prudential agent’s house? Even if you said: “I cannot imagine that,” that would not be sufficient of course, to bring it home to the prisoner. But are you satisfied from the prisoner’s attitude that he was an innocent man? Firstly, was his attitude that night and his repeated enquiries about Menlove Gardens East – were they natural? Was it natural for him to say that when he could not find it he was suspicious? Was it natural for him to say that when he could not find it he was suspicious? Was it natural, or was it true, that he came back and could not get into the house? Or was he pretending he could not get into the house? Do the different stories about the locks front and back lead you to that conclusion? Do you believe that Police Constable Williams can be trusted in the accuracy of his memory when he says that “he told me he went down the entry with his wife”? If you can believe that, and Police Constable Williams give his reason for it, if you believe it,

then you have got corroboration again of unnatural lapses of memory as to what would have been a vital point, because the prisoner now says he said nothing of the sort. Do you believe the story that he could not get into the house? Do you believe afterwards that two days later on 22<sup>nd</sup> when he is speaking to Mr Beattie, and asking him if he could tell him exactly what the time was when the telephone message came, do you believe, when he subsequently said: "Oh, that was an indiscretion," that he really meant what he said he meant here, or do you attach importance to that conversation?

You can only convict this man if you are satisfied beyond all reasonable doubt on all these facts. Of course, the last word in this case comes not from me but from my Lord. You cannot convict him unless you are perfectly clear beyond all reasonable doubt that these matters to which I have been drawing your attention point with almost irresistible emphasis to the conclusion that he is guilty. If you do not think so, of course it will be your duty to acquit him. I hope nothing that has fallen from me at all in my opening speech, or in this my final speech, has led you to suppose anything of the sort. I am not entitled, I hope, to over-emphasise inconsistencies or coincidences in this case, but I am bound to suggest to you, on behalf of the Crown, that the evidence connecting this man with that message is strong evidence; that the evidence that this woman was alive around about 6.30 is strong evidence; the evidence of what that man did when he came back to the house is strong evidence that he was not acting then as an innocent man; and I also ask you, having regard to what had happened, when he saw Mr Beattie on that night of the 22<sup>nd</sup>, when he said: "They have cleared me"; and Mr Beattie replied: "I am glad to hear it," what did he mean by that? Is that the attitude of a man who has known he is under suspicion, and is looking out as to how he is to meet the case; who is unjustly under suspicion, and is doing his best to meet the case which is made against him? I am sorry to have detained you so long, but in a case of this length I have felt it my duty to lay before you in considerable detail what I submit is the case for the Crown.