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THE TRIAL OF
WILLIAM HERBERT WALLACE



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Edited with an Introduction

by

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LONDON
VICTOR GOLLANCZ LTD
14 Henrietta Street Covent Garden

1933

Printed in Great Britain by
The Camelot Press Ltd., London and Southampton

EDITOR'S NOTE

THE TIME which has elapsed since the appeal of William Herbert Wallace against his conviction and sentence has in some ways lightened, and in some ways made more difficult, the task of editing the material available for a book on the trial. The judgment of the Court of Criminal Appeal, which, for the first time, quashed a conviction for murder on the ground that the verdict could not be supported by the evidence, placed the Wallace case in a class of its own. It not only established a precedent ; it also created a new status for an individual in his relation to society. By the decision of the Court, Wallace recovered his freedom, but he remained the man who had been sentenced to death on the verdict of his fellow countrymen. His position was obviously very different from that of a person who has been acquitted on the evidence at the conclusion of a trial.

The implications of such a result as that which followed the Wallace trial are far-reaching, and raise questions of considerable importance from the legal, social, and even individual point of view. It follows that the story of the crime, and the life and character of the person who was tried, found guilty, and sentenced for the murder of Julia Wallace, possess a unique and additional value, and are calculated to evoke something more than a mere passing or impersonal curiosity. The remarkable sequel has invited, if it has not compelled, a more general treatment than is usually considered necessary in less complicated cases. In such circumstances it appeared unnecessary to

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restrict oneself exclusively to the trial and appeal, as that would have limited the field of investigation, and involved the rejection of some interesting and helpful material. It is for these reasons, and also for their relevance to the case itself, that extracts from the diaries and from articles written by Wallace have been included in the present book.

It was inevitable that much of the evidence given at the trial should be of a repetitive nature, or of such topographical or scientific quality as to be of little interest or assistance either to the lawyer or to the general reader. I have, therefore, eliminated certain parts of the evidence, but always, I hope, with discretion and fairness ; and I have endeavoured to omit nothing of importance or significance, or which could contribute in any degree to an understanding of the case.

I very much regret that I found it impossible to obtain a verbatim copy of Mr. Roland Oliver's opening speech for the Defence. I take this opportunity of thanking the editor of the *Liverpool Post and Mercury* for his courtesy in permitting me to include a report of the speech which appeared in that newspaper at the time of the trial.

I am very grateful for much valuable information and assistance to Mr. Hector Munro, of Messrs. Herbert J. Davis, Berthen & Munro, solicitors, of Liverpool, who were instructed for the Defence.

I wish also to express my thanks to the following : The Assistant Chief Constable of Liverpool for his consent to the reproduction of a photograph of 29 Wolverton Street ; the editor of *John Bull* for allowing me to quote from articles published in that journal ; and to Messrs. Barnett Lenton & Company for permission to use the official shorthand notes of the trial.

W. F. WYNDHAM-BROWN.

September 1933.

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THE MYSTERIOUS MURDER

THE MURDER of Mrs. Julia Wallace at her house in Liverpool on the evening of January 20th, 1931, has been described by various authorities as follows : “ The greatest murder mystery of the century ”—“ One of the most baffling murders in human history ”—“ One of the most diabolically ingenious murder mysteries of modern times.” Mr. Justice Wright, who presided at the trial of William Herbert Wallace at the Liverpool Assizes, expressed the opinion in his summing-up that it was “ almost unexampled in the annals of crime.” In view of these statements it may be relevant at the commencement of this introduction to observe that the actual crime, although one of the utmost brutality, was not one which, in itself, involved on the part of the murderer any high degree of either subtlety or originality. Within recent years several murders have been committed, each of which has revealed, in the means employed to cause death, both greater imagination and ingenuity than are to be found in the Wallace case. It is the circumstances which surround the death of Mrs. Wallace, the character of the people concerned, the absence of apparent motive, and the masterly and inexplicable activities of her assailant on the night of the crime which make the trial of Wallace one of the most interesting and dramatic in criminal history.

Before proceeding to a more detailed consideration of the case, it may prove helpful to state in brief outline a few of the admitted facts which bear on the tragedy.

William Herbert Wallace, an agent of the Prudential Assurance Company, had been married to his wife, Julia, for over eighteen years at the time of the murder, and they had lived together at 29 Wolverton Street, Liverpool, for sixteen years. There was no evidence that they quarrelled, or, even, disagreed, and, indeed, both from the diary kept by Wallace for several years, and from the statements of friends and neighbours, it appeared that their life together was one of peace and mutual contentment. Wallace, himself, when asked in the witness-box, "What were your relations with your wife?" replied, "What I should describe as perfect."

On the evening of January 19th, Wallace was due at the City Café to attend a meeting of the Liverpool Central Chess Club, and to play a match with a fellow-member, according to the list of fixtures, for a competition which was called the Second Class Championship. The board referring to this competition was situated in a conspicuous position near the door of the café. On that evening, shortly after seven o'clock, a telephone message was received at the café for Wallace, from someone who called himself "Qualtrough," and it was taken down in writing by Mr. Samuel Beattie, the captain of the club. The voice which delivered the message was described by a waitress of the café as "just an ordinary voice—a man's voice," and by Mr. Beattie, who had known Wallace for a number of years, as "a strong voice, a rather gruff voice." He replied, when asked at the trial if the voice was anything like that of Wallace, "Certainly not." In view of the case for the Crown that "Qualtrough" did not exist, and that Wallace himself had telephoned the message in a disguised voice, this evidence was of considerable importance.

It was about half an hour later when Mr. Beattie saw that Wallace had arrived, and had commenced a game of chess. He approached him, and gave him the information

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that a man named Qualtrough had telephoned and left a message that he wished to see him the following evening, at 25 Menlove Gardens East, at 7.30 about "something in the nature of your business." Wallace replied, "Qualtrough? Qualtrough? Who is Qualtrough? I don't know the chap. Where is Menlove Gardens East? Is it Menlove Avenue?" and, after some further discussion, he entered the name and address in his pocket diary—emphasising the word EAST in block letters—and proceeded, after a contest which lasted until after ten o'clock, to beat his opponent.

The following day, January 20th, Wallace was engaged on the work of his company, and, according to his evidence, returned to his home a little after six o'clock. It was admitted by the prosecution that if Wallace committed the murder it must have been between 6.30 and about 6.50, and it is, therefore, at this point that the question of time becomes of considerable importance. We next hear of him from a witness for the prosecution, a corporation tram conductor, when he boarded a tram-car at the junction of Smithdown Road and Lodge Lane between 7.6 p.m. and 7.10 p.m. on the same evening. In his evidence, Wallace stated that he left his house to keep his appointment with "Qualtrough" in Menlove Gardens EAST at 6.45 p.m., and there is little doubt, in view of the independent evidence, that he must have been on his way to Lodge Lane at the latest by 6.50. At the hour of 6.30, and possibly even a little later, a boy called Close had delivered milk at 29 Wolverton Street, and had seen and spoken to Mrs. Wallace. That was the last occasion on which she was seen alive.

The evidence as to Wallace's movements a little later in the Menlove Avenue district of Liverpool is fairly clear. He enquired from several people—one of whom was a Liverpool police constable—as to the direction of Menlove

Gardens EAST, and was told on three occasions that there was no such address. The prosecution laid considerable stress on the number of enquiries and personal remarks made to these witnesses and to the tram conductors as indicating his intention of establishing a pre-arranged alibi. It was asked, in particular, why, having been informed on two occasions that Menlove Gardens East did not exist, he should have taken the trouble to go into a newsagent's shop for the purpose of examining a local directory, and to inform the manageress of the shop as to the reason of his being in the district. The next witnesses to speak as to Wallace's actions on that night were two neighbours, Mr. and Mrs. Johnston, who saw him close to the back door of 29 Wolverton Street at 8.45 p.m. Wallace asked them if they had heard anything unusual that evening from his house, and they replied that they had not. He then said, "I have tried the back door and the front, and they are locked against me." It was suggested that he should try again, and, in the presence of the two witnesses, he then opened the yard door, walked up to the door leading into the kitchen, and said, "It opens now," and went into the house. The Johnstons waited outside, and in a few moments Wallace returned and said to them, in a voice which Mrs. Johnston described as distressed and agitated—"Come and see; she has been killed."

The Johnstons then accompanied him into the house, and in the front sitting-room they found the fully clothed body of Mrs. Wallace lying diagonally across the hearth-rug, the feet towards the fireplace, and the head towards the door. The head had been badly battered in, and it was obvious she must have been dead for some time. It was clear from the appearance of the body, and the amount of blood in the room, that a murder of the greatest brutality had been committed.

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On February 2nd, Wallace was arrested and charged with the wilful murder of his wife. In answer to the charge, he said, "What can I say in answer to this charge of which I am absolutely innocent?"

THE CHARACTER OF WALLACE

There are certain cases in which the nature of the crime, and the personal history and general behaviour of the accused, make any further considerations as to character of relative unimportance. There are other cases, in particular where there is an absence of any apparent motive, and when the crime has been premeditated, in which the character and temperament of the accused are of the greatest interest and significance. One of the many remarkable features of the Wallace trial was to be found in the contrast provided between the excessive, and, even, maniacal violence with which the murder was committed, and the evidence which was given by various witnesses of the peaceful and good-natured disposition of the prisoner. One witness for the prosecution regarded him as "a placid man," and another as "an absolute gentleman in every respect." There was no evidence that there had ever been any friction or serious disagreement between him and his wife. On the contrary, several witnesses testified to the happiness and placidity of their life together. One witness described them as "a happy couple, a very happy couple," and another was of the opinion that Wallace's relations with his wife were "the best possible . . . they appeared to be all in all to one another," and yet a third witness stated that he had always regarded them as "a very loving couple, and very affectionate."

Wallace, himself, in the diaries he kept for the years preceding the murder, refers on many occasions to the

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affection he feels for his wife, his anxiety concerning her health, and to the happiness they experience together.¹ The following passages may be quoted for the double purpose of throwing a light on the character of Wallace and also for their references to his wife :

March 25th, 1929. " Julia reminds me to-day it was fifteen years ago yesterday since we were married. Well, I don't think either of us regrets the step. We seem to have pulled well together, and I think we both get as much pleasure and contentment out of life as most people."

December 15th, 1930. " On arriving home found that Julia had not returned. I waited until nearly 1 a.m., then thinking something surely must have happened went off to Anfield Road police station to see if there was any report of any accident to hand. None. So went back home and found that she had just turned up. It seems that a laundry van had been smashed up on the line. . . . It was a relief to know that she was safe and sound for I was getting apprehensive."

January 7th, 1931. " A night of keen frost. The heavy fog caused a wonderful appearance on all the plants and trees . . . after dinner persuaded Julia to go into Stanley Park, and she was equally charmed."

On January 19th, the day before the murder, there is an entry in the diary as follows : " The fateful day on which I received the telephone message." And later he refers at length to his feelings on the discovery of the murder of his wife, and gives a detailed account of his experiences subsequent to his arrest, and when present in Court under sentence of death at the hearing of his appeal.

The diary, in general, reveals Wallace as a studious,

¹ See p. 300. This diary was kept by Wallace until April 1932. The entries for the period from January 18th, 1931, until May 16th were filled in later.

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sensitive, and kindly natured man, immediately responsive to anything which arouses his intellectual curiosity, and to some extent in rebellion against his own unproductive and uncongenial activities. He appears to have seen life steadily and broadly, with a keen and well-balanced appreciation of its infinite and adventurous variability. Many pages of the diary are concerned with the latest scientific and astronomical discoveries, his chemical experiments in his own laboratory, musical criticism, and his contests at the Chess Club. The number of subjects and incidents which receive his laborious and well-informed attention is, from several points of view, remarkable. It is necessary to say that the diary, in the varied and impersonal quality of the great majority of the entries, and whether written before the tragic events of January 20th or subsequent to the arrest and trial, has every indication of being authentic.

A few entries from the diary, written subsequently to Wallace's trial and appeal, may be quoted without comment.¹

January 20th. "Returned home from the Menlove Gardens East journey to find Julia brutally murdered in the front room. How can I ever write in these pages the agony of mind, that sense of loneliness and darkness which followed? Even now, as I am making this entry on June 15th—nearly five months after—my desolation and depression are as great as ever. To forget is impossible, and I can only hope time may soothe and calm the anguish and poignancy of our separation."

February 2nd. "Arrested and charged with the 'wilful murder of my wife.'

"And yet I would not willingly have hurt a single hair

¹ See p. 300 for further extracts from the diaries, which are continued until April 1932.

of her dear head. Julia, if you can now know what is happening, you know this is very truth, and if it should be that you and I meet in the great beyond, we can meet each other knowing no wrong has been done between us. More and more do I now realise what a noble, unselfish partner you have been. More and more, too, do I now realise how much you loved me, and that I, too, loved you. Too often are our secret thoughts overridden by the cares and worries of the daily life, and yet I feel that you did know you were dearly loved, and found your happiness and contentment in loving and being loved. All I have left is the memory of your loving affection for me, and of the joy and happiness we shared together."

November 25th. "I seem unable to concentrate on the violin. I think it is because it carries too many poignant memories of those happy hours we spent together. Every time I handle the pieces of music she loved and played so delightfully, memories crowd in upon me until I am compelled to put the fiddle down. Music has its delights, but it also brings great oceans of sadness, which sometimes overwhelms, and brings up torrents of tears for utterly hopeless longings. So I must carry on to the end in sadness and sorrow."

March 31st, 1932. "Got—book on —"

"I see I am included in the list of great criminals. The thing is too hideous to think about. I, who could not have hurt any living thing, I am supposed to have most brutally murdered Julia—Julia who was the whole world to me, my only companion with whom I could have trusted my life. If there is a God in Heaven, why, oh why! Has she solved the great mystery of the beyond, or is it utter extinction? Does she know how I grieve for her, or is it the end? I am tortured by doubts."

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All the evidence which was given at the trial, and which bore directly or indirectly on the life and character of Wallace, was emphatically in his favour. Never once during his long examination in the witness-box did he show any weakness or hesitation, or lose for a moment his composure. When the jury, after retiring for an hour, brought in a verdict of guilty, he betrayed no emotion, and when asked if he had anything to say as to why sentence of death should not be passed on him, he replied quietly and firmly, "I am not guilty. I don't want to say anything else."

In his diary, and in a story of his own life,¹ Wallace has described in considerable detail the events of January 19th and 20th, and the days and nights which followed, until he was released from custody. It concludes with a reference to his feelings at the moment when he heard that his appeal had been allowed :

"I have been asked so many times just what I felt at that supreme moment. I cannot attempt to define my feelings. The weight of the whole universe, which had been pressing the life out of me, was magically lifted. My ears heard the song of birds, and I saw a kaleidoscope of glorious colours. I was free ! Free to go out into the world—free to breathe the wild winds of the heavens, free to walk the streets that seemed in my imagination as soft and fragrant as the fields."

After his conviction had been quashed by the Court of Criminal Appeal, he returned, but in an indoor capacity, to his employment with the Prudential Assurance Company. He found it necessary to leave his house in Liverpool and, until the time of his death, on February 26th last, he lived a life of considerable loneliness and detachment in Cheshire.

¹ p. 301.

THE TIME OF DEATH AND THE ALIBI

Mr. Roland Oliver, K.C., in his closing speech for the Defence, said that he regarded the two most essential points to be considered in determining the guilt or innocence of the accused were (1) Did Wallace telephone the message to the Chess Club? and (2) The time at which the murder was committed. The evidence as to the telephone call is instructive from several points of view, and will be reviewed later. It may be said at once, however, that the mere fact that such a call was made on the evening of January 19th shows that a crime was premeditated, and with what deliberation it was planned.

The time of death, concerning which there was much conflict of medical evidence, was, of course, very important for the defence. The fallibility of *rigor mortis* as a test of the time of death has seldom been exemplified with a greater generosity of assertion, and, as any additional tests were apparently not exhaustively applied, the evidence on this point remained both confusing and inconclusive. The Prosecution were compelled to rely exclusively on the statements of the witness Close as to when Mrs. Wallace was last seen alive, and even accepting the time of this as 6.30—and there was evidence not to be lightly disregarded that it was nearer 6.45—it constituted a strong point in favour of the accused. It was clear that the murder might have been committed during the time that Wallace was in the house, but it was equally consistent with the evidence that it might have been committed after 6.50—the latest time at which Wallace must have commenced his journey to Menlove Avenue. Thus, even accepting the times put forward by the Prosecution, there was only a period of twenty minutes for the murder to have been committed, and for various essential things to be done, if Wallace was to escape immediate detection,

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or, at least, become the subject of grave suspicion on the arrival later in the evening of the police. Mr. Justice Wright, in his summing-up, referred to this as follows, and it is one of the several statements he made to the jury which showed the strength of his views in favour of the accused: "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."

The Prosecution also laid considerable emphasis on the activities of Wallace, and his remarks to various witnesses from the time he left the house on the night of the murder until his return at 8.45. It may be noted that Wallace at once gave an account of his movements on that night to the police, and it was this information which enabled them to trace the various witnesses to whom he had spoken in the course of his journey and enquiries. It was, however, pointed out by Mr. Hemmerde, K.C., that if it was the purpose of Wallace to establish a fictitious alibi he would naturally speak to as many people as reasonably possible, and in such a way as to make them unlikely to forget the conversation; and also, for the same reason, he would give the fullest information to the police at the earliest moment after the discovery of the crime. It must be admitted that, even in the earlier stages of that fruitless journey, Wallace displayed in his contacts with witnesses a somewhat unusual, but, perhaps, not uncharacteristic, explanatory enthusiasm for his mission. His meeting with a police constable is not without interest in this connection. In response to his enquiry for Menlove Gardens East, he was told that there

was no such address. He then asked if it was possible for him to see a directory anywhere, and the police constable suggested that he should go either to the police station or the post office. Wallace was stated to have then said : " I am an insurance agent looking for a Mr. Qualtrough who rang up at the club and left a message for me with my colleague to ring Mr. Qualtrough up at 25 Menlove Gardens East." He then took out his watch, and said, " It is not eight o'clock yet." The constable replied that it was a quarter to eight—and the conversation ended. A little later he entered a newsagent's shop, and asked if he could see a directory. The manageress supplied him with one, and apparently waited while he examined it. After a few moments, he asked her : " Do you know what I am looking for ? Number 25 Menlove Gardens East," and he was then told, for the third time, that there was no such address.

Mr. Hemmerde commented on this evidence, that it was significant that Wallace should not have attempted to ascertain definitely the position of Menlove Gardens East before making the journey, in particular as his own superintendent, Mr. Crewe, lived in the district. It may be said, however, that as there was a Menlove Gardens North, South, and West, it would not have been unreasonable to assume that there was also Menlove Gardens East. It may be said here, that there was one omission from the information the accused gave to the police as to his attempts to find the address given in the message. He mentioned in evidence—although it was not in any of his statements to the police—that he called at the house of Mr. Crewe, to make an enquiry, and could not get any answer. He stated in re-examination that he had not mentioned the incident of the call, as he was giving to the police the names of the people to whom he had actually spoken on that evening. He also said in one of his

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statements that having failed to find Qualtrough, or the address given, he became suspicious. He was asked why he became suspicious, and he replied : “ 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 possibly eighteen months or two years ago, and 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.”

CIRCUMSTANTIAL EVIDENCE

Mr. Justice Wright, in one of the passages of his summing-up, said : “ The real test of the value of circumstantial evidence is—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.’ ”

One of the many difficulties with which the Prosecution had to contend was, that such evidence as existed against the accused was composed of a very large number of details, most of which were capable of several interpretations. As the judge again said, “ If every 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.” There was, of course, no direct evidence connecting Wallace with the crime, and it was impossible to put forward any motive. But if circumstantial evidence of this nature places many

difficulties in the way of the Crown, it makes the task of the Defence, compelled to appeal to an untrained and inexperienced, and, probably, prejudiced jury, one of even greater magnitude. Mr. Justice Wright, when considering various discrepancies in the evidence of Wallace, expressed the opinion that, considering the circumstances, it was very striking that his many statements were so lucid and so accurate. It must be admitted that the evidence of Wallace as a whole hangs together with remarkable consistency. It may even be contended that such accuracy and consistency, at times and under such conditions as to make inaccuracies appear almost inevitable, revealed a mind either of a highly susceptible and retentive quality, or one which had carefully and cunningly and deliberately prepared and stored a large number of details which might later be useful for the purpose of defence. For it was just that sort of evidence in which an ordinary and completely innocent person, under such unusual and distressing circumstances, might have been expected to blunder. The truth is, that it is impossible for anyone, in this fortuitous and complicated world of human relations, to live actively and socially for even two days without providing some reasonable ground for suspicion if all his words and actions and attitudes are suddenly concentrated upon some dominant event. And it is obvious, whatever evidence may be brought against the accused, that he is at a serious disadvantage from the moment he is arrested until the verdict is delivered. He is compelled, once the charge against him is made, to attempt to reconcile all his words and actions, and even his demeanour, with his innocence, when everything he has done and said over the period material to the issue has already suffered a process and an interpretation mainly directed to his guilt. In any case which depends on circumstantial evidence, and that evidence consisting, as to any

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strength of guilt it may possess, on the cumulative effect of a great number of facts and inferences, rather than on the weight of a few strong and positive allegations supported, perhaps, by a possible motive, the story as told in Court becomes one of the profoundest interest, but the greatest difficulty. The Wallace trial, if for no other reason than that it later became the basis of the very exceptional judgment on appeal, was of considerable legal importance. But it is from its human and dramatic aspect that it derives its greatest value ; in the study of a man who was either one of the greatest and most efficient criminals who has ever stood in the dock, or one of the most unfortunate victims of a conspiracy of fact who has ever been put on trial for his life.

The task of the Prosecution was also made more difficult by the fact that it was impossible to suggest any motive on the part of the prisoner for the crime. The evidence as to Wallace's amicable relations with his wife, whether derived from witnesses or his own diaries, could not have been stronger or more in his favour, and it was doubtless the absence of any reasonable motive on the part of the accused for such a callous and brutal murder which produced from a witness for the Prosecution the suggestion that the crime had been committed in a moment of frenzy. The fact, however, that the murder must have been premeditated for at least twenty-four hours made any theory of temporary insanity of little service to the case against the accused.

THE TELEPHONE MESSAGE

The most dramatic evidence given at the trial, apart from that concerned with the events immediately following the return of Wallace to his house, had reference to the call which was made from a public telephone box to

the City Café at about 7.15 on the evening preceding the murder. It appeared that the person in the box had some difficulty in obtaining the number, and that it is the practice of the exchange, where there is any delay, to keep a record of such calls. This made it possible for the call to be traced to a telephone box only four hundred yards from Wallace's house in Wolverton Street. This discovery was, of course, of some assistance to the Prosecution in their contention that the call was made by Wallace himself, in a disguised voice, as a first step in the direction of establishing an alibi. Wallace admitted that he left his house on that evening at 7.15, and that he had occasionally used the call-box. If his evidence is accepted, it must certainly, from one point of view, be regarded as a remarkable coincidence that, within three or four minutes of that time, someone was in the call-box only four hundred yards away, attempting to deliver a message for Wallace to the City Café—and it was clear that the person in the call-box was already acting in pursuance of the plan for the events of the following night.

Mr. Hemmerde pointed out that if "Qualtrough" was the person in the call-box, it was almost incredible that he did not take the trouble to call at the house, either for the purpose of seeing Wallace himself, or to leave a note. The fact that the telephone box was within such easy reach of 29 Wolverton Street appeared to be a strong point for the Prosecution, but it may be asked, assuming that Wallace was anxious to establish an alibi, would he have been likely to use a call-box so close to his own house, and one in which it was quite possible for him to be recognised? It was said that no one could have known that Wallace intended to be at the Chess Club on that evening. But, apart from the fact that his name was on the fixture board as due to play on January 19th, it would not have been unreasonable—although certainly,

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in the circumstances, unwise—for anyone, knowing Wallace's habits, and that the club met on Mondays and Thursdays, to assume that he would be going to the club, and that there was a strong probability that he would receive the message.

The actual conversations which took place between the mysterious person in the call-box and the telephone operator and Mr. Beattie are not without considerable significance when considering who was the author of the "Qualtrough" message.

The operator said in her evidence that it was "quite an ordinary voice—a man's voice," and it said—"Operator, I have pressed button A but have not had my correspondent yet." It may appear to certain critics, accustomed in such distressing circumstances to a more impassioned form of address, that such a mild and precise phrase is not, from a psychological point of view, without a certain interest.

Mr. Roland Oliver cross-examined Mr. Beattie at some length as to the message, and the voice in which it was delivered.

MR. ROLAND OLIVER—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?

WITNESS—Yes, partly. I can give you an idea of the conversation.

MR. ROLAND OLIVER—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?

WITNESS—Yes. I told him that Mr. Wallace was coming to the club that night and he would be there shortly, and

would he ring up again. He said : " No, I am too busy ; I have got my girl's twenty-first birthday on, and I want to see Mr. Wallace on a matter of business ; it is something in the nature of his business."

MR. ROLAND OLIVER—Something in the nature of his business, coupled with a reference to his daughter ?

WITNESS—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 twenty-first birthday.

MR. ROLAND OLIVER—In addition to that conversation, I suppose he spelt for you the name " Qualtrough " ?

WITNESS—Yes, at my request.

MR. ROLAND OLIVER—At the police court you said it was a confident and strong voice.

WITNESS—That means it was not a hesitating voice, in answer to some question.

MR. JUSTICE WRIGHT—You used the words, " It was a confident voice."

WITNESS—Yes, in answer to a question it was a confident voice, sure of himself.

MR. ROLAND OLIVER—Do you know Mr. Wallace's voice well ?

WITNESS—Yes.

MR. ROLAND OLIVER—Does it occur to you now it was anything like his voice ?

WITNESS—It would be a great stretch of the imagination for me to say it was anything like that.

The Prosecution laid considerable emphasis on the improbability of anyone, anxious to secure the absence of Wallace from his house on the following night, adopting a plan which depended so much on the merest chance. It was clear that he would have to take the following risks : (1) That Wallace would receive the message ; (2) That

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if he received it, he would not decide to ignore it ; (3) That he would not, before making the journey, enquire definitely as to the direction of Menlove Gardens East, and (4) That he would not return immediately to 29 Wolverton Street on discovering that he had been given a wrong address.

It certainly must appear remarkable, on the surface, that anyone should rely on such a precarious chain of events, and, in particular, anyone contemplating a crime which, in other respects, was almost a masterpiece of careful preparation and subsequent concealment. But it may be said that any person anxious to provide for Wallace's absence from 29 Wolverton Street on the following evening had certain ways open to him of minimising the risks, and of ascertaining, within certain limits, if there was a reasonable probability that his plan had been successful. The fact that Wallace left his house within a few minutes of the time at which the telephone call was made gave support to the view that he went immediately to the telephone box, but it also lends itself to another interpretation and a different theory. If Wallace was seen to leave his house, and if it was known that he was expected at the Chess Club that evening, there would be grounds for any person interested to suppose that a message telephoned to the club would be delivered. If, again, on the following night, his departure was observed, it would not have been unnatural to assume that he had received the message, and that he had left the house with the intention of keeping the appointment with "Qualtrough" at "Menlove Gardens East." It is also probable that anyone so concerned in his movements might have had this view confirmed a little later in conversation with Mrs. Wallace. If a robbery had been planned by anyone who was acquainted with the business methods of Wallace, it is only reasonable to suppose that

he would have decided to commit the crime on the night of January 20th, when he might expect to find the collection money for a full week in the house. The suggestion that "Qualtrough" might have called at the house instead of telephoning a message is, of course, only relevant on the assumption that his business was genuine, and, as it was obvious that the person who went into the call-box was acting in pursuance of a plan to commit a crime on the following night, it does not appear to contribute to a solution.

It is also clear, if the original intention was robbery and not murder, which would require additional time to remove incriminating evidence, and if he was told that Wallace had left for "Menlove Gardens East," that he would be justified in considering it improbable that Wallace would return before he had discovered the money and left the house.

The strongest point, however, against the case for the Prosecution, that Wallace himself telephoned the message, is to be found in the behaviour of the person who went into the call-box. It has already been stated that for Wallace to use a call-box so close to his own house was a dangerous and unnecessary expedient. He was on his way into the city, there were many other call-boxes which would have served his purpose, and the later the time of making the call the greater the probability that the message would be delivered to him on his arrival at the club. A stranger to the district, however, had nothing to lose, and, even, in certain eventualities, something to gain by making the call from a box within such a short distance from the house of the accused. It is also necessary to remember the circumstances under which the call was recorded by the exchange. When there is a delay in obtaining a number, and it is found necessary to communicate with the operator, it is usual for the exchange to ask

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for the number of the telephone from which a request is made for a connection.

On the occasion with which we are concerned, the person in the call-box apparently told the operator that he had pressed button A, but had not had his "correspondent." But, if button A was pressed, as the number required had not replied, it must have been done either through ignorance or with a purpose. On the evidence of one of the operators, however, it appears that the money had been returned, and, in that case, it must have been button B that was pressed, and not button A. But, of course, it was not necessary to press either button for the "correspondent" to be heard, and the statement must have seemed unusual to the operator. It might even be suggested not only that the person in the telephone box had no fear of the number being discovered, but that he purposely adopted a procedure and a mode of expression calculated to impress the call on the mind of the operator. It is, unfortunately, not clear on the evidence if the operator, after the statement was made, asked for the number of the call-box, and received it. In such circumstances, however, it appears very probable, as the incident and the words used were, in fact, recorded, that the usual procedure was followed, and that the number was requested and noted. But, even if the number was not actually given to the exchange by the person in the call-box, it must surely have been obvious to anybody of intelligence, even occupied with a less dangerous purpose, that the exchange in such a case would probably keep a record of the number. On these facts it appears almost incredible that anyone planning a murder for the next night, in his own house, only four hundred yards away, would have committed such a remarkable blunder.

On the evening in question, it was even doubtful if a direct appeal to the operator was necessary, as the evidence

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showed that the number of the City Café had not been engaged for half an hour preceding the call from "Qualtrough." One operator, indeed, stated that at 7.15 she put a call through to the City Café, which was immediately answered. But, on the assumption that there was a difficulty in obtaining the number required, it seems highly improbable that Wallace—the man who, it was said, had "skilfully and cunningly planned the whole thing"—would have added so substantially to the risks and increased the chances of discovery by deliberately putting himself into verbal communication on the matter with the operator, thereby making it almost inevitable that the number of the call-box would sooner or later come to the knowledge of the police. Any other person, however, could have rung up from that particular call-box, and made any request or complaint to the operator, without any fear of complications dangerous to himself.

It seems, on this important part of the case, that we are compelled, either to accept the view that it was "Qualtrough" who was responsible for the telephone message, or that Wallace committed an elementary and unnecessary folly, inconsistent with all his other actions, and one which he must have known, unless the view taken by the Prosecution as to his criminal ability was entirely wrong, was certain to subject him, a little later, to grave suspicion.

THE MACKINTOSH THEORY

The incidents which occurred, and the discoveries which were made, both before and after the arrival of the police, added to the mystery of the crime, and afforded material for a dramatic suggestion to be made later by the Prosecution. A broken cabinet was found, from which the lid had been wrenched, and it was stated by the accused

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that about £4 had been taken from a small cash-box. But in one of the rooms upstairs five Treasury £1 notes were discovered in an ornament, and also a hand-bag, containing some money, which had apparently belonged to the deceased woman. It appeared improbable, in these circumstances, that robbery was the motive of the assailant, although it must be noted that, on the night of the murder, Wallace might have been expected, as a result of his insurance collections, to have a sum of between £20 and £100 in his possession. The front bedroom was found to be in a condition of considerable disorder, but apparently it did not give the police the impression that it had been searched with a view to robbery.

One of the most remarkable features of the crime was that, with the exception of a small clot of blood which was found in the bath-room, and a slight smear on one of the Treasury notes, and apart, of course, from the sitting-room, in which the murder was committed, there was no trace of blood in any other part of the house. There was, also, no evidence that the assailant had attempted to cleanse himself, or his clothing, from any marks or stains of blood, and, as Mr. Justice Wright said, "Whoever did the crime, the evidence seems conclusive, must have been very seriously splashed with blood." The discovery in the sitting-room of a mackintosh, heavily stained both inside and outside, appeared to the Prosecution to supply an explanation of this. According to the evidence, the mackintosh was lying partly under the body of the deceased, and a little beneath the right shoulder. Wallace had no hesitation in admitting to several witnesses that it was his mackintosh, and that he had worn it earlier in the day. Mrs. Johnston thought it looked as though Mrs. Wallace had put it round her shoulders, as she had a cold, before answering a knock at the door. But it would seem equally, if not more, reasonable that she might have used

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it in the same way if it was her intention to hold a conversation with a visitor in a cold room. The Crown, however, took a different view, and Mr. Hemmerde, in his opening speech, referred ingeniously to an earlier trial for murder to support his contention: "The history of our own criminal courts," he said, "shows what elaborate precautions people can sometimes take. One of the most famous criminal trials was of a man who committed a crime when he was naked. A man might perfectly well commit a crime wearing a raincoat, as one might wear a dressing-gown, and come down, when he is just going to commit the murder, with nothing on on which blood could fasten, and, with anything like care, he might go away leaving the raincoat there, and go and perform the necessary washing if he was very careful." An attempt was made to find support for this theory in the fact that the mackintosh was partly burnt, and it was asked, Why should any stranger have attempted to burn it—who but the prisoner could have had any purpose in attempting to destroy it? The evidence showed, however, that a part of the skirt of the deceased woman had also been burnt, and it was put very strongly for the defence that both the burnings were much more likely to have resulted from accident than design, and that "whoever was doing the act had picked up the mackintosh and put out the burning part."

THE CASE OF COURVOISIER

Mr. Hemmerde, in his reference to an earlier famous trial, doubtless had in mind the trial of Courvoisier, in 1840, for the murder of Lord William Russell.

Lord William Russell was found in bed in his house on the morning of May 6th, 1840, with his throat cut, so severely that the head was almost separated from the body. The servants who slept in the house that night

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were his Swiss valet, Courvoisier,¹ a young man of twenty-three years of age, who had always had an excellent character, and two maid-servants, who were also apparently above suspicion.

The evidence against Courvoisier was entirely circumstantial, and the case was one in which there was a considerable element of doubt. Courvoisier was arrested, and his clothing, person, and property were examined without the discovery of any incriminating mark or stain. "Was it not singular," asked his counsel, "that in no part of the property belonging to the prisoner, or on his person, was one spot of blood found? If he murdered the man, did the jury believe it possible that he should have no taint of blood either on his person or his clothes? Would there not have been an appearance of bloody water if he had washed himself, and would there not have been stains of blood under the nails, which, like the damned spot on Lady Macbeth's hand, no water could wash out?"

The house on the morning of the murder was discovered in disorder and it appeared to have been burglariously broken into, and property, plate, and jewellery stolen. On a careful examination, however, it was obvious that there had not been a burglary, and that Courvoisier must have so arranged matters as to endeavour to make it appear that burglars had stolen the missing property and committed the murder. In the *Recollections of John Adolphus*,² 1871, by his daughter, it is stated: "After Courvoisier's sentence, he was asked, by the Under Sheriff, how it was possible he could have cut the throat of his unfortunate master without leaving any trace of blood on his clothes, and that nothing should have been discovered newly washed. His answer was,

¹ There is an interesting account of his execution in the Annual Register for 1840, and of his confession.

² John Adolphus was the leader of the Bar at the Central Criminal Court in 1840.

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that he had no clothes on, he committed the crime in a complete state of nudity, and had only to wash himself at the sink on coming down."

In his own confession, however, which was sent to the Home Office from Newgate, Courvoisier stated that this was not the case. He says, "I turned up my coat and shirt-sleeve of my right hand when I committed the murder. . . . After I had committed the murder, I undressed and went to bed as usual." Courvoisier was executed for the crime on July 6th, 1840.

CONFLICTING EVIDENCE

It has been said that Wallace's evidence as a whole, and, in particular, on the most important points vital to his guilt or innocence, was both accurate and consistent, and given in such a way, whether to the police or before the jury, as to carry conviction. His frankness at times, when replying to questions of some difficulty, was particularly noticeable. He was asked if it would not have been a favourable opportunity for anyone wishing to commit a robbery to have gone to his house on the night when he was expected to be at the Chess Club, instead of ringing up to make a false appointment for the next evening. He replied immediately, "Yes." It was put to him that it was necessary for anyone anxious to establish an alibi to give a wrong address, and once again he agreed.

It is true, however, that there were certain inconsistencies in his evidence on matters of detail, but, taken either individually or collectively, they were of little assistance to the Prosecution. It was stated that he told a police constable that when he left the house on the evening of the murder his wife walked a little way down the entry with him, and later he made a statement that

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he had parted from her at the back door. It was said, with considerable emphasis, that anyone parting from his wife for the last time would not be likely to make such a mistake—that the event would be too deeply impressed on his mind. It may be pointed out, however, that if Wallace's story was true, if his wife was alive and he expected to see her again, there was no reason why that last parting should have remained more accurately in his memory than any one of their other innumerable partings. It was an event which occurred *before* the murder, and it was, of course, only as to anything which occurred *after* the discovery of the crime that he could be expected to reveal an abnormal sense of recollection. If, on the other hand, his story was false, and he had murdered his wife before leaving the house, it is most improbable that there would have been any mistake or inconsistency in his statements or evidence as to that last parting. If guilty, the account of the last occasion on which he saw his wife was of the greatest importance, and he would have taken the greatest care to see that every detail was correct. Such contradictions are, no doubt, natural to poets, dreamers, lovers, and even people of scientific detachment, but not to a man who has just committed a skilful and calculated murder.

The statements which were made by Wallace as to his actions immediately after his return to the house on the night of the murder were of a nature to receive severe criticism from the Prosecution. When he met the Johnstons at the door of the back yard, he said to them, "Have you heard anything unusual to-night?" And then he said, "I have tried the back door and the front, and they are locked against me." It was suggested that he should try the doors again, and he then went up the yard, and, apparently without any delay, opened the back door and said, "It opens now," and entered the house. It was said

that on the evidence the accused could not have experienced any previous difficulty in getting into the house, and the suggestion was made that he was merely waiting for the arrival of someone to whom he could at once communicate the discovery of the crime. It was stated by an expert witness that the locks of both doors were defective, and had been in that condition for a long time, but that the defects were not sufficiently serious to prevent the entry into the house of anyone familiar with their peculiarities. When Superintendent Moore arrived on the scene the same evening, he asked Wallace for his keys, and found, after some manipulation, that he could open the front door. He pointed this out to Wallace, who replied, "It was not like that this morning."

Now, it does not appear open to doubt that it was possible for Wallace, with the exercise of customary care, to have opened the doors and entered his house, either from the front or the back, before the arrival of Mr. and Mrs. Johnston. And the task of reconciling the statements with the evidence, and his own action in immediately entering the house in their presence, is not easily accomplished. But it must be remembered that both the locks were defective, and certainly required careful and patient treatment if the doors were to be opened; and it is necessary to consider all the circumstances in testing Wallace's explanation of the delay. He told Police Constable Williams that, having failed to find either "Qualtrough" or Menlove Gardens East, he became suspicious and decided to return home. He also stated that, finding it impossible to open the front door, he knocked, but received no answer. In her evidence, Mrs. Johnston said that before she left her house with her husband she heard Wallace knock on the back door. He had spent, according to his own story, a considerable time searching for a man and an address without any success, and it was not

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unlikely, if that was the case, that he arrived at the house in a tired and irritable, and, perhaps, apprehensive condition. If this is accepted, it does not appear unreasonable to suggest that his efforts to manipulate the defective locks, when by himself, were both hasty and lacking in customary care. The presence and support of neighbours would, doubtless, have a steadying influence, and give greater confidence to a man at such a time, and in such a condition, and his next attempt to open the door would probably conform much more closely to his normal method in dealing with the refractory lock. As against the theory of the Prosecution, it was asked why he should have waited for the arrival of the Johnstons instead of immediately calling at the next-door house and asking their assistance. It is, however, obvious, if he was anxious to have witnesses to the later events, that an accidental meeting was much more likely to serve his purpose, and much less likely to arouse suspicion than any intervention resulting from his voluntary and deliberate action.

The fact that on entering the house he at once went upstairs without looking into the front sitting-room was also criticised by the Prosecution. It was said that it would have been natural for any man who had left his wife downstairs to have looked into all the rooms on the ground floor before searching the rest of the house. The sitting-room, however, was apparently only used either when Wallace and his wife were passing the evening together, or when they had visitors. His action, therefore, in at once going upstairs was capable of two interpretations. It may be said that he knew his wife had been murdered in the sitting-room, or, if he did not know that anything unusual had occurred, that it was more reasonable for him to have thought that he would find her upstairs. It is also not without significance that the sitting-room, owing to its proximity to the street, was the least

likely room in the house to be selected for the commission of such a crime. If anyone, either as an acquaintance, or a stranger prepared with an adequate explanation, had been admitted to the house on that evening, it is not unreasonable to assume that he would have been taken into that room by Mrs. Wallace.

Such evidence as existed of a robbery having been committed was, like much of the other evidence, capable of different interpretations. The front bedroom, when examined by the police, in the presence of Wallace, on the night of the murder, supplied evidence which only added to the mystery. The bed-clothes were left half on the bed and half on the floor, and the two pillows were lying near the fireplace. When questioned by the police about this, Wallace said that he had not been in the room for a fortnight, and that he did not think his wife had left the room in that condition. The police formed the view that the room did not appear as if it had been searched for the purpose of discovering money or valuables, and the implication followed that Wallace had upset the room himself, as part of his plan to arrange matters in such a way as to suggest that a robbery had been committed.

If this view be accepted, it appears a little strange that the appearance of the room in general was not made more convincing. It may be said, if the room was so arranged by Wallace, that he had little time at his disposal on the night of the murder. But it may also be said that there was no reason why the room should not have received more efficient treatment at any time within the preceding twenty-four hours. There is a temptation to go even further, and to suggest that only a robber, probably limited by time and made careless by fear, would have left the room in such an inconclusive condition.

There was also an event which occurred two days after the tragedy, and, of course, before the arrest of Wallace,

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which the Prosecution regarded as of considerable importance. It appeared that Wallace, having just had an interview with the police, met, by chance, Mr. Beattie, the captain of the Chess Club, and they had some conversation concerning the crime. According to the evidence, Wallace said, "About that telephone message! Can you tell me at what time you received it?" And Mr. Beattie replied, "About seven o'clock or shortly after." He was then asked, "Cannot you get nearer to it than that? It is of great importance to me. I should like you to be more exact, more definite." Wallace was later questioned by the police about this conversation, and, when asked why he had said that the time was important, he replied, "I had an idea, we all have ideas, it was indiscreet of me." He was asked at the trial what he meant by saying that he had been indiscreet in asking such a question, and his answer was: "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." He also said that he felt he was suspected by the police. Mr. Justice Wright told the jury, however, that it would be very dangerous for them to draw any inference seriously adverse to the prisoner from that conversation.

It may be argued, no doubt, that the Prosecution, in a case of such difficulty, were compelled to lay what emphasis they could on all the details of the case. But it must be admitted that there is a grave danger in such a case, heard under conditions not conducive to concentration, before a jury unaccustomed to weigh evidence, and in all probability very susceptible to inference, that too much importance may be paid to details, and that they may even result in a verdict directly opposed to the major evidence.

It is probable, for instance, in the present case, that the evidence which was given as to Wallace's demeanour

after the discovery of the crime, and his composure in the witness-box, had an influence on the jury quite disproportionate to its value. A police witness, when asked as to Wallace's demeanour on the night of the crime, replied that he was "quiet and collected, smoking cigarettes, and talking generally"; and another police witness stated that "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." Professor MacFall, when asked the same question, described Wallace as being "too quiet, too collected, for a person whose wife had been killed in that way. He was not nearly so affected as I was myself"; and when asked if he remembered anything in particular which led him to that conclusion, he said, "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. It struck me at the time as being unnatural." Mrs. Johnston, however, who remained with Wallace when her husband went for the police, was equally emphatic on the other side. When questioned as to Wallace's attitude, she said, that at first he seemed calm and collected, and then, "he twice showed emotion by putting his hands to his head, and he sobbed." And a little later, in cross-examination, "if we were left in the kitchen alone he appeared as if he would break down, but he made an effort to control himself when the police came."

It may be interesting in this connection to quote Wallace's own words, from an article written later, as to his demeanour during that fateful time. Referring to one of the witnesses at the trial, he wrote: "He did not know that for forty years I had drilled myself in iron control and prided myself on never displaying an emotion outwardly in public. I trained myself to be a stoic. My griefs

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and joys can be as intense as those of any man, but the rule of my life has always been to give them expression only in privacy. Stoicism is so little practised to-day that when seen it is called callousness."

It is generally admitted by those who have studied the subject that the demeanour of a prisoner on trial for his life cannot be taken as any indication either as to his innocence or guilt. And yet it may be doubted if anything said at such a trial, apart from *direct* evidence connecting the accused with the crime, has so much influence with a jury. If a prisoner displays emotion, hesitation, or lack of control, it would almost invariably be regarded by any average jury as a sign of guilt, whereas if he is calm and collected it would certainly not be considered as an indication of innocence. The reactions of the individual to unusual and, in particular, tragic experience vary infinitely according to the character and temperament and health of the person involved. It may appear to many, indeed, as if the time has arrived when statements as to the demeanour of the accused person should not, at any rate when the charge is one of murder, continue to be permissible as evidence.

THE SUMMING-UP AND THE VERDICT

Mr. Justice Wright in his summing-up considered at some length the evidence as to the telephone message, and—"the most vital part of the case"—the time which was available for the prisoner if he committed the crime. He indicated very clearly on both these important points, as well as on other important matters brought out in evidence, that it was his view that the Prosecution had failed to prove their case against the accused. The summing-up, indeed, is remarkable for the number of emphatic statements on the part of the judge in favour of the prisoner.

It is worthy of note that, on a part of the case of such importance to the Prosecution, and which was concerned with the time of death, the judge should have felt himself compelled to tell the jury, "With these conflicting views you may well think that you can derive no help from the medical evidence." A little later in his summing-up, Mr. Justice Wright observed, "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." And, once again, he told the jury, "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."

The jury brought in a verdict of Guilty against the prisoner. He was sentenced to death.

It is unwise to speculate, however great the provocation, on the probable grounds for the verdict of a jury. In the present case it was to receive an adequate criticism by the very exceptional judgment in the Court of Criminal Appeal. In view, however, of the summing-up, and the unconvincing nature of the evidence, one or two general observations may be made. It has been said that the present procedure, whereby a person accused of murder is subjected to what amounts to a double trial, is open to criticism and reform. The trial of Wallace took place over two months after the proceedings at the police court, and those proceedings received great publicity all over the north of England, and aroused very considerable public interest and discussion. Is it not obvious that such a lapse of time before the case is heard in the city where the crime was committed must constitute a grave danger to justice

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and the freedom of the individual ; and that it must inevitably result in the circulation of rumour, the creation of prejudice, and make impartiality on the part of any person who may subsequently become involved in the case almost an impossibility ? This was well evidenced at the trial of Wallace. A police witness was asked by Mr. Hemmerde : “ Why was he [Wallace] being followed ? ” and the witness replied : “ 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.” Another witness was asked, for the Defence : “ From your method of addressing him on this occasion it looks as if people suspected him. Do you know, had there been rumours about him when his wife was found killed ? ” and the witness replied : “ It was only the working of my own mind, having mixed with the general public, and having heard varying expressions of opinion.”

It is true that at the trial the jury, which included two women jurors, was called from the surrounding districts and not exclusively from Liverpool. But does this make any substantial difference, particularly in the case of a man who was an official of a company which had very extensive ramifications ? The proceedings at the police court were extensively published in the Press, and it is highly improbable that any prejudice or rumours which existed were confined to his own city.

The Lord Chancellor's committee recently recommended important changes in the jury system, but these recommendations applied, of course, only to civil cases. It may be that before long an enquiry will be held to consider ways and means of improving the present criminal procedure. In the meantime, however, it does not appear unreasonable to suggest that, in any case where the charge is one of murder and the sentence death, and

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the judge is unable to identify himself with the verdict, he should have the right to postpone sentence until after a hearing by the Court of Criminal Appeal. It may be said that the judge at present has the power, if he thinks that the evidence against the prisoner is insufficient, to withdraw the case from the jury at the close of the case for the Prosecution. But under the present procedure, which permits, with what has been called "the cruel kindness of the law," the accused to go into the witness-box and tell his own story, a judge would almost invariably (frequently, no doubt, in the interest of the accused himself) be reluctant to exercise this power. The position of a person who has to live his future amongst his fellow human beings is obviously very different if he has been acquitted by a jury than if he has merely had his appeal allowed by the higher Court. In the experience of the past it has been shown on many occasions that the evidence of the accused is just as likely—if not more likely—to support the case for the Prosecution as that of the Defence. It appeared at the trial of Wallace that, although the Prosecution failed to derive any substantial assistance from the evidence of the accused, the Defence, at the same time, were not to receive any benefit in the view of the jury.

THE APPEAL

The appeal of Wallace to the Court of Criminal Appeal resulted in a judgment which quashed his conviction on the grounds that the verdict of guilty was unreasonable, and could not be supported by the evidence. It is the only conviction for murder which the Court has quashed on these grounds.¹ In his judgment² the Lord Chief Justice

¹ See the case of Charles Ellsom, *C.A.R.*, Vol. VII. In this case the charge was one of murder and the conviction was also quashed under Section 4 of the Act, but it was on the ground of misdirection.

² See p. 293.

INTRODUCTION

said, "It would not have been at all surprising if the result had been an acquittal of the prisoner." The fact, however, that the Court of Criminal Appeal decided to quash the conviction shows how strong must have been the views of the judges that the verdict was not merely against the weight of evidence, but that it was unreasonable.

It is interesting to note the proviso to Section 4 of the Criminal Appeal Act under which the conviction was quashed: "Provided that the Court may dismiss the appeal if they think that no substantial miscarriage of justice has occurred." It appears to be obvious if the Court has decided that a verdict of guilty cannot be supported by the evidence that an appeal could not be dismissed under the proviso. Such a decision of necessity implies that a substantial miscarriage of justice *has* occurred, and that the conviction must be quashed.¹ It may, however, be regarded as unfortunate, in view of the wording of Section 4, that the judgment referred to the present case in terms which could only be construed in a light, to some extent, unfavourable to the appellant. It was surely an occasion on which brevity would have combined accuracy with a certain measure of generosity. The decision, however, constituted a precedent, and, remembering the general reluctance of the Court to interfere with the verdict of a jury, it is not without considerable interest and significance.

W. F. WYNDHAM-BROWN.

¹ A question was subsequently asked in the House of Commons as to whether Wallace was to receive any compensation, and the Home Secretary replied: "It does not appear to come under the heading of miscarriages of justice."

LIVERPOOL SPRING ASSIZES,

1931

ST. GEORGE'S HALL, LIVERPOOL

Wednesday, 22nd April, 1931

BEFORE

MR. JUSTICE WRIGHT

(and a jury)

REX

v.

WILLIAM HERBERT WALLACE

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. SCHOLEFIELD ALLEN appeared on
behalf of the Defence.

FIRST DAY

WEDNESDAY, 22ND APRIL, 1931

THE CLERK OF ASSIZE—William Herbert Wallace, you are indicted and the charge against you is murder, in that on the 20th 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 were duly sworn.)

THE CLERK OF 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 20th 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.

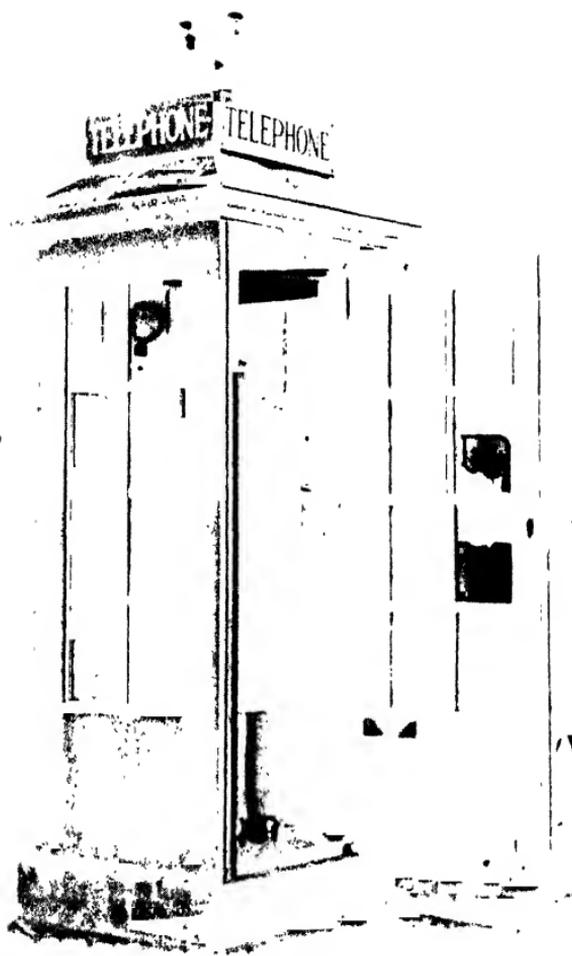
MR. HEMMERDE THEN OPENED THE CASE FOR THE PROSECUTION

MR. HEMMERDE—May it please your Lordship, members of the jury, the charge against the prisoner, as you have heard, is murder. I shall have to open to you in some detail a story not without its difficulties, but which I think must show a very serious case against the prisoner. He has been for some years an agent of the Prudential, and he was living at a house in Wolverton Street in

THE TRIAL OF WILLIAM HERBERT WALLACE

Anfield in this city, and had been living there for some years with his wife, apparently on terms of happiness and comradeship. In fact, so far as the happiness of this household is concerned, the Crown knows nothing to the contrary of the view that these two people were very happy together. In spite of that, the Crown now lay before you evidence which, though it will not show you any motive, nevertheless, I shall suggest to you, will carry you almost irresistibly to the conclusion that in spite of all the happiness of that little household, in spite of everything that one knows about the relations of these people, on the night of January 20th of this year this woman was murdered by her husband.

You will hear that sometimes on Mondays, and possibly some other days, the prisoner was in the habit of visiting a café in North John Street, called the City Café, because he was a member of a chess club that used to meet there to play chess, I think, once a fortnight. The club, I think, was called the Central Chess Club. It had no telephone number of its own ; it merely met there, and that was the place of their fortnightly meetings. On January 19th, which was a Monday, about 7.15 to 7.20, a telephone message came through to the club, to the café, the number of which is Bank 3851. This message was a message making an appointment for the prisoner to meet a man the next night at half past seven, at an address two or three miles from his house ; the name was Qualtrough ; the address was 25 Menlove Gardens East. He was not in the club, and the message was taken by the captain of the club, a Mr. Beattie. We know, as a matter of fact, where the message came from. In the ordinary way, if you telephoned and got through at once it would not be easy, I think it might not be possible, to trace the origin of the call ; but in this particular case some difficulty was experienced by the person ringing up from



THE CALL BOX FROM WHICH THE MESSAGE WAS
TELEPHONED TO THE CITY CAFÉ

OPENING SPEECH FOR THE CROWN

a public call-office in getting through, and, as a result, we can trace the call as having come from a call-box four hundred yards from the house in Wolverton Street. If you except a telephone in the public library and shops, I think you will find that that was the nearest call-box to the prisoner's house. That message came through, as I have said, at about 7.20. Subsequently he arrived, and, when he arrived, he was told that somebody wanted him to call on him—"Someone wants you to call on him to-morrow at 7.30, at Menlove Gardens East. It is in the nature of your business." Mr. Beattie told him that ; the prisoner wrote that down. As the result of his not knowing where it was, a certain amount of conversation was brought about. The suggestion of the Crown is, that the person who rang up from that box, Anfield 1627, was the prisoner himself. You will follow with some care the details as to what happens next. Let me just say in passing, that this club is not a club that advertised ; it is a little chess club the meetings of which would be only known to its few members. You may think it curious that a total stranger to the prisoner, speaking from a place four hundred yards from his house, where, according to him, he actually was at the time, should have rung up the City Café ; you would have thought that he might have called at the house ; you might have thought that he might have written to the house, he might have left a note at the house. None of these things happened, but a person unknown to the prisoner, with this name of "Qualtrough," rings up the City Café, where that chess club plays, and there leaves a message that he is expected the next night to call on someone he does not know, at an address which you will find does not exist. There is no Menlove Gardens East, and you will have to consider whether this giving of this name and address was part of a cunningly laid scheme to create an alibi for the next

night, or whether it was really a genuine message. Let us follow what happens next. I said that his failure to know Menlove Gardens East provoked conversation. He is a man who, as a Prudential agent, has been in or about Liverpool for many years. You probably have been in or about Liverpool for many years. Menlove Avenue, you may think, marks a spot fairly familiar to most Liverpool men and women who go about with their eyes and ears open, but when Mr. Wallace is told of it, I do not say he says he does not know where Menlove Avenue is, but he says he does not know where Menlove Gardens East is. One would imagine (but it is a matter entirely for you) that a person knowing the district of Menlove Avenue would have some idea that Menlove Gardens as a fact opened off it, and when you are dealing with a man who, you will find, was in the district from time to time, having music lessons quite near there, you may think that some of the ignorance that he displayed on this occasion was not genuine but was assumed, because it was necessary, if that is the right view of the facts, that he should as far as possible draw attention to the fact that the next night he was going, at half past seven, some miles away from his house. Not only did it provoke conversation at the time, but on his way home with two friends called Caird and Bethurn, he returned to the matter, and he said, "Qualtrough—it is a funny name ; I have never heard of it. Have you ? " Then Caird said to him, " You should take a Queen's Drive bus to Menlove Avenue or Menlove Gardens," which many of you may know was sound advice. He said he would not know that way, but would take the car to town and out again, if he went at all, but he was not sure he would go. That is how we leave it that night : a message from a call-box four hundred yards from his house, asking him to meet a man whom he had never seen, and whose name was not familiar to him,

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at a place, Menlove Gardens East, which, as a fact, did not exist. You may think that someone in making that appointment was wanting to get him out of the way the next night, or you may think that he wanted people to believe that someone wanted to get him out of the way the next night.

Now, follow what happens the next night. On January 20th, the Tuesday, the next day, at 3.30, a police officer called Rothwell, cycling in Maida Lane, sees the prisoner hurrying, apparently distressed and apparently wiping his eye. I will not go further into that for the moment ; you will hear the police officer. At 6.30, a boy called Close delivers milk at 29 Wolverton Street. He knows the time very accurately, because he had had to go on foot that day ; I think his bicycle was out of order, and he had to complete his round by a certain time, and he will tell you that he noticed the clock : according to him it must have been within a minute or two one way or the other of half past six when he delivered the milk at 29 Wolverton Street and saw Mrs. Wallace, the deceased woman, and spoke to her. That was the last time that she was seen alive. We know that at that time from Wallace's own statement he was there, and apparently left the house somewhere about 6.45. You may take it that if he is guilty of this atrocious crime—because whoever did it was guilty of a most atrocious crime—it must have been committed within the time from 6.30 to about 6.50, because at a time between 7.6 and 7.10 he boarded a car at the junction of Smithdown Lane and Lodge Lane—I say “ between 7.6 and 7.10,” because sometimes the cars are running at that time about two minutes late, and I give just the margin. Now follow what happens there. He boards the car at the junction of Smithdown Lane and Lodge Lane, and says, “ Does this car go to Menlove Gardens East ? ” The conductor says, “ No, but you can

board my car and I will give you a penny ticket or transfer." The prisoner boards the car, and says, "I am a stranger in the district and I have important business." You will remember that he did not know Qualtrough, either by name or what his business was. When the conductor went for fares, just afterwards, Wallace again said, "You won't forget, mister ; I want to get to Menlove Gardens East." At 7.15, Wallace is on another car which runs from Penny Lane to Calderstones. He asks the conductor there to put him off at Menlove Gardens, which, as a matter of fact, is the next stop just up the road. You will see that there is a tram stop at the bottom, and on the left runs Queen's Drive. Then, a very short way along, the next tram stop is Menlove Gardens West, and out of that runs Menlove Gardens South and Menlove Gardens North. You may have thought that a person would more naturally have reached that point which is one tram stop from Menlove Gardens West, have walked that little distance, but he rode it, and he had that conversation again. He asked the conductor to put him off at Menlove Gardens East. When he came to the next tram stop, the conductor beckons him, that is at Menlove Gardens West, gives him some directions, and the prisoner says, "Thank you, I am a complete stranger round here." You may think that all those conversations with the conductors are natural or unnatural. But now again follow what happens next. He gets off the tram, and apparently calls at 25 Menlove Gardens West. At about 7.20, he meets a man in the street there, who is a clerk, and that man, whom I shall call before you, says, "There is no Menlove Gardens East." Twenty minutes later he sees a police constable at the junction of Green Lane and Allerton Road. He asks that police officer for directions to Menlove Gardens East, which, at about 7.20, he had been told by the clerk did

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not exist. The police officer tells him again that there is no such place. The prisoner tells the police officer that he has been to 25 Menlove Gardens West, and he proceeds to tell him that he is an insurance clerk looking for a Mr. Qualtrough, that Mr. Qualtrough had rung up his club, leaving him a message, and then, after further talk with the police officer, he asks him where he could find a directory, and is told by the police officer where he could find one. Then Wallace says, taking out his watch, "It is not eight o'clock yet," and the police constable, taking out his, says, "It is just a quarter to." Remember that he was told at 7.20 there was no such place as Menlove Gardens East. That was confirmed at 7.40 by the police officer. You may think that all this is perfectly natural. You may think it is over-elaborated. The taking out of the watch, so that the police officer should know exactly what time he was there, you may think is of some importance. The next place in which we find him is in a newsagent's shop—130 Allerton Road. If you were going along Allerton Road in the direction of Penny Lane, it is a little way along on the left; it is a newsagent's shop. He goes in there, and he asks for a directory: it is supplied to him. He then says to the manageress, and note this, "Do you know what I am looking for?" and she says, "No." He says, "I am looking for 25 Menlove Gardens East." The manageress says, "There is no East, only North, South, and West." You follow him, therefore, in conversation with the tram conductors, and finally reaching Menlove Gardens West: you follow his enquiries from a clerk, who tells him that there is no such place, from the police officer, who tells him that there is no such place, and to the manageress at the newsagent's shop, who tells him that there is no such place; and that is the last we know of him there.

The next we know of him is when, at 8.35, he is seen

just outside, very close to his house at the back ; I think that is actually the next place that he is seen. Let me point this out to you in passing. Elaborate tests have been made, and you will hear about them from the witnesses. There is no difficulty whatever in a man leaving Wolverton Street round about 6.50 and being where this man was first seen round about 7.5 or 7.6 ; no difficulty at all. If he did leave the house between 6.45 and 6.50, there was no difficulty in his being exactly where he will be proved to have been. The next thing, as I say, is that he is seen just outside, talking to someone. The only importance of that, you will find afterwards, is that he subsequently says that he talked to no one on the way back. He gets back somewhere about 8.30 or 8.35. Now remember that he is living there with a woman about his own age, a woman, so far as we know, who had not an enemy in the world, a frail, rather old-fashioned woman, and he left her in the house in one of these little streets where you would hardly suspect robbers would find, or burglars would find, a very rich harvest. He left her like that, and immediately he found out, as he says, that there was no Menlove Gardens East, he hurried home because he felt suspicious. Why on earth he should have felt suspicious because someone had given him the wrong address it is difficult to gather, but he hurried home.

At a quarter to nine, Mr. Johnston was leaving his house at the back entry with his wife. Mr. Johnston, as I told you, was in the next house, No. 31, on the right as you look at the plan. As Mr. Johnston came out of the back entry with his wife he sees the prisoner going towards his own entry door, which is next door to Mr. Wallace ; they also touch. The prisoner then says to Mr. Johnston—remember he has only just come back—“ Have you heard anything unusual to-night ? ” Mrs. Johnston says, “ No ; what has happened ? ” Wallace

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says, "I have tried the back and the front, and they are locked against me." Mr. Johnston suggested that he should try again, and Wallace went and opened the yard door, went into the yard, up to the kitchen door, which was on the right, you remember, as you go up, and said, "It opens now." Then Mr. Johnston said, "Look around and I'll wait."

Now, supposing that you came to the conclusion that those doors never were shut against him, and that the front door—although it has an odd and troublesome lock, and was in a condition that it had been in for years, or at any rate for a very long time, that when you turned it, if you were not careful, the latch would slip back—was in its ordinary condition, and the back door was open, you then find a man, who could perfectly well get in if he wanted to, pretending that he cannot get in. I think in one of his statements he suggests that someone must have been in the house at the time, and must have opened the back door. Well, you will hear as to the possibilities or the probabilities of that. But there he is, at 8.45, able to get in when he is there alone, perfectly able to get in, but Mr. and Mrs. Johnston are not there. He goes in; and they follow his course up to the house. If you went into a house like that, where would you go? You had left your wife downstairs. Would you have looked in the downstairs room, or would you have gone upstairs? It is clear, from what they could see outside—because they see the light go up in the middle bedroom upstairs, and they see a match struck in the laboratory upstairs; they heard him calling—that first of all he goes upstairs. He then comes down into the kitchen, and then goes into the sitting-room in the front of the house. When he goes into the sitting-room in the front of the house, he finds his wife lying dead on the floor, lying across the room. The room is so small that when open the door comes within 18

inches of her head ; and there she is lying, as you will hear, her head battered in with apparently one terrific blow, and then ten blows ; eleven brutal blows. You will hear from the medical evidence which we shall call, that when Professor MacFall came at 9.50, he will tell you, that unfortunate woman had obviously been dead at least three hours. One cannot, of course, get exact results, but there are certain matters connected with what is known as *rigor mortis* that make it, within certain limits, a scientific certainty that there must have been a certain time elapse. He goes into that room, he strikes a match. You will hear that he goes across, and he lights the far gas bracket—on the right, not the one on the left—and then he discovers the body. You would have thought that, coming into a room like that, as familiar as anything could be, a man would walk straight across to the nearest gas, strike a light and light it. In the doorway of his own little room he strikes a match, he goes across, and, missing the body—and there are pools of blood in the room—then lights the far light. You might have pictured a cry of agony, bitter sorrow, but what happens ? The Johnstons are waiting outside ; they see the lights marking his course through the house. Then, after a short interval, he comes out, and says, “ Come and see ; she has been killed.” They then go into the kitchen and they go into the front room, and they find this unfortunate woman lying like that, the gas-fire not lit, the gas on the right of the fireplace lit. Mr. Johnston says, “ We must telephone for the police,” and they go into the kitchen. In the kitchen, the prisoner points to the door of the cabinet, which you will see, and says, “ It has been wrenched off.” He then reaches up to the top shelf, and takes a cash-box down and opens it. Mr. Johnston says, “ Is anything missing ? ” He says, “ About £4, but I cannot say exactly until I see my books.” Then Mr. Johnston said to him, “ Is everything

all right upstairs, before I go for the police?" The prisoner goes upstairs, comes down again, and says, "Everything is all right. There is £5, in a dish they have not taken." Mr. Johnston then went for the police. Mrs. Johnston started to light a fire in the kitchen, and the prisoner helped her. Then Mrs. Johnston and the prisoner returned to the sitting-room and stood by the body. Then the prisoner says, "Why, whatever was she doing with her mackintosh and my mackintosh"; and you will hear how a mackintosh was rolled up and pressed against her. Mrs. Johnston said, "Is that your mackintosh?" and Wallace, stooping down and fingering it, said, "Yes, it is mine." You will notice that that was what he said at the time. Let me just draw your attention to this now. That mackintosh was there, covered with blood, it was also badly burnt: a lot of it, quite a large part of it, as you will see, was burnt. How does it come that that mackintosh was there, and that it was burnt? Had it taken fire by accident? If so, what from? Had it been fired by someone on purpose? If so, who had fired it? This mackintosh was hanging up in the passage; he had worn it that day. It is found there, against the body, with much blood upon it, and apparently rolled up and pressed against the body after some attempt had been made, if it was not an accident, to burn it.

Just consider at this moment: Who had an interest in destroying that mackintosh? Assuming that someone had broken into that house—there is no trace at all that anyone did, but assuming that they did, and then killed this woman, it is possible that such a person might have taken down the raincoat, and put it on to prevent the blood getting upon his clothes—perfectly possible, but, having done so, why should a stranger to her want to destroy the mackintosh? Having done this foul deed,

what concern would it be for a man of criminal intention, who had come in there and killed this woman, to destroy someone else's raincoat? You will see it; you will form your own views as to how that came to be partly burnt, and you will have your own views, no doubt, as to what conclusion the condition of that leads you to. That is the position so far as that coat is concerned. It is his coat: an attempt has apparently been made, unless there was an accident in setting fire to it, to destroy it. You must remember, if the Prosecution's theory is right, the creation of the necessary alibi would leave very little time for attention to detail. Let me say now, that so far as that coat is concerned there is plenty of blood upon that. There is no blood whatever to be found on the prisoner's clothes, although there was blood in the sitting-room in great quantities, some pint and a half, I think, and although the person who did this deed clearly went upstairs immediately afterwards, there is not the faintest trace of blood anywhere on the stairs. The man who broke that woman's skull, the man who killed her, had left her in a pool of blood, and got upstairs without leaving the slightest trace, but in the lavatory, in the pan of the water-closet, there was a clot of blood, the same blood, as you will hear, as the woman's who was dead downstairs. So although there is blood that drops in the bathroom there, the person who went up with it went up without leaving the slightest trace of blood anywhere, and that is the only trace whatever of blood upstairs. There was in the room there, and had been for some time, by the gas-stove, an iron sort of poker thing, like *that*, amply sufficient to have done this deed.

[MR. HEMMERDE held up for the inspection of the jury an iron poker.]

MR. HEMMERDE then continued—All the time a certain woman who helped clean the house had been there,

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something of this sort had been by the fireplace. The day of this tragedy, it had gone. Whoever did this may perfectly well have done it with that weapon, and you may very well realise that anyone who did it with a weapon like that would have absolutely no difficulty in getting rid of it. A thing like that would go into the ground anywhere ; there is no difficulty at all. It was missing, and you ought to be told that, because apparently it was there the last time this witness had been there, and it had gone. She had been there, I think, on January 7th, and it was still there then. Now supposing that the person had gone up with this in his hand, it might well be that in washing upstairs something would have fallen into the pan of the water-closet ; that is next to the basin. I draw your attention to the fact that there is no blood whatever anywhere on the stairs—because the Crown suggest to you that in this case whoever did this deed was taking elaborate precautions. The history of our own criminal courts shows what elaborate precautions people can sometimes take. One of the most famous criminal trials was of a man who committed a crime when he was naked. A man might perfectly well commit a crime wearing a raincoat, as one might wear a dressing-gown, and come down, when he is just going to do this, with nothing on on which blood could fasten, and, with anything like care, he might get away, leaving the raincoat there, and go and perform the necessary washing if he was very careful. There was hot and cold water in the kitchen—running water. Whoever did this did not take advantage of that fact, but went upstairs, and, as I suggest to you, went upstairs with great caution. Now, the person who went upstairs also went into different rooms up there ; as you will hear, in the front bedroom, that they did not use, things were disturbed, clothes were thrown back on the bed, and a few hats there, but nothing

was taken ; and you may come to the conclusion, having heard the evidence, that the person who had disturbed that room without opening any of the drawers was not on robbery bent, but was merely creating appearances that someone had been there looking for something. That was the condition of that room. But in the room where they did sleep a very curious thing was found. You remember that there were £4 said to be missing from downstairs. Upstairs, in a vase on the mantelpiece in the bedroom that they used, were five Treasury notes, and on one of them was blood. How did those get there ? What was the thief doing to take them up there ?

Let me take the story up from where Mr. Johnston went for the police and Mrs. Johnston was left with the prisoner. At ten minutes past nine the police arrived. Mrs. Johnston tries to open the front door and fails. The prisoner comes and opens the door, and Police Constable Williams comes in. While the police were just examining the house, the prisoner turned to Mrs. Johnston and said, " Julia would have gone mad if she had seen all this "—" Julia " was the name of his wife.

Now let Police Constable Williams continue the story. Wallace opens the door and says, " Come inside, officer ; something terrible has happened." The police constable comes in, goes straight to the body, feels the pulse, finds no movement, and he says to the prisoner, " How did it happen ? " The prisoner says, " I do not know. I left the house at a quarter to seven in order to go to Menlove Gardens. 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. She would then be alone in the house. I went to Menlove Gardens and found that the message I had received was wrong. Becoming suspicious, I returned home."

But why on earth should he be suspicious ? Had his

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wife enemies ? How often must he have left his wife in the house alone ? While I am on that subject, why should anyone, in the next place, have tried to ring up an insurance agent at the Chess Club, if the object was to get the agent's wife alone, when there must be times without number when any observation of that agent's movements would have left the field absolutely clear ? " Becoming suspicious, I returned home. I went home, inserted my key, but could not open the door. I went round to the back of the house and found the back yard on the latch but not bolted. I hurried round to the back again, and this time found the back-kitchen door would open. I entered the house, and this is what I found."

The police constable then went upstairs with the prisoner into the middle bedroom. A gas jet was burning. The officer said, " Was that light burning when you entered the house ? " The prisoner said, " I changed myself in this room before leaving the house, and probably I left the light on myself." Note that he had changed his clothes there before leaving the house. On the mantelpiece the police constable finds a small ornament from which were protruding five or six £1 notes. The prisoner, taking hold of the ornament, partly extracted the notes, and says, " Here is something which had not been touched." The police officer requested him to replace the notes and the ornament, which he did. In the corner of the room there is a curtained recess, and, as the police constable approached it, Wallace says, " My wife's clothes are kept there ; they had not been touched." When he had observed that, we do not know. They then went into the little laboratory, and Wallace said, " Everything is all right here," then into the bathroom, where there was a low light burning. The officer said, " Is this light usually left burning ? " and Wallace said, " We usually have a low light here." Then they went into the front

bedroom. About its condition, you will hear the evidence ; I can only summarise it by saying that the condition was not one that suggested to experienced police officers that anyone had been searching, but that someone had been merely tumbling the room about.

They then go downstairs into the kitchen, and the prisoner points out to this officer the cash-box, and says, " There was about £4 in the box and it has gone." Then they go into the sitting-room, and Wallace proceeds to light the other light on the left ; the one I suggested it would have been more natural to light before. Then they go into the kitchen, and the kitchen window, which, as you remember, looks out into the yard, was covered with heavy curtains. The police constable pulls them aside slightly, to examine the window, and the police constable says, " When you first came to the yard, did you notice any light shining through the curtains ? " Wallace said, " The curtains would prevent the light from escaping." Note that from the yard, when he was saying he could not get in, he could not see whether there was or was not a light in the kitchen. The police constable said, " I will try it," and Wallace said, " It is no use now, you have disturbed them."

At 9.50, Professor MacFall arrives ; he finds the condition that I have described to you, showing that one terrific blow had produced an open wound in front and must have caused death in less than a minute, but it seems as though terrific force had been employed with a hard instrument, and had driven in the skull in no fewer than eleven places, so whoever had done this had left nothing to chance. It was then, when Professor MacFall was there, that a search showed this blood-clot in the pan of the water-closet. He will tell you whose blood that was, from his observation, and he will also tell you that the condition of the body showed that death had taken

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place at least three hours previously. You will note that, because you will find it suggested at one time by the prisoner that the reason why he could not get into the house at one time and could get into it at another was : there must have been someone in the house who at some moment had released the back door. If this murder took place before seven o'clock, do you think it is likely, do you think it is even possible, that the murderer would have been still there some two hours later, and that nothing whatever should have been taken from the house except, as the prisoner suggests in one of his statements, I think, some small sum and a small cheque ? Is it likely that anyone would have remained there that time ? So the fact that will be spoken to by Professor MacFall and another doctor, that this woman had obviously been dead at least three hours, becomes of the greatest significance, as, of course, does the discovery that he made of the blood in the pan upstairs. And remember, not only had the thief, if it was a thief, the murderer who had come there, for some reason killed this woman, but he had taken down from 7 ft. 2 ins. high a cash-box with a broken lid, he had left in it a dollar bill, and had taken some other things, and apparently, having gone upstairs, had put the same amount of money in a vase on the mantelpiece, which does not look very much as though his object was robbery. There was no attempt made to rifle the drawers, to go where the dresses of the deceased were—nothing of that sort at all.

Let me take the next stage. Professor MacFall arrived there at 9.50. At 10.5, Detective-Superintendent Moore arrived, and certain important matters happened then. On his arrival he made a thorough examination of the house, and he will tell you that the furniture in the sitting-room was apparently undisturbed, everything being in the position one would expect, even to the hearth-rug.

On going into the kitchen he saw the accused and asked him how he had found the house on his return. Wallace replied as follows : " I was called, by telephone, to a business appointment at 25 Menlove Gardens East at 7.30 to-night. I went there, but could not find the address. I hurried home. I tried the key in the front door, but the key would not act. I went round to the back door, but could not open it. I returned to the front door, again tried the key, which would not act, went round to the back door, which opened easily, and met Mr. and Mrs. Johnston and asked them to wait while I came in. I found my wife murdered in the parlour, and this just as you see it"—pointing to a small cabinet, the door of which you will see was broken off. He then pointed to the cash-box, which you have already seen, and said, " About £4 has been stolen from that box, which included a £1 Treasury note, three 10s. Treasury notes, about thirty or forty shillings in silver, a cheque, and a postal order ; that was my company's money." On the floor Superintendent Moore found a half-crown piece and two separate shilling pieces. He also asked the accused where he found the cash-box, and he said, " Where it is now." Superintendent Moore thereupon took down the cash-box, took off the lid, found in one of the compartments an American dollar bill, and then said to the accused : " I cannot understand why a thief should go to all this trouble fixing the lid on and putting the box back on the shelf where he had found it " ; and you may think that that was a remark that any one of you might have made. Picture a man coming in there, bent on stealing whatever he could find, taking down a cash-box with a loose lid from a height of 7 ft. 2 ins. from the floor, finding there was very little in it, and then, instead of just throwing it down or leaving it where it was, putting the lid on, and carefully putting it up where it had been before.

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Then Superintendent Moore asked the accused to go upstairs with him, and he examined the house and went into the little laboratory. There the prisoner said, "I cannot say that anything is missing." Then they went into the middle bedroom, and then into the far bedroom. While there, the prisoner told him, "I do not think we have been in this room for a fortnight." Then Superintendent Moore went downstairs and examined the lock very carefully—the one which the prisoner said would not work. He asked the prisoner for his door-key and tried the lock, and found that it would turn to a certain point, but if the key was turned too far round the lock would slip and the door would be again locked. A person has to know the lock to be able to do it each time. He pointed this out, and found that he could do it quite easily. He said to the accused, "I could open the door all right, but the lock is defective"; and the accused said, "It was not like that this morning." You will hear that it must have been like that for a very long time.

Then they went into the sitting-room, and made a further examination, and then Superintendent Moore asked the accused if the blinds were drawn when he entered the room. The accused said, "Yes; I lit a match and put the gas on." The Superintendent said, "Did you not 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 that she was dead." A little later, Superintendent Moore called the accused into the sitting-room, and, pointing to the mackintosh, said to him: "Is this your mackintosh?" At first he just put his hand to his face, stooped a little, and looked at the body, and did not answer. Then the officer said, "Had Mrs. Wallace a mackintosh like that?" and again the accused made no reply. Then Superintendent Moore said to another officer, "Take it up and let us have a look at

it," whereupon he did so. Then Superintendent Moore said, "This is a gent's"; then the accused got hold of it, and said, "If there are two patches on the inside, it is mine." He thereupon found the two patches and said, "It is mine; I wore it this morning, but the day turning out so fine I wore my fawn coat this afternoon. Of course it was not burned like that when I wore it," whereupon the officer said, "Where did you leave it?" He said, "Hanging in the hall, at half past one. There was a rug in the hall opposite the parlour door."

A little later, Detective-Sergeant Bailey arrived, and, after making an examination, went with the prisoner and Inspector Gold to Anfield Bridewell, and there Wallace made a statement.

MR. HEMMERDE THEN READ WALLACE'S
STATEMENT

"Tuesday, January 20th, 1931. William Herbert Wallace says: I am fifty-two years of age, and by occupation an Insurance Agent for the Prudential Assurance Company, Dale Street. I have resided at 29 Wolverton Street with my wife Julia (deceased), age believed fifty-two years, for the past sixteen years. There are no children of the marriage. My wife and I have been on the best of terms all our married life. At 10.20 a.m. to-day I left the house, leaving my wife indoors, doing her household duties. I went on my insurance round in Clubmoor district, my last call being 177 Lisburn Lane, shortly before 2 p.m. I then took a tram-car to Trinity Church, Breck Road, arriving at my house at 2.10 p.m. My wife was then well, and I had dinner and left the house at about 3.18 p.m. I then returned to Clubmoor and continued my collections; finished about 5.55 p.m., my last call being either 19 or 21 Eastman Road. I boarded a bus at

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Queen's Drive and Townsend Avenue, alighted at Cabbage Hall and walked up to my house at about 6.5 p.m. I entered my house by the back door, which is my usual practice, and then had tea with my wife, who was quite well, and then I left home at 6.45 p.m., leaving by the back door. I caught a car from Belmont Road and West Derby Road, and got off at Lodge Lane and Smithdown Road and boarded a Smithdown Road car to Penny Lane. I then boarded another car up Menlove Gardens West, looking for 25 Menlove Gardens East where I had an appointment with Mr. R. M. Qualtrough for 7.30 p.m. in connection with my insurance business. I was unable to find the address and I enquired at 25 Menlove Gardens West and I also asked a constable at the bottom of Green Lane, Allerton, about the address. He told me there was no such address. I then called at a post office near the Plaza Cinema, to look at the directory, but there was none there, and I was unable to find the address. I also visited a newsagent, where there was a directory, but I was unable to find the address. It was then 8 p.m. and I caught a tram-car to Lodge Lane, and then a car to West Derby Road and Belmont Road and walked home from there. I arrived at Wolverton Street about 8.45 p.m., and I pulled out my key and went to open the front door and found it secure and could not open it with my key. I knocked gently, but got no answer. I could not see any light in the house. I then went around the back ; the door leading from the entry to the back yard was closed, but not bolted. I went in to the back door of the house and I was unable to get in. I do not know if the door was bolted or not, it sticks sometimes, but I think the door was bolted but I am not sure. There was a small light in the back kitchen, but no light in the kitchen. 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 seemed to unturn without unlocking the door. I rushed around to the back and saw my neighbours, Mr. and Mrs. Johnston, coming out of 31 Wolverton Street. I said to them, 'Have you heard any suspicious noises in my house during the past hour or so?' Mrs. Johnston said they hadn't. I said then I couldn't get in and asked them if they would wait a while while I tried again. I then found the back kitchen door opened quite easily. I walked in by the back kitchen door. I found the kitchen light out. I lit it and found signs of disturbance in the kitchen. A larder case, in which I keep photographic stuff, had been broken open and the till was on the floor. I then went upstairs and entered the middle bedroom, but saw nothing unusual. I then entered the bathroom but it was correct, and I entered the back room and found no disturbance there. I then entered the front room, struck a match, and found the bed upset, the clothes being off. I don't think my wife left it like that. I then came down and looked into the front room, and after striking a match I saw my wife lying on the floor. I felt her hand and concluded she was dead. I then rushed out and told Mr. and Mrs. Johnston what had happened, saying something but I cannot remember what I did say. After my neighbours had been in, Mr. Johnston went for the police and a doctor. I asked him to go. I afterwards found that about £4 had been taken from a cash-box in the kitchen but I am not sure of the amount. When I discovered my wife lying on the floor I noticed my mackintosh lying on the floor at the back of her. I wore the mackintosh up to noon to-day, but left it off owing to the fine weather. My wife has never worn the mackintosh to my knowledge. You drew my attention to it being burnt, but it was not like that when I last saw it and I cannot explain it. I have no suspicion of anyone.

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There was a dog whip with a lash in the house which I have not seen for twelve months, but I have not found it up to now. It was usually hung on the hall-stand. The handle was of wood twelve inches long and one inch thick."

Now, having made that statement, you will notice that what he says there about the way the lock worked was what the police officer had pointed out to him, but not what he had pointed out to the police officer. The statement continued as follows : " When I left the house at 6.45 p.m. on Tuesday night my wife came down the back yard with me as far as the yard door ; she closed the door. I do not remember hearing her bolt it." You will remember that that is not what he said on the earlier occasion. He then said his wife had walked a little way down the entry with him. You may think it very curious that in a matter where you would have thought every detail of that last meeting would have been clear in his mind he should have given those two different accounts.

We then pass to a rather important matter on the next day. At about 10.20 that evening the prisoner met Mr. Beattie at the corner of Lord Street and North John Street, and the prisoner said to Mr. Beattie : " About that telephone message, can you tell me at what time you received it ? " Mr. Beattie said : " About seven o'clock, or shortly after." The prisoner said : " Cannot you get nearer than that to it ? " Mr. Beattie said : " I am sorry, but I cannot " ; and then the prisoner used these words : " It is of great importance to me ; I should like you to be more exact, more definite." Now, why was it of great importance to him ? You may say because he had heard rumours that he might be connected with that call, and that he wanted to know what time the call was so that he might be able to say, perfectly properly, " Oh, but that cannot be me, because at that time I was at so and so."

That might be a perfectly proper and reasonable explanation, although you may gather from the police that at that time they had certainly not given him any information that they thought he was the person who had rung up. It is possible that he may have thought that there was a danger of their thinking so, and might have said to himself : " Well, if that telephone message came when I was at so and so, there is an end of the case." It might be perfectly proper. It is only when you follow out what happened afterwards that you can see the full significance of this remark, because on the next day, at half-past six, Detective-Superintendent Moore and Detective-Inspector Gold saw him at the police office in Dale Street, and Mr. Moore said : " You saw Mr. Beattie of the Chess Club last night ? " and the prisoner said, " Yes, on the footway in Lord Street while I was waiting for a tram." Then Mr. Moore said : " You asked him about the telephone message and about the time he received it ? " The prisoner said, " Yes." Then Mr. Moore said : " You told him the time was important ? " The prisoner said, " Yes." Mr. Moore said : " In what way did you mean the time was important ? " and the prisoner said, " I have an idea, we all have ideas, it was indiscreet of me." You see, he does not know what I suggest might have been a possible explanation, and a simple one. " I have an idea, we all have ideas, it was indiscreet of me." Mr. Moore said : " I wish you would tell me what your idea was ; it might help me with the enquiry." The prisoner said : " I cannot explain any further. I recognise now it was an indiscretion on my part." Now you may think that that request to Mr. Beattie, and this subsequent conversation with the police rather suggests that the prisoner at that time was already very much on the defensive. Why should he imagine himself in any danger ? It is true that on the night of the murder one of the police officers had

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said to him, "Why should a thief take the trouble to put the lid on that cash-box and put it up again there?" and it might have made a man think, "He cannot be suspecting me," and yet see that something of the sort might be passing through the officer's mind, because if it was no thief, who was it? But what does he mean by saying, when he has asked what might have been a perfectly simple question of Mr. Beattie, "I have an idea, we all have ideas, it was indiscreet of me"? If the facts are, as the Crown suggest, that it was indiscreet of him, that was an admirable description of that conversation. There is one other curious feature about that conversation with Mr. Beattie. That was not all he said. He said to Mr. Beattie that he had just left the police when he asked those questions, and he said, "They have cleared me"; and Mr. Beattie said, "Is that so? I am pleased to hear it." "They have cleared me"—you will hear from the police that at that time no charge whatever had been made against him, certainly nothing had been said to him to suggest that they had suspected him, and he was now cleared; not at all.

I think the next point of some slight importance is that on the 27th, that would be the Tuesday, he came to the Detective Office and said he wanted to go to his house to get some change of linen, I think, and Mr. Moore said to him: "Did you speak to any person on the way home on the night of the murder, after leaving the tram-car?" and he said, "No." Mr. Moore said: "Are you sure?" and he said, "Yes, I am certain." Mr. Moore then told him that a Miss Lily Hall had seen him speaking to someone quite near his house at about 8.35 that night, but he persisted in his denial. Then, on the 29th, he made another statement, and this is the last one I think with which I have to trouble you. "On Monday night the 19th instant when I left home to go to the Chess Club, I

think I went out by the back door and up the passage to Richmond Park, and then up Breck Road and got the tram at Belmont Road. I do not remember seeing anyone I know. I am not sure, but I have an idea that I posted a letter in the pillar-box opposite the library in Breck Road. I have a lot of correspondence and I have no special reason for remembering about whether or not I did post a letter that night because I post so many. When I returned home at 8.40 p.m. on Tuesday the 20th instant I went to the front door because it was my usual practice if I was out late at night. It was my usual practice to use the back door in daylight and if I went out by the back way after dark my wife usually came down the yard, and bolted the yard door after me when I went out. As far as I can recollect I do not know anyone named 'Hall' living in the neighbourhood of Wolverton Street or Richmond Park or any of the streets adjacent, but I have an idea that I have heard my late wife mention someone of that name in connection with Holy Trinity Church, but my recollection of that is very hazy. In the summer of 1929, I remember my wife and I had been out for a walk and I had forgotten to take my key, and we had to borrow a key. Some years ago a man had a key that opened our door, because he used to drink and on several occasions he made a mistake and came into our house instead of his own." What point there could be in telling of someone who had been dead for several years having a key I do not know. That, as I say, is the last statement.

It was a few days after that, actually on February 2nd, that he was arrested, cautioned, and told that he was going to be arrested for the wilful murder of his wife, Julia Wallace, on January 20th, and he said: "What can I say in answer to this charge of which I am absolutely innocent?"

Now I have very little more to say. You will hear in detail a great deal more, but there are just a few points

or any jury to pay too much attention to motive. Motive may be of great importance in helping you to find out who is the likely man to have done something, but supposing, to take an extreme case, you saw a murder committed, you would be unimpressed if somebody said to you afterwards, "But there was no motive for his doing it"; you would say, "I cannot help that; I saw it." So if, although there is no motive apparent to the Crown or apparent to you, the facts seem to you to point irresistibly to the conclusion that he did it, motive has nothing to do with the question. And what are the facts? A woman of fifty-two living in a small house in comparatively humble circumstances. What enemies was she likely to have who would come and crash her to death like that with some iron bar, who would trick her husband out of the way so that they could complete the work, who have any motive in the world for committing this atrocious crime against this woman left alone that night? In all cases of criminal charges, and above all in murder, you have got to be satisfied beyond all reasonable doubt that the person charged is guilty, and you must not be led away by this coincidence or that coincidence, or slight mis-descriptions or slight inconsistencies in evidence: you have got to be satisfied, looking at the thing unusually carefully, and above all fairly in the prisoner's interests, that you do not lay too much stress on points for which explanation can be given. But you start here with a case of a woman who apparently could have had no enemies in the world; you start here with a case where there is no suggestion that anyone could have thought there would have been much money in the house, and where it is not suggested that much money was taken; and, indeed,

apparently the person who did the murder must have handled the notes that appear in the middle bedroom upstairs, because there is blood upon them ; therefore, surely it is incredible that money had anything whatever to do with this ghastly tragedy. And when you eliminate money, what are you left with ? That someone did this woman to death in that room almost certainly wearing that raincoat ; that that someone tried to destroy that raincoat. Who would have any interest in destroying it, any casual person who came ? If any of the persons whose names I have not disclosed to you, who might possibly have persuaded this woman to let them in, had done this crime, why should they have wanted to tamper with or destroy the raincoat in which they had done this murder ; who has any interest in doing so ? If you thought that raincoat bore signs of there being an attempted destruction, and the person who is in the room there who has done this deed, and who takes upstairs some bloody trace of his deed—there is not a sign of it anywhere on the stairs, not a sign of anything except just where a man might be cleaning his weapon or his hands, one drop of blood—of this woman's blood—why should a thief, why should someone have come into that house, and wanting to wash, have not used the running water in the kitchen opening just out of this room ? Someone who went up there went for some purpose ? You will hear there is no evidence that there has been any attempt to rifle drawers or dresses, and so on, upstairs with the view to robbery, but some evidence that the things had been hurtled about, just to show that someone has been pretending to look for something. You will hear the evidence and you will form your own conclusions, and you will have to consider who can have done this thing, who would be likely to do it, who if he had done it would have gone upstairs, would have known the economy of the house, who would have taken

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care that nothing would appear on the stairs, or indeed outside that room?—because remember, if this case is true that the Crown seeks to lay against this man, you are dealing with no ordinary criminal who in a moment of hate and passion strikes a foul blow : you are dealing with a man who must have cunningly planned the whole thing. The man who rang up the night before, if he was the murderer, must have cunningly planned to get this man away ; or, if it was the prisoner himself, he must have cunningly planned to create the best possible alibi for himself the next night.

The woman is seen at half past six, twenty minutes later Wallace has gone. The doctors come three hours later, at 9.50. Professor MacFall will tell you that the woman had been dead at least three hours ; she must have been dead about the time that he left the house. Do you think someone was waiting outside to see him go ? Which side would he be waiting, the back or the front ? Someone waiting to see him go, then comes straight in, takes the iron bar, and kills this woman. Look at the probabilities, and you must look also, to some extent, at the demeanour of the man. Look at these careful enquiries, and, if I may say so, the over-emphasis, up in the Menlove Gardens district, and on his way there as to what he was going to do, that he was going to Menlove Gardens East, an address that did not exist. Look at that ; and then when he comes back there is the difficulty of getting into the house.

When you have heard the evidence of the police and the locksmith you may form your own views as to whether there was ever any difficulty in getting into the house. The difficulty evaporated the moment Mr. and Mrs. Johnston were on the premises and he goes in, and he goes into every room, apparently, except the room where his life's companion is lying dead. Then, there is not the

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cry of horror, calling out to the Johnstons to come in. He comes out, and he says, "She is dead ; come and see," and you will hear as to how he was behaving the rest of that evening. You will hear as to whether he showed the signs of the broken-hearted husband, or whether he remained, apparently, all through extremely cold and collected. You will have to consider all these matters, and consider them absolutely fairly and impartially between the Crown and the prisoner.

I have had to open these facts at some length to you because you must know exactly what the story is, the burden that the Crown is attempting to prove in this case. If you think that the evidence laid before you leads irresistibly to the conclusion beyond all reasonable doubt, that this man, for some reason that we cannot define, killed his wife that night, you will have no hesitation in doing your duty. If, on the other hand, you say : In the absence of all motive we find there is, or think there is, some reasonable doubt, you will have no hesitation then in doing your duty. The case, as I say, is a difficult one and a painful one. All I can do is to set out to you the facts upon which we rely. The matter will be for you to determine, whether the evidence which the Crown will lay before you really supports this charge of murder. This is not a case where you will be in any way concerned with other possible verdicts such as manslaughter. If this man did what he is charged with doing, it is murder foul and unpardonable. Few more brutal murders can ever have been committed—this elderly, lonely woman literally hacked to death for apparently no reason at all. Without an apparent enemy in the world, she goes to her account, and if you think that the case is fairly proved against this man, that brutally and wantonly he sent this unfortunate woman to her account, it will be your duty to call him to his account.

EVIDENCE FOR THE PROSECUTION

EVIDENCE FOR THE PROSECUTION

HARRY HEWITT COOKE, an official photographer, testified as to certain photographs he had taken in connection with the crime.

WILLIAM HENRY HARRISON, surveyor to the Liverpool Corporation, gave evidence as to his survey of the house, 29 Wolverton Street, and produced plans of the house and the surrounding district.

LESLIE HEATON, examined by MR. WALSH—I am a telephone electrician. There is a telephone call-box at the junction of Rochester Road and Breckfield Road, Anfield. There is a public telephone call-box in the Public Library in Breck Road. There are several other call-boxes in that district.

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.

MR. WALSH—They are either in the library or in shops?—Yes.

Cross-examined by MR. ROLAND OLIVER—Is that call-box lit up at night?—No, I do not think it is.

There is no light in it?—No.

When somebody gets into it to use it, I suppose the light comes up, does it not?—No.

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.

MR. JUSTICE WRIGHT—How can he do anything in the darkness? What is the general position about these kiosks?—Usually where there is no light it is usually illuminated by lights which may be in the vicinity.

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LILLIAN MARTHA KELLY, examined by MR. WALSH—I am a telephone operator, engaged at the Anfield Telephone Exchange. I remember the night of January 19th. About a quarter past seven I received a call from the call-box Anfield 1627 for Bank 3581. It was quite an ordinary voice. It was a man's voice. He said, "Operator, I have pressed button A, but have not had my correspondent yet." I did not have any further conversation with the person in the box. I afterwards connected Anfield 1627 with Bank 3581.

GLADYS HARLEY, examined by MR. WALSH—I am a waitress at the City Café, 24 North John Street, Liverpool. I was on duty at the café on January 19th last. I heard the telephone ring between seven and eight, and I answered it.

What kind of voice was it?—Just an ordinary voice. A man's voice.

Cross-examined by MR. ROLAND OLIVER—How big is this café, is it a big place?—Yes.

And there are a lot of tables?—Yes.

There is a chess club which uses some of the tables on certain days?—Yes.

There are some notices up, are there not?—Yes, on the side.

Whereabouts are they?—By the telephone box.

It is not far from the door?—No.

SAMUEL BEATTIE, examined by MR. HEMMERDE—I am a cotton broker's manager, and I am a member of the Liverpool Central Chess Club which meets at the City Café, North John Street. I am the captain of the club. The club meets two evenings, on Mondays and Thursdays, during the winter. I have known the accused for about eight years.

EVIDENCE FOR THE PROSECUTION

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.

Do you know whether he had been there recently before January 20th?—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.

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.

On that board will appear when they ought to be there?—Quite.

What time in the evening does it meet generally?—It is an open café, and play must commence, the match games, by a quarter to eight; but they can commence earlier if they arrange to do so.

On January 19th, what time did you get to the café?—About six o'clock.

Some time later, do you remember the waitress, a Miss Harley, speaking to you?—Yes.

Did you go to the telephone?—I did.

MR. JUSTICE WRIGHT—About when was that?—Seven, or shortly after seven.

You took no notice of the time?—No, my Lord.

It was shortly after seven?—Yes, my Lord.

MR. HEMMERDE—Having gone there, did you hear someone speaking?—I did.

A man or a woman?—A man.

What sort of voice?—A strong voice, a rather gruff voice.

Did you take a message from the person?—I did.

Rather later did you see the accused in the café?—
I did.

About what time was that?—About half an hour after
I had received the message, say a quarter to eight.

Had you seen him come in?—I had not.

When you saw him, what was he doing?—He had
commenced to play a game with an opponent named
McCartney.

Did you speak to him?—Yes.

What did you say to him?—I said : “ Oh, Mr. Wallace,
I have a message for you.”

Did you tell him where the message was from?—Yes.
“ I have a message for you.” He said, “ Oh, who from ? ”
I said, “ From a man named Qualtrough,” and he said,
“ Qualtrough, Qualtrough, who is Qualtrough ? ”

Did you tell him how the message had come?—Yes, by
'phone ; it was a telephone message.

Did you spell the 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.

You had taken it down as R. M. Qualtrough, 25
Menlove Gardens East, Mossley Hill?—Yes, quite.

So he said, “ Qualtrough, Qualtrough, who is he ? ”—
Yes.

What did you say?—I said, “ Well, if you do not know
who he is, I do not.”

Did you tell him what Mr. Qualtrough wanted?—Yes,
I said, “ Mr. Qualtrough said that he wished to see you
to-morrow 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.”

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?"

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."

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."

You knew roughly where it was?—I knew Menlove Avenue West.

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.

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

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

But you did not notice more?—I did not notice more.

Did you see him again on January 22nd, two or three days later?—Yes.

Were you just leaving the café?—Yes, I was leaving the club, and was going to catch my car at the corner of Lord Street, and I met him at the corner of Lord Street.

What time?—About 10.20 at night, after the club was over.

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.

What did he say to you?

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, seven or shortly after.” His reply was, “ Cannot you get a bit nearer than that ? ” I said : “ I am sorry but I cannot,” 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.”

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.”

What did you say to that ?—I said, “ I am very pleased to hear it, very pleased.”

Cross-examined by MR. ROLAND OLIVER—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.

Was your Chess Club divided into classes, Class 1 and Class 2, and was there a third ?—Yes.

Was Mr. Wallace in Class 2 ?—That was his class, I believe.

Was this a notice concerning the Second Class Championship that was going on during those months ?—Yes.

I find Mr. McCartney and Mr. Wallace were both in it, and a Mr. Chandler.—Yes.

According to this, was Mr. Wallace posted on that board as being due to appear on January 19th ?—Yes.

So, so far as the notice is concerned, for the month of December he was not due to appear after the 15th, but he was due to appear on January 5th, and again on the 19th ?—Yes.

Any person using the café who was interested in that information could see it ?—Yes.

You say it is a club rule that you have got to start your match by a quarter to eight ?—Yes, that is the club rule.

2nd Class Championship.

1st Prize 10/- 2nd Prize 5/-

Mondays.

- 1 Chandler F.C.
- 2 Ellis T.
- 3 Lampitt E.
- 4 McCarthy J. & Co.
- 5 Moore T.
- 6 Wallace W.H.
- 7 Walsh J.

	NOV	DEC	JAN	FEB
1	10	8	5	19 21
2	20	31	4	5
3	7	X	4	5
4	6	12	X	4
5	5	2	11	3
6	4	X	7	2
7	13	4	5	1
	2	15	11	6

Underlined take Black.

A COPY OF THE NOTICE REFERRING TO THE COMPETITION ARRANGED BY THE LIVERPOOL CENTRAL CHESS CLUB FOR THE WINTER OF 1931

It will be noticed that Wallace was expected to play a match on January 19th

EVIDENCE FOR THE PROSECUTION

That is good enough for me. You have got to start at a quarter to eight, but you might start earlier?—Yes.

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.

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 twenty-first birthday on, and I want to see Mr. Wallace on a matter of business; it is something in the nature of his business.”

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 twenty-first birthday.

In addition to that conversation, I suppose he spelt for you the name “Qualtrough”?—Yes, at my request.

And gave the address?—Yes.

And you had altogether quite a conversation with the voice?—Yes, I should say so.

You used an expression in your evidence at the police court about the voice which you have not used to-day. You said a strong and gruff voice to-day?—Yes.

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.

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. ROLAND OLIVER—So far as you could judge, was it a natural voice?—That is difficult to judge.

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.

Do you know Mr. Wallace's voice well?—Yes.

Did it occur to you it was anything like his voice?—Certainly not.

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.

Did Mr. Wallace ever suggest to you that he did not know Menlove Avenue?—No.

Menlove Gardens might be anywhere along Menlove Avenue, I suppose, to a man who did not know where it was?—Quite so.

I want to know what his demeanour was when you gave him this message in the Chess Club. First of all, was he playing a game of chess?—Yes.

Did he appear to be interested in his game?—Yes, he was just thinking out the opening move.

Did he appear to be interested in it? I think you said absorbed in it at the police court?—I had to attract his attention.

As a fact, the game lasted till ten minutes past ten that night?—I understand so, I am told so.

Do you know whether he went out?—Yes, he did.

You did not see him leave?—Oh, no.

If it is right that the game went on to ten past ten, it would mean he had a struggle for something like two and a half hours and then won?—Yes, quite.

Re-examined by MR. HEMMERDE—Can you tell me what these figures mean on this Second Class Championship fixture? Why is there a different figure against each

EVIDENCE FOR THE PROSECUTION

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?

MR. JUSTICE WRIGHT—Does that mean on January 19th, No. 6, that is the prisoner, would be meeting No. 1, that is Mr. Chandler? Is that it?—Yes, my Lord.

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.

And he was playing with Mr. McCartney?—Yes.

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. HEMMERDE—I can tell your Lordship now, there is no light fitted in that telephone box at all. The nearest light is twenty-four feet away.

MR. JUSTICE WRIGHT—You can call the evidence.

JAMES CAIRD, examined by MR. WALSH—I am a member of the Chess Club, and I know the accused well. I live within a few minutes of his house. I have known him about fourteen or fifteen years. I remember going to the Chess Club on January 19th. I arrived about 7.35.

What time did the accused arrive?—I should think about 7.45.

I understand that you asked him to play a game but he refused?—Yes, that is so.

And he played a game with Mr. McCartney?—That is so.

A little later, did you go with Mr. Beattie to speak to the accused?—Yes, I did accompany Mr. Beattie.

Did you hear Mr. Beattie say anything to him?—Yes, he said he had a message for him.

THE TRIAL OF WILLIAM HERBERT WALLACE

From whom?—From somebody of the name of Qualtrough.

Did he say where he had got the message?—Over the telephone.

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.”

Did Mr. Beattie say anything then?—Mr. Beattie said, “Well, if you do not, I do not.”

Was there some discussion then as to where this address was?—Yes.

Did you hear Mr. Beattie say anything to the accused as to where it was?—It was at Menlove Gardens East.

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. As a matter of fact, nobody in the Club knew where Menlove Gardens East was, but we knew it was in the Menlove Avenue district.

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 of the district.

That night you went home with the accused and a Mr. Bethurn?—Yes.

And you and the accused got off the car at Belmont Road?—Yes.

And you walked towards home?—That is right.

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.

Did he say anything about this message that he had received?—Not until we got very close home.

EVIDENCE FOR THE PROSECUTION

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.”

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.

Did he say whether he was going to go?—No, he was not sure about going. He said if he did go that was the way he would go, but he was not sure about going at all.

Cross-examined by MR. ROLAND OLIVER—Do you know what time Mr. Wallace finished his game that night, or about what time?—Well, it would be about a quarter to ten, because I do not think he played any other game afterwards. The café keeps open to ten or a quarter past, and it was near the end.

I am instructed it was nearly half past.—It may have been, but I could not say about that.

Did you notice anything wrong about his manner that evening?—Nothing whatever; he was just his usual self.

You have known him for fifteen years?—Yes.

What sort of a man is he as known to you?—Well, a man who is intellectual, and varied in his habits of study, and that sort of thing.

With regard to his behaviour, is he a violent person or what?—Oh, no, not at all, a placid man.

Have you ever seen any signs of violent temper about him, or anything like that?—Nothing whatever.

Would it be right to describe him as a studious man?—Yes.

You knew his wife, did you not?—Yes.

And family?—Yes.

Are his habits known to you scientifically?—Yes.

He has some kind of laboratory fixed up in his house?—
Yes, in the back room he had a chemical laboratory.

Do you know that at one time or other he was giving lectures?—Yes, in the technical school in Byrom Street.

And playing a violin?—Yes, he was only a beginner at that.

And chess?—Yes.

How long had you known his wife?—Well, not quite that long.

But a good many years?—Yes, years, as to how long I could not exactly say.

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.

Would it be right to say, so far as you know, they were generally together when he was not at work?—Oh, yes.

So far as their relations were concerned, were they happy?—Yes.

So far as you could observe?—So far as I could see.

You have never seen anything to the contrary?—
Nothing whatever.

At any rate, you visited him, and that was as recent as last year?—Yes.

Were their relations still just the same?—Yes, quite good.

Would it be fair to suggest that from your observation they were a devoted couple?—Yes.

Would that be putting it too high? Use your own phrase.—Well, I should say they were a happy couple, a very happy couple.

Re-examined by MR. HEMMERDE—Can you tell us as to which of them seemed more interested in the other?—
I should think it was about even.

You think it was?—Yes.

EVIDENCE FOR THE PROSECUTION

JAMES EDWARD ROTHWELL, examined by MR. HEMMERDE—I am a police constable of the Liverpool City Police Force. I have known the accused as a collector for the Prudential for about two years. I saw him on January 20th, about 3.30, in Maiden Lane.

How was he dressed?—He was dressed in a tweed suit, and a light fawn raincoat, a mackintosh.

MR. JUSTICE WRIGHT—A raincoat?—Yes, my Lord.

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.

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.

Had you ever seen him like that before?—I have never seen him like that before.

Were you quite close to him?—Quite close to him; I passed him.

Cross-examined by MR. ROLAND OLIVER—You did not take any notice of this until after you heard there had been a murder?—I did take notice of it when I see him coming along the road.

You did not say anything about it until after you heard there had been a murder?—Yes.

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.

And you might rub them?—Yes, quite possible.

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.

Although you never spoke to him?—He gave me that impression, as if he had suffered from some bereavement.

If I were to call about twenty-five 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 they had made a mistake?—No. I should stick to my opinion.

ALAN CROXTON CLOSE, examined by MR. WALSH—I am fourteen years of age. I deliver milk from my father's dairy. I knew Mr. and Mrs. Wallace of 29 Wolverton Street. I delivered milk at their house for about two years. I remember the night Mrs. Wallace was murdered. I delivered milk there that night at half past six. I remember the time ; because when I passed Holy Trinity Church it was twenty-five minutes past six, and it takes me five minutes to get to Mrs. Wallace's. When I delivered the milk, it was taken in by Mrs. Wallace.

Cross-examined by MR. ROLAND OLIVER—When you are doing your round in the ordinary way, do you always walk as fast as you can?—Not always.

If you see any friends in the street, do you sometimes have a chat with them?—Not often.

MR. JUSTICE WRIGHT—Did you meet anybody that day?—I met a girl, and said, "Hullo"; that is all.

MR. ROLAND OLIVER—You met Elsie Wright in Latchworth Street?—Yes.

Did you pass the time of day with her?—No, only just said, "Hullo."

MR. JUSTICE WRIGHT—You did not stop?—Yes.

MR. ROLAND OLIVER—It was Elsie Wright?—Yes.

If Elsie Wright says that the time was then something like twenty to seven, you would not agree with her. Is that right?—No, sir.

When Mrs. Wallace spoke to you when you gave her the milk—I suppose she took the milk in at the door?—Yes.

EVIDENCE FOR THE PROSECUTION

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.

MR. JUSTICE WRIGHT—You never saw her then ?—I saw her when she came back.

You say you knocked at the door and left it on the step and went somewhere else ; that was next door ?—Yes.

And then you say you came back to pick up the can ?
—Yes.

MR. ROLAND OLIVER—You leave it in a can ?—Yes.

She takes it in, empties the can, and either hands the can back or puts it down outside ?—She gave it to me back.

Into your hands ?—Yes.

MR. JUSTICE WRIGHT—Then you saw her when she gave it to you back ?—Yes, my Lord.

MR. ROLAND OLIVER—Did she tell you to hurry up home because you had got a cough ?—Yes.

And did she not say she had one too ?—I do not remember.

She might have ?—She might have.

I suppose the next day you heard of the murder, did you not ?—Yes.

Re-examined by MR. HEMMERDE—Did you know that it was said in the papers that the prisoner had left at 6.15 ?—Yes.

I suppose you know whether it was 6.30 or 6.45 ? That was after 6.15 ?—Yes.

Are you quite clear you remember seeing the clock 6.25 before you went to the dairy on your way there ?—Yes.

THOMAS CHARLES PHILLIPS, examined by MR. HEMMERDE—I am a tram conductor in the employ of the

Liverpool Corporation. On January 20th, I was at the junction of Smithdown Road and Lodge Lane with my car at 7.6 or 7.10. I remember, that evening, having a conversation with the accused.

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

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.”

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

What did he say to you?—He said that he was a stranger in the district, and that he had some important business or calls and he wanted Menlove Gardens East.

A little later, did you go to collect your fares?—Yes.

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

Do you remember the exact words he said then?—I think he said, “You won’t forget, mister, I want Menlove Gardens East.”

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

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.

That was the third time he had spoken to you?—Yes.

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 that if he hurried he would get that car.

Either would go there?—Yes.

And you saw him go towards the Calderstone car?—Yes.

EVIDENCE FOR THE PROSECUTION

The witness was cross-examined and re-examined as to the times taken by his car on the route named.

ARTHUR THOMPSON, a tram conductor in the employment of the same Corporation, was examined by MR. WALSH—I boarded my car at Penny Lane at 7.15 on January 20th. We then left for Calderstones.

Did one of the passengers speak to you?—Yes, a passenger sitting on the left-hand side of the car spoke to me just after leaving Penny Lane.

Can you recognise that passenger?—I believe it is the accused.

What did he ask you?—Whether I would put him off at Menlove Gardens East. When the car arrived at Menlove Gardens West, I beckoned to the prisoner, and I pointed out Menlove Gardens West, and said: “That is Menlove Gardens West; you will probably find Menlove Gardens East is in that direction.”

When you described it, what did he say?—“Thank you, I am a complete stranger round here.”

KATIE MATHER was examined by MR. WALSH—I am the wife of Richard Mather, and I live at 25 Menlove Gardens West.

Do you remember the evening of January 20th?—Yes.

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

And you went to the door and saw a tall, slight man?—Yes.

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.

MR. JUSTICE WRIGHT—I suppose you said, “No”?—Yes, my Lord, and then he went away.

The witness stated in cross-examination that extensive building developments had taken place in the district.

SYDNEY HUBERT GREEN, a clerk, gave evidence that he spoke to the accused in Menlove Gardens West. He told him there was no such place as Menlove Gardens East, and the accused then said he would try No. 25 Menlove Gardens West.

JAMES EDWARD SARGENT, a constable of the Liverpool City Police, examined by MR. HEMMERDE—I was on duty round about Menlove Gardens and Green Lane on January 20th. I left the Allerton Police Station at 7.40, and crossed over to the junction of Green Lane and Allerton Road.

When you were there, did someone come up to you?—
Yes.

Who was that?—It was the accused.

What did he ask you?—He said, “Do you know, 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”; and I then said, “It is the third house in the second 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 one down there, you can see one down at the police station,” which I pointed out to him.

Or at the post office?—Or at the post office.

EVIDENCE FOR THE PROSECUTION

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 with my colleague to ring Mr. Qualtrough up at 25 Menlove Gardens East.”

Was anything said about the time?—Yes. He then said, “It is not eight 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.

The witness was cross-examined as to the order in which he had given evidence on a previous occasion at the police court.

LILY PINCHES, examined by MR. WALSH—I am the manageress of a newsagent shop, 130 Allerton Road. On January 20th the accused came into my shop after eight o’clock in the evening. He asked for a directory.

When he got it, did he say anything?—No, not till after he had looked through it.

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.”

What did you say?—I said there was no 25 Menlove Gardens East; there was only South and West.

Then, I understand, you looked up your account book?—Yes.

And you found there was a 25 West?—No, they are not customers of our shop.

Did the accused say anything then to you?—No.

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.

Cross-examined by MR. ROLAND OLIVER—Your shop is a newspaper shop?—Yes.

Is the post office in Allerton Road, besides being a post office, a shop?—Yes.

What sort of a shop?—A sweet shop.

That is open when the post office is shut?—Yes.

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.

At any rate, you could get into it?—Yes.

How long was the prisoner in your shop, do you think?—Ten minutes.

Let us see how clear your recollection about it is. How long after eight do you say he arrived?—About ten minutes after eight.

When he arrived?—Yes.

Arriving at ten minutes past eight, and stopping ten minutes, he would leave at twenty past, would he not?—Yes.

Is that what you think he did?—Yes, but I do not know the exact time.

No, not the exact time?—No.

Do you remember giving your evidence before? You said it was a good while after eight o'clock when he arrived?—Yes.

Has anyone spoken to you about that?—No.

You did not give it in the same way as to-day. You said "It was after eight but I do not know when"?—No, but I know it was a while after eight ; it was after eight o'clock.

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.

It is in another part of Liverpool altogether, and you cannot help me with regard to the time it would take.

EVIDENCE FOR THE PROSECUTION

Did he not tell you he wanted to look at the directory in order to find a man named Qualtrough?—No.

Did he ever mention that name to you?—No.

Are you sure?—Yes.

He was in your shop for ten minutes?—Yes, about that.

Do you remember everything that was said?—Yes.

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.

Are you sure about that?—Yes.

We have been told that he was mentioning that name to everybody else?—No, he did not mention no name.

You swear he did not mention it to you?—No.

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.

Studying the book?—Yes.

Do you really say that, after studying the book, he said to you, “Do you know what I am looking for?”—Yes.

Did you think he was a long time?—No.

How could you know what he was looking for?—I would know no more than anybody else would know.

Re-examined by MR. HEMMERDE—Are you quite clear those were the words he used?—Yes.

Have you seen anyone at all since the police court proceedings in connection with the case?—No.

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.

JOSEPH CREWE, examined by MR. HEMMERDE—Is your name Joseph Crewe?—Yes.

THE TRIAL OF WILLIAM HERBERT WALLACE

I think you are a superintendent in the employ of the Prudential Assurance Company?—Yes.

And you live at 34 Green Lane, Mossley Hill, Liverpool?—Yes.

I think the accused has been under your supervision for some twelve years?—Yes.

Did you go and live at your present address some three and a half years ago?—I went there three and a half years ago.

Had the accused visited you there?—Yes.

How many times altogether?—Five times.

Some time ago did he suggest anything to you about music?—Yes.

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.

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.

You undertook or suggested you should give him a few lessons?—That is right.

How many lessons altogether did you give him?—Five.

MR. JUSTICE WRIGHT—Did he come to your house to get them, or how?—He came to my house, my Lord.

MR. HEMMERDE—Apart from those lessons, did he come at any other time?—No.

What time of day used he to come?—I should say about half past seven.

What time of year was it he came?—In the winter.

MR. JUSTICE WRIGHT—Which winter, this winter or last?—No. It is about two years ago.

MR. HEMMERDE—Have you ever been at his house?—Yes.

EVIDENCE FOR THE PROSECUTION

Cross-examined by MR. ROLAND OLIVER—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.

Just answer my question. Did you know whether there was such a place or not?—No.

How long have you known Mr. Wallace?—Twelve years and a few months.

What is your opinion of his character?—An absolute gentleman in every respect.

Have you ever seen any sign of violence or ill temper about him?—None whatever.

Scrupulously honest?—Absolutely.

What about his accounts, were they always in order?—Always to a penny.

There was no question of his ever being wrong in his accounts?—None whatever.

Did you know his wife?—Yes.

Have you been to their home and seen them together?—Yes.

What do you say about their relations with each other?—The best possible.

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.

I think the phrase you used before was, that “they appeared to be all in all to one another”?—That is so.

With regard to the violin lessons, were they five weeks running?—Yes, five weeks running.

What part of the year was it?—I could not tell you the month, but I know it was during the winter.

I mean, was it after dark that he came?—Yes.

Was his job in life collecting money for the Prudential ?
—Yes.

How long had that been his job ?—Fifteen years.

When he had collected the money, did he account to you for it ?—He accounted to the office each week.

What did he do with the cash ?—Keep it.

How did he get rid of it eventually ?—He had to remit it each week.

MR. JUSTICE WRIGHT—Remit where ? What do you mean ?—Remit the cash to the District Office in Dale Street.

MR. ROLAND OLIVER—You mean hand the cash over to the District Office ?—Yes.

MR. JUSTICE WRIGHT—What day of the week ?—Wednesday and sometimes Thursday.

MR. ROLAND OLIVER—Was Wednesday the normal account day ?—Wednesday was the normal day.

Would the account include the Wednesday's money, or only the Tuesday's money ?—It would include the Wednesday morning.

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.

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.

Sometimes over £100 ?—Yes.

This district, I gather, would include Menlove Gardens ?—No.

He would have a district, I suppose, somewhere round his home ?—Yes.

Would he have any right to have business in such a district as Menlove Gardens ?—Every right.

Just tell us why that would be right ?—Because he is

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only restricted to his own area for industrial premiums, that is weekly premiums ; for any other class of business he can go where he likes.

You mean for such a thing as a proposal for an endowment policy ?—Yes, he can go where he likes.

Something has been said about a twenty-first birthday. Do people sometimes give endowment policies to their children ?—Yes.

MR. JUSTICE WRIGHT—Ordinary life policies ?—He could do that anywhere in the country.

Re-examined by MR. HEMMERDE—Do I understand that the money was collected by him all the week, and then paid over at the end ?—By whom ?

By any Prudential agent ?—Yes.

That is so, and by the prisoner it would be similarly collected ?—Yes.

You cannot help us, perhaps, as to what his cash returns were per week ?—I can.

MR. JUSTICE WRIGHT—What ought to be the proper return for the week ending the 19th ?—The proper return should have been about £30.

MR. HEMMERDE—Not necessarily by the Tuesday night ?—No.

They would collect also on the Wednesday morning ?—Yes.

LILY HALL, examined by MR. HEMMERDE.—Lily Hall, a typist, said that she had known the accused, by sight, for three or four years. She last saw him on January 20th, at the bottom of the entry to Richmond Park.

MR. HEMMERDE—What time was that ?—About twenty to nine at night.

Was Mr. Wallace alone there ?—No.

Who was he with ?—Talking to a man.

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Could you see them quite clearly?—Yes.

Was it light there?—There was a lamp further along.

As you crossed over to Latchworth Street, what was the last thing you saw?—They parted.

And where had they gone?—One went straight along, and one down the entry.

Could you see which one went down the entry and which one went along towards Breck Road?—No.

Have you any doubt about it being the accused?—No.

Cross-examined by MR. ROLAND OLIVER—How often did you see him?—Not very often.

I suppose you saw a good many other people about the streets?—Yes.

You never gave those a thought at the time, did you?—No.

No, why should you? Then there was a murder. How long after the murder did you give your statement to the police?—I think it was about a week, but I am not quite sure.

[The Court adjourned.]

SECOND DAY

JOHN SHARPE JOHNSTON, examined by MR. WALSH
—You are an engineer, and you live at 358 Townsend Avenue, Liverpool?—Yes.

Did you move there in January last from 31 Wolverton Street?—Yes.

You lived next door to the prisoner?—Yes.

I understand you have not seen Mrs. Wallace this year?—No.

Do you remember the night she was murdered?—Yes.

At about a quarter to nine you were going out of your house?—Yes.

You were with your wife?—Yes.

How do you know the time?—By the clock before I came out.

When you are looking at your front door in Wolverton Street, Mr. Wallace's door is on the left of your door?—Yes.

So, looking at the back door, his back door is on your right?—That is right.

Which way out did you go that night?—The back way.

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.

Had he come from the top of the entry, the top of the passage?—From the Breck Road end.

Tell me exactly what you mean by "passed"? Was he hurrying, walking, or running?—Walking, in the ordinary way, towards his back door.

Did your wife say something to him?—My wife said, “Good evening, Mr. Wallace.”

Did you think there was anything unusual from his manner?—He seemed anxious when he asked Mrs. Johnston a question.

When your wife had said, “Good evening, Mr. Wallace,” what did he say?—He said, “Have you heard anything unusual to-night?”

Then what did your wife say?—She said, “No—why? What has happened?”

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.

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.

Whereabouts were you when this conversation took place?—We were all standing in the entry, before the door into the entry had been opened.

When you said, “Try again” and you would see, what did he do?—He went up to the door.

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.”

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.

And said, “It opens now”?—Yes.

MR. JUSTICE WRIGHT—Could you see?—Yes; I could see him at the door, my Lord.

And it seemed to open quite easily?—Yes. There was no violence in the action of opening the door.

MR. WALSH—Did you notice anything about the house

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while you were waiting outside?—Yes ; the light in the middle bedroom was low, and the small one in the back room.

MR. JUSTICE WRIGHT—In the middle bedroom the windows look on to the yard ; you would see them?—Yes, my Lord.

MR. WALSH—Did you hear anything when Mr. Wallace had gone in?—After he entered the house I heard him call out twice.

Did you hear what it was?—No, I could not make out the name.

MR. JUSTICE WRIGHT—He called out something?—Yes ; a word.

MR. WALSH—Did you notice anything else?—Yes ; just after he called out, the light was turned up in the middle bedroom.

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.

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.

What happened then?—Shortly after, Mr. Wallace came out into the yard.

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?

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.

MR. WALSH—A minute and a half after, he came out?—Yes.

MR. JUSTICE WRIGHT—Can you give any idea how long

it was after he went into the house that he called out twice? Have you any idea about that?—It would take about the same time, my Lord.

Then I will say, “After about a minute and a half.” It is only rough, of course; a short time you mean?—Yes a short time.

MR. WALSH: Did he run out, or just walk out?—He hurried out.

What did he say?—He said, “Come and see; she has been killed.”

Are you sure that is what he said?—Yes.

What was his manner when he said that?—He seemed a bit excited.

When he said that, did you go into the house?—Yes; we all went in.

You and your wife?—Yes.

What did you see?—Mrs. Wallace lying on the floor.

MR. JUSTICE WRIGHT—You all went in, through the kitchen into the sitting-room?—Yes, my Lord, right into the front room.

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.

Have you seen these photographs? [Indicating.]—Yes.

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.

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 eighteen inches from the edge of the door.

Was there a light on in the room?—Yes.

Which one was it that was lit?—The light near the window.

To the right hand . . . ?—Of the fireplace.

How near the body did you go?—Well, I stooped down after I got into the room, and the wife also stooped down.

What did you do when you stooped down?—I just looked over the body.

Then what did your wife do? Did she do anything?—Yes, my wife held Mrs. Wallace's hand.

Which hand?—The left hand.

You went out then, I understand, the three of you?—Yes, we went out.

Where did you go? Into the kitchen?—Into the kitchen.

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.

What did he say?—Then he reached up on to a shelf and took a cash-box down.

Is that the cabinet there? [Same produced.]—I only saw the lid.

Is that the lid? [Indicating.]—The lid was lying this way.

He pointed that out, and said it had been wrenched off?—Yes.

When he had taken down this cash-box, what did he say?—I asked him if anything was missing.

And then?—He replied, "About £4," but he could not say exactly until he had seen his books.

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 the doctor?"

Did he go upstairs?—Yes.

How soon did he come down?—Up and down immediately; he did not stay any length of time at all.

Then, when he came down, what did he say?—He said, “ There is £5, in a jar, they have not taken.”

Then, I understand, you left for the police?—Yes, I went for the police.

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 reached down this cash-box?—He appeared to me as though he was suffering from a shock. He was quiet, walking round ; he did not shout or anything like that.

Cross-examined by MR. ROLAND OLIVER—Did you ever see the Wallaces together?—Yes.

So far as you could judge, what were their relations?—A very loving couple, very affectionate, I thought.

You never heard any quarrelling going on?—No, never.

As you go into this house, you go into the kitchen, do you not?—Yes, through the back kitchen.

Through the back kitchen into the front kitchen?—Yes.

Just outside the front kitchen door there is a staircase?—Yes, facing the front door.

I do not say you heard him go up, but you know he went up from what you saw?—Yes.

And did you hear him call a word?—Yes, twice.

Might that have been a name?—It might have been.

The name of his wife?—Yes ; but until that evening I did not know Mrs. Wallace’s name was Julia.

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.

When he went up to the back door to go in, as I understand, he said at once, “ It opens now ”?—Yes.

And there was no pretence of fumbling or pushing, or anything of that kind?—Nothing whatever.

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He went straight in?—Straight in.

With regard to the distance of Mrs. Wallace's head from the door, of course the door was on its hinges?—Yes.

When you gave that distance of eighteen 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.]

Would you look at the photograph No. 6? Do you see that her feet are touching the fender, or just about touching the fender?—Yes.

She was not a tall woman, was she?—No.

FLORENCE SARAH JOHNSTON, examined by MR. WALSH.—This witness gave evidence similar to that of her husband as to the meeting of Wallace on the night of January 20th.

MR. WALSH—When Mr. Wallace went in to try the door 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."

MR. JUSTICE WRIGHT—When did he look over his shoulder?—Going up the yard.

Did you hear any sounds from him while he was in the house?—No, I heard nothing.

MR. WALSH—And he went towards the door?—Yes. He would be just by the scullery window when he said that.

He said, "She will not be out because she has a bad cold"?—Yes.

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 to try it, and he called out, "It opens now."

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 workshop.

Then how soon would it be after that match had flickered when Mr. Wallace came out?—I should say two or three minutes.

Was it a long time?—Well, it seemed, of course, a very long time.

When he came out to you, what did he say?—“Come and see; she has been killed.”

What was his manner when he came out and said that?—In a distressed tone, his words, and very hurried, you know.

MR. JUSTICE WRIGHT—Do you mean agitated?—Yes.

MR. WALSH—You followed him through the kitchen into the parlour?—Yes.

There what did you see?—We saw Mrs. Wallace’s body lying on the rug.

MR. JUSTICE WRIGHT—Did you see a mackintosh anywhere?—I did not notice a mackintosh until Mr. Wallace drew my attention to it later.

MR. WALSH—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.

What did you do when you went in?—Mr. Wallace stopped at the other side of Mrs. Wallace and felt her hand, and I did the same.

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.

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 all together, you see.

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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 round the room.

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.”

You say he came to the other side. Which side had he been on?—On the window side.

He came round the body, and said, “Whatever was she doing with her mackintosh and my mackintosh?”—Yes.

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. It was almost hidden under the body, you see.

And he stooped down, and said, “It is mine?”—Yes.

You then went into the kitchen again?—Yes.

What kind of fire was there in the kitchen, can you remember, when you went in?—Very nearly out ; just a few live embers.

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.

Did the accused do anything about the fire?—Yes, he assisted me.

A little later there was a knock at the door, I understand?—Yes.

Did you try to open the door?—Yes.

Were you able to?—No ; it is a different lock to mine, and I think I was agitated, and I drew back and let Mr. Wallace open it.

And the police constable came in?—Yes.

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.

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.

What do you mean by “at first”?—Before my husband left for the police.

He was quite collected?—Yes.

And then?—Then, twice he showed emotion by putting his hands to his head, and he sobbed.

Where were you when he did that?—In the kitchen.

Was there anybody else in?—No.

How long would it be that he was showing this emotion by sobbing?—Just momentary.

Apart from that, what was he like?—He was mostly collected.

Cross-examined by MR. ROLAND OLIVER—With regard to that, did he appear to be like a man who was suffering from a shock before your husband left?—Yes, to an extent.

It is very difficult to judge, of course, what is passing in other people’s minds?—Manners are so different, are they not?

Twice, you say, while you were with him some time later, he broke down altogether?—Yes, he sobbed.

The two times you saw him break down were before the police arrived at all?—Yes.

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.

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When the police came?—Yes.

He made an effort to control himself?—Yes, he made an effort to control himself.

But when you were alone with him, before the police came, he showed signs of breaking down?—Yes.

You were with him a considerable time?—Yes.

Did you think there was anything suspicious about his manner from beginning to end?—No, I did not.

Were you a friend of Mrs. Wallace?—Yes, as neighbours.

You liked her, did you not?—Yes.

I see that you have said 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.

So far as you know, were their relations together quite happy?—Yes, as far as I know.

Your two houses are absolutely touching each other?—Yes.

And I suppose you can hear what goes on in one house from the other?—Yes.

He said he was knocking?—Yes.

Did you hear that?—Yes, I heard that knock.

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.

A few minutes before you went out?—Yes.

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.

What sort of a knock was it?—Either with the flat of his hands or his closed fist.

In the sitting-room, did you see any spent matches, and, if so, where?—Two spent matches, just in the doorway.

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By the body?—Yes, close to the body.

Did you see a match-box?—Yes, on a table near the window.

Did you make any remark about it?—Yes. I said to Mr. Wallace, “Are those Mrs. Wallace’s matches?” and he said, “Yes.”

Where were the two spent matches, near the body—the middle of it?—No, near the shoulder.

Two spent matches close together?—Yes, and one spent match in the kitchen close to the doorway. I noticed that because we asked 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.

He said he had to light it?—Yes.

When you went into the house was the kitchen gas alight?—Yes.

And the blinds were drawn?—Yes.

So you could not see there until you got in?—No.

So you lit the kitchen and the sitting-room light?—Yes.

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.

MR. JUSTICE WRIGHT—It was not moved at all?—No.

MR. ROLAND OLIVER—That is what I wanted to ask you. Is that it? [Handed to the witness.]—Yes.

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.

MR. ROLAND OLIVER—He never pulled it out from under the head?—No, he only fingered it.

MR. JUSTICE WRIGHT—It was when you fingered it that you noticed it?—Yes; when he remarked on it I looked at it.

MR. ROLAND OLIVER—When you looked at it, you

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unconsciously remembered that it had been there all the time, although you had not noticed it?—No, I had not noticed it.

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.

What I suggest he said was : “Whatever was she doing with a mackintosh and my mackintosh”?—No, her mackintosh.

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.

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 my mackintosh.

Did you, later on in the evening, hear him acknowledge it to anybody else?—Yes.

Tell us how that was, and when it was?—He was sitting in the chair in the kitchen.

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.”

MR. ROLAND OLIVER—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.

MR. JUSTICE WRIGHT—You mean she had thrown it on?

MR. ROLAND OLIVER—Yes, to go and open the door; that is my suggestion.

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THE WITNESS—That was my idea ; I thought that was the object.

You had the idea too?—It just flashed across my mind, because it was a peculiar thing, a mackintosh.

I quite agree—that the woman might have thrown it over her shoulders to go and open the door?—Yes.

Do you know that she had a cold?—Yes.

Did you know that she had seen the doctor, for bronchitis, some ten days before?—No, I did not, but I knew she had been very poorly.

Williams was the first police constable to arrive?—Yes.

When he came, he was let in through the front door, was he not?—Yes.

I understand he first knocked, and you went to the door and could not open it?—Yes.

Then Mr. Wallace opened it?—Yes.

Do you know whether or not the door was bolted?—I do not.

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—You say you knew the Wallaces as neighbours?—Yes.

Had you ever been in their house?—Yes.

How often?—About three times.

In how many years?—Ten years.

In ten years you have been in three times?—Yes, in the front room only, where the body lay, the sitting-room.

Were they both there on those three occasions, the two of them?—No, only Mrs. Wallace.

Have you ever seen them together in the house?—No.

I think you said, “ I would not have recognised it as a mackintosh ”?—Yes.

You said something about his stooping down. Can you

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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.

When he said, "Why, whatever was she doing"?—That was just as we were leaving the room to go into the kitchen.

How far was he from it when he said that?—From the body?

Yes?—Quite close.

What did he do?—Stooped down and fingered the mackintosh, when I said, "Is it your mackintosh?"

FREDERICK ROBERT WILLIAMS, examined by MR. HEMMERDE—I am a police constable in the Liverpool City Police. On January 20th last, I was on duty in Anfield Road shortly after nine o'clock. In consequence of what I was told, I went to No. 29 Wolverton Street, and knocked at the front door.

What happened?—After a few seconds fumbling by somebody inside, the front door was opened by the accused. He said, "Something terrible has happened, officer."

While the fumbling was on, did you hear any bolt withdrawn?—I did not.

You went into the house and into the sitting-room?—Yes.

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.

What was the flesh like?—Slightly warm.

What did you do then?—I spoke to the accused, and said, "How did this happen?" The accused said, "I do

not know. At 6.45 p.m., 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."

Did you then proceed, accompanied by the accused, to search and examine the house?—Yes.

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."

Did you notice anything on the mantelpiece?—On the mantelpiece I noticed an ornament from which five or six £1 notes were protruding.

MR. ROLAND OLIVER—Let me see the notes. [Same handed to learned counsel.]

MR. HEMMERDE—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."

What did you do?—I requested the accused to replace the ornament and the notes in their original positions, and this he did.

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."

Did you look in the recess ?—I looked in the recess, and apparently they were undisturbed ; they were all right.

When you looked in that recess, did the accused say anything ?—The accused said, " There appears to have been no one here."

Then, I think, there is a back room which has been converted into a laboratory ?—Yes.

Did the accused say anything there ?—He said, " Everything seems all right here."

Did you then go into the bathroom ?—Yes.

Was there any light there ?—There was a small light there.

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 ? "

What did he say ?—He replied : " We usually have a light here."

Did you then go into the front bedroom ?—Yes.

Was there a light there ?—No.

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.

Nothing was open on the dressing-table or in the wardrobe ?—Nothing whatever.

Where did you go then ?—We returned downstairs to the kitchen.

When in the kitchen, did you notice anything ?—I noticed the door of a small cabinet had been broken in two pieces.

Is that the cabinet and broken door? [Indicating.]—Yes, that is the cabinet, and that is the broken piece of the door.

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.

Did he say anything to you about it?—He said there was about £4 altogether and it was gone.

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.

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.

When you entered the sitting-room, as you were looking round, what did the accused do?—The accused stepped round the body near the sideboard, and lit the left-hand gas-mantle.

Did you then leave the room?—We did. I closed the room door behind me.

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.

After that you went into the kitchen, I think?—Yes, we returned to the kitchen.

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.

EVIDENCE FOR THE PROSECUTION

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.

When he entered?—Yes, when he entered.

And it was after he said that, that you asked him about whether he had noticed anything when he came up the yard?—Yes.

A little time later, did you again enter the sitting-room?—I did.

And at that time had Police-Sergeant Breslin arrived?—He had.

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.”

Where were you when you said, “That looks like a mackintosh”?—I was inside the room.

Were you standing up or sitting down?—Standing up.

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.”

Cross-examined by MR. ROLAND OLIVER—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.”

Did he not add to that, “It usually hangs here”?—Yes, he did say that.

That is the explanation of his looking back into the hall; you see that?—Yes. I had just forgotten that for the moment.

Are you sure he said, “my wife walked down the entry with me,” and not down the back yard?—I am emphatic that he said she walked down the entry.

With regard to the notes, 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. 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.]

But his fingers had touched the notes?—Yes, his fingers had touched the notes.

And they were partly withdrawn, so if there was any blood on his hands it would have got on the notes?—Yes, it is quite possible.

Re-examined by MR. HEMMERDE—Did you, on that evening, at any time see any blood upon him?—I did not. Hands, clothes, or anywhere?—I did not.

JANE SARAH DRAPER, examined by MR. HEMMERDE— I had known the accused and Mrs. Wallace nine months. I used to go to their house once a week to do cleaning. The last time I went was on January 7th.

Did you go on the 21st, with Detective-Inspector Gold?—Yes.

Did you find anything missing that you had been used to finding there?—Yes, a poker out of the kitchen.

A small poker?—Yes.

Did you notice something else was missing?—Yes, a piece of iron out of the sitting-room fireplace, which was always kept there.

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

Was it as heavy as this? [Iron bar handed.]—Yes, about the same weight.

Used it to stand up in the fireplace?—Yes, sometimes it was laid underneath the kerb.

EVIDENCE FOR THE PROSECUTION

Do you remember particularly when you last saw it there?—On January 3rd.

What makes you remember that particularly?—I used it that morning.

For what?—Under the gas-fire, to find a screw that had come off the gas-bracket.

Who was there when you were doing that?—Mrs. Wallace.

Used it to stand up there?—Sometimes it stood by the fireplace, and sometimes it was laid underneath the kerb.

Was it there the whole time you were attending at their house?—Yes.

And you found it was missing?—Yes, on the 21st.

Cross-examined by MR. ROLAND OLIVER—Do you know which room the Wallaces generally sat in; was it the kitchen?—Yes.

Did you ever hear them play music together?—No.

They got on pretty well together, as far as you could see?—Yes. I always found them on pretty friendly terms.

JAMES SARGINSON, a locksmith, gave evidence that the lock of the front door of 29 Wolverton Street, which he had examined, had been in a defective condition for a long time. He stated that the part which was operated by the key was worn, and that when the key was inserted into the lock it turned a complete revolution, which allowed the latch to slip back again. There was no indication that it had been damaged recently. He also testified that the lock of the back door was rusty, but in good working order. It required pressure to open it.

JOHN EDWARD WHEATLEY MACFALL, examined by MR. HEMMERDE—Is your name John Edward Wheatley MacFall, and are you Professor of Forensic Medicine in the University of Liverpool, and Examiner in Medical

Jurisprudence in the Universities of Glasgow, Edinburgh, Manchester, and Birmingham?—I am.

On January 20th last, were you called in to 29 Wolverton Street, and did you arrive at about 9.50?—I did.

When you arrived, what did you see in the front parlour?—I saw the dead body of a woman lying upon the hearth-rug, 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 hearth-rug. 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 were protruding. At the back, on the left side of the head, there was a great depression of the skull, with severe wounds. The hands were quite cold ; the lower arms were cold, but the upper arms and the body were warm. *Rigor mortis*, the stiffening that follows death, was present in the upper part of the left arm and in 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.

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 hands. There was nothing clenched in the hands, and nothing beneath the finger-nails.

EVIDENCE FOR THE PROSECUTION

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.

MR. JUSTICE WRIGHT—That is at ten o'clock at night?—That would bring it back from ten o'clock to six o'clock.

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.

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.

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.

The witness proceeded to describe the marks and direction of the blood on the walls and furniture of the room.

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 [the blood marks] and concentrate them upon a central position, they concentrate fairly definitely in front of the chair.

The chair by the side of the fire?—The armchair on which is the violin-case.

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.

THE TRIAL OF WILLIAM HERBERT WALLACE

She was standing somewhere near the fireplace?—I think it is a little too low to be standing.

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.

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.

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.

Was there any blood on the seat of the chair?—I did not see any.

That would rather bear out your theory?—Yes.

MR. JUSTICE WRIGHT—If the head was struck, of course the woman would fall forward?—Yes.

And after that, she was struck while on the ground?—Yes. I can prove that.

MR. HEMMERDE—Can you say how many blows were struck altogether?—Eleven. It is rather doubtful as to the front, so I have put it definitely as to eleven.

Of those eleven distinct blows, which was the most severe?—The one in front in this position. [Pointing.]

Did that appear to you to be the first blow struck?—It did, for reasons which I shall be able to give.

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.

How soon do you think death would follow?—Death

EVIDENCE FOR THE PROSECUTION

took place almost immediately, to all intents and purposes.

Would the first blow be sufficient to cause death?—
Yes, quite.

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.

The head is lying upon the floor when the ten blows are struck?—Yes, lying much in the position as seen in the photograph.

MR. JUSTICE WRIGHT—On the ground, but really face downwards, more or less?—Yes, my Lord, lying on the right side of the face.

MR. HEMMERDE—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.

MR. JUSTICE WRIGHT—Where on the right side?—The burning is upon the right side. The blood-stains are all over it.

There were blood-stains also on the right side?—Yes, my Lord.

MR. HEMMERDE—You said that one of the blood-marks was very characteristic?—Yes; that is on the left sleeve.

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.

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.

I do not understand; I am sorry. It shows the projection?—Yes, of blood.

Which the blood took?—Yes; that is all one can say.

You mean from a spurt of blood in front of the mackintosh?—Yes, on to the mackintosh. I cannot say more than that.

MR. HEMMERDE—Supposing that someone had been wearing that?—That is the source of the blood from the front, and if anybody was wearing this, then there had been a spurt of blood from the front, because it comes in this direction.

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.

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.

MR. HEMMERDE—Did you make a careful search of the house for blood-stains?—I did.

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.

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.

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.

MR. HEMMERDE—Would it want a very heavy instrument to have caused that fracture, the first blow?—Fairly heavy, yes.

Have you seen this, which was produced this morning?—Yes.

EVIDENCE FOR THE PROSECUTION

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.

In your view, that is just the sort of weapon that might have done it?—Yes.

When you arrived there, did you see the prisoner?—I did.

How soon after your arrival?—Immediately.

How long were you there altogether?—Till after one o'clock.

Was he there all the time?—No, he left. He went down to the police station.

Can you tell my Lord and the jury what was the demeanour of the accused when he was there?—I was very struck with it; it was abnormal.

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 affected as I was myself.

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.

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.

Cross-examined by MR. ROLAND OLIVER—I want to begin with the last bit of your evidence.

THE WITNESS—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.

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 is 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?

THE WITNESS—I have a great reason for this myself.

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.

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.

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.

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.

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

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

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

The fact that a man has been sane for fifty-two 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.

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

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.

Why did not you say so at the police court?—Because I was not asked.

I understand you to say, 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.

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

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

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.

You see the handle to the gas-fire is on the right-hand side of it?—Yes.

And just above it is a gas-light?—Yes.

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.

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.

And her head might well be in the very position in which you put it?—Exactly.

You have suggested she might have been sitting in the armchair?—Yes.

You see, upon that armchair in the corner, a violin-case?—Yes.

And on that violin-case, large splashes of blood?—Yes.

It was on the chair when she was struck, was it not?—Yes, the violin-case.

That does not much suggest she was sitting in the chair?—Yes, it does. I have said she would be leaning forward.

There was room here for two chairs?—But you will see, on the wall, blood-splashes, and the body would intervene.

You have agreed with me, the suggestion is a possible one?—Yes.

Your suggestion was, she was in the armchair?—It brings the head into the same position in both cases.

Will you tell me how blood-stains 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.

She is struck in front?—Yes, the blow goes up.

It goes out sideways, and the violin-case is behind her?—Yes.

Whereabouts were the blood-splashes on the violin-case?—They would be on the top.

They go right along, do not they?—Yes.

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 swung round on to the fireplace and caught fire?—No, because there is no evidence of it having been on her right or left arm.

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 the possibility.

EVIDENCE FOR THE PROSECUTION

Her hair was pulled away from her head, was it not, all up?—Yes.

And the pad which had been under her hair was away from her body?—Yes, some inches.

Do you not see the possibility of someone having grasped her by her hair to pull her from the fire?—Yes.

Where her clothes were burning?—I do not know about the burning.

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.

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.

Whether clothed 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.

When the blood vessels are broken as in this case, they fly out, do not they?—Yes.

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.

What about his right?—No, I do not think so.

Think of it running down.—No. You do not find the blood so much on the hand that holds the weapon.

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.

The last blows being probably struck with the head 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.

And the blood would continue to spill while these blows were being struck, would it not?—Yes, and I looked for it.

So that the mackintosh would never come down below the knees of this man, who would leave his legs, from the knees downwards, exposed to the blood?—Yes.

Whether he was wearing trousers, or whether he was wearing nothing?—Yes.

MR. JUSTICE WRIGHT—So there would be some on his face?—There would be some on his legs.

MR. ROLAND OLIVER—And his face?—Yes.

And his hair?—Yes, but more likely upon the face.

You agree it would be most likely on the face?—Yes, I agree.

Although not so certain to be on the leg?—Yes, that is right.

With regard to the finger-nails, you would agree, would you not, if blood gets below the finger-nails it is difficult to get away?—It is difficult.

Would you agree, it would be almost certain that the assailant would have blood under the finger-nails?—Not necessarily.

Through handling the thing as suggested?—Touching things, unless you scrape the things, you would not get blood under the nail.

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.

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.

EVIDENCE FOR THE PROSECUTION

Supposing the mackintosh were put under the body, the assailant would have had to lift that shoulder and the head up to do it?—He would.

That would have involved getting heavily dabbled in blood, would it not?—Dabbled in blood, but not heavily.

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.

Or a wet towel of any sort?—No.

MR. JUSTICE WRIGHT—There was no towel in the bathroom?—As far as I remember there was not, my Lord.

MR. ROLAND OLIVER—I am told there was a towel.—There may have been one.

One may take it, it was certainly dry, and you would have noticed it because you were on to the nail-brush?—Yes, that is what my attention was concentrated on.

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.

It did not appear so to you?—No, not within the last hour or so, my Lord.

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, four hours.

Was the suggestion that he was naked ever made before this Court?—I do not know.

You never heard it?—Yes, I have heard it.

But you have never heard it made in public before?—No.

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?

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.

Why do you say that?—Because the blood all goes towards the floor.

You have pointed out to the jury it has been spurting all round the room?—That was the first blow.

You find blood-splashes well above the floor all round the room, over the piano?—In that direction.

They went upwards, did they not?—Yes, from the floor.

Then, while the head was on the floor the blood would go upwards?—Yes, and away from the assailant.

You are speculating?—I am.

It depends entirely where he stood?—Yes, it does.

Very well. Now with regard to the time of death. When did you first think the time of death was important?—Immediately I examined the body.

And 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 help but not so definite as *rigor mortis*.

You put *rigor mortis* first, but the other did assist you to form your opinion?—It did.

How many notes did you make with regard to *rigor mortis*?—Practically none, I think.

Can you show me one?—I do not think I can.

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.

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.

It is a very fallible factor even in healthy people?—It is, just a little.

Does it depend, amongst other things, upon the muscularity of the person?—It does.

And the powerful and muscular body will be affected by *rigor* much more slowly?—Yes.

Than a feeble and frail body?—Yes.

Was this a feeble and frail body?—Yes. She was not exactly frail; she was a feeble woman.

You have used the word “frail”?—Yes, she was a weak woman.

Frail?—Yes, frail.

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 three 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 shall give shall be an honest one.

MR. JUSTICE WRIGHT—Then what is your opinion?—My opinion was formed at the time that the woman had been dead about four hours.

MR. ROLAND OLIVER—You saw her at 10.10?—Yes.

So if she was alive at half past six, your opinion is wrong?—Yes.

Does not that convince you what a very fallible test *rigor mortis* is?—No, it does not. I am still of the opinion.

How long does blood take to become clotted?—It varies a little, but not much; in five or six or even ten minutes.

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.

Why do you not think so?—Because it is quite fresh blood.

Did you get blood on your hands while you were examining this body?—Very little.

Did you wash them?—No, not till I got home.

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.

Does it occur to you that someone who came in after nine had dropped that clot of blood on the pan?—That possibility did occur to me very much indeed.

Having regard to the fact that there is no other blood upstairs at all, 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.

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 on the clot much for the time.

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—That occurred to you, Professor, because it was the only mark of blood upstairs?—The only mark, and it is so striking.

Yes. At any rate, you think it is possible that was carried up at once by the murderer?—Yes.

DR. HUGH PIERCE, examined by MR. WALSH—About ten to twelve on the night of January 20th, you went to 29 Wolverton Street?—I did.

And you saw the body of the deceased woman?—Yes.

And you made a general examination?—Yes.

What conclusion, then, did you come to as to the time of death?—Well, the fact that the hands and feet were cold proved to me that death had been some few hours previous to that.

What do you mean by “some few hours”?—Taking all things into consideration, I thought death had taken place about six o’clock, or, it may be, after.

Did you examine the body subsequently?—Yes, periodically.

How often?—Roughly about every quarter of an hour or twenty minutes.

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

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

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

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

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.

You simply took the *rigor mortis*?—Yes.

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.

MR. JUSTICE WRIGHT—You mean, you still thought it was about six o’clock, or probably later?—Yes, my Lord.

MR. WALSH—Can you say as to your limits? You say “about six o’clock.” What limits on either side of that would you give?—I would give two hours’ limit on either side.

MR. JUSTICE WRIGHT—It might have been between four and eight?—Yes, my Lord.

MR. WALSH—Would you say that death could not

possibly have occurred after eight o'clock?—I would say definitely it could not have occurred after eight o'clock.

Cross-examined by MR. ROLAND OLIVER—You base your opinion, as to the time of death, on *rigor*?—Yes, and the cooling of the body.

You know what is called the rectal temperature is generally considered the best test?—Yes.

That was not done?—No, it was not done. I did not do it.

When you say you think it was six o'clock, it might have been four o'clock in the afternoon or might have been eight o'clock?—And there were other factors as well.

So it follows she might have met her death at any hour within this time that night?—Yes.

WILLIAM HENRY ROBERTS, analyst for the City of Liverpool, examined by MR. HEMMERDE—Let me take, first of all, the mackintosh. What do you say about that?—The mackintosh was extensively and heavily blood-stained with human blood on the right side.

Outside or inside, or both?—Both outside and inside.

What about the sleeves?—On the upper inner side of the right sleeve.

Would that be the place where a person taking the coat off might touch?—With a hand coming out?

That is what I mean.—Yes, they might perhaps.

Supposing a person was wearing just a raincoat like that, and 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.

It has been suggested there would be a great deal of blood over the legs and hands?—I do not think there would be very much.

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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.

Do you know whether that is a substance that burns easily?—Yes, fairly easily.

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 hearth-rug, and just where the body had been. #

Which side of the hearthrug, near the body or away from it?—Yes, near the fire.

Was there any blood on the cash-box?—There were other blood-stains on the hearth-rug. I mention that because it has been suggested that anyone who had committed the murder might have stains on the feet. The feet could easily have been wiped on the hearth-rug.

If anyone had blood-stains on the feet, they might have been wiped there?—Yes.

Were there stains?—Yes.

Whereabout were the stains?—In the centre of the hearth-rug.

Were there any stains on the cash-box or dollar bill; I suppose not?—No.

And the suit of clothes?—No. There was a stain in the pocket, but no blood-stains.

And the carpet and towel and lock and key were all free from blood?—Yes.

Take the skirt. Was that heavily stained with blood?—Yes. The front of the skirt was heavily stained with blood.

There were four £1 notes?—Yes.

Did you find any blood upon them?—I found blood on the one which is right in the middle of the bundle.

Was there any blood on the outer one?—No blood on any of the others.

A suggestion was made to-day that somebody, by picking them up, might have put blood upon 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.

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.

Now take that skirt. [Skirt handed to the witness.] You see the front of it is very heavily stained?—Yes.

Just at the back?—Yes. I do not know whether that is the back or the side ; I rather think it is the side.

Was the burning at the front?—I should say it is the side. I do not know how it is worn.

Is it heavy burning?—Yes ; the skirt is burned right through. I think it was done the night of the murder.

Cross-examined by MR. ROLAND OLIVER—You have expressed the opinion clearly that that skirt was burnt on the gas-fire in that room?—That is my opinion.

That would involve that the gas-fire in that room was alight?—Yes.

What about the mackintosh ? If the mackintosh had got thrown across the gas-fire, that might have caught fire?—Yes.

And burnt till it was put out?—Yes.

And you found the burnt pieces right in front of the fire?—Yes, right across the front.

With regard to these notes, you have very fairly said, since they were first given to you, they have been handled and handled?—Yes.

When you saw the smear, it was quite obvious?—Yes.

So the position is this, is it ? If it was done in life by a

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man with a bloody finger, he would have seen it, would he not?—Yes, he ought to have seen it.

With regard to wiping the hearth-rug; a man who was not anxious to leave his boot-prints in blood about the house might have wiped his boots on the hearth-rug, might he not?—Yes.

Your suggestion is not confined to naked feet?—No. I only said if anybody has blood on their feet that would include it.

It would be difficult to wipe the calves and shins on the hearth-rug, would it not?—Yes.

HUGH MOORE, examined by MR. HEMMERDE—I am a Detective-Superintendent in the Liverpool City Police. I arrived at 29 Wolverton Street at 10.5 p.m. on January 20th.

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 whatever.

Having inspected the front door, did you go into the sitting-room?—Yes.

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.”

THE WITNESS then said that Wallace made a statement to him similar to that made to Police Constable Williams. This statement concluded as follows: “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.

MR. HEMMERDE—To the cabinet there?—Yes; a portion of the door was on the floor.

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 missing in the bathroom ; the jet was burning. In the bedroom which we next visited there was a light burning, and nothing appeared to be disturbed in this room whatever ; but on the mantelpiece I saw a little pot, which I looked in, and could see there were some Treasury notes there.

I think you left it there ?—I left it there, and did not touch it, and proceeded to the front room. There was no 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.

The whole of it pushed over ?—The whole of it, exposing a portion of the mattress. I asked the accused if the bedroom was like that in the day-time that day, and he said : " I cannot say. I cannot say I have been in this room for a fortnight."

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.

At any rate, you noticed the clothes in the wardrobe, but in the drawers nothing had been disturbed ?—Nothing had been disturbed at all.

Did you return downstairs ?—Yes.

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. I asked the accused if he would let me have his latch-key. 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."

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."

Did he make any suggestion to you that it had been bolted?—Never.

Neither then nor at any time?—Not at any time did he make it to me.

And you then went back into the sitting-room?—Yes. I got down and carefully examined the mackintosh, which was placed on the deceased's right side.

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.

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. 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." 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.

Did he say anything?—"If there are two patches on the inside it is mine." By that time we found the two patches, and, almost in a continuing sentence, he said, "It is mine."

Then did he say anything else?—"I wore it this morning, but, the day turning out fine, I wore my fawn coat this afternoon. Of course it was not burnt like that when I wore it." I asked him where he had left it; he said, "Hanging in the hall, at half past one."

Before the conversation about the mackintosh, was there some conversation about the blinds?—I asked him if the blinds had been drawn. He said the blinds were drawn.

Before that, did he say anything about the gas? He lit a match?—That is so.

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."

When you came to the door, could anybody get across to the gas without stepping into the blood?—It was very difficult.

The witness gave evidence as to the amount of light in the room at the time the body was discovered by the accused.

Then you made a thorough examination?—Yes; and found no evidence whatever of a possible entry by force; the windows were all secure.

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, I found none whatever.

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

Did you ever see, that night, any blood upon the

accused?—No. I examined him pretty well, his boots, hands, and the bottom of his trousers.

I think you left the house at about four o'clock?—Four o'clock in the morning.

Had the prisoner gone by that time?—Yes.

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.

How long was the accused there with you that night before he went away?—I should think it was some time after eleven.

About an hour?—Yes.

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.

What was his demeanour?—Quiet and collected; smoking cigarettes and talking generally.

A few days later, the 27th, at about six o'clock, did he come to your office?—Yes, he called at the office and asked for a change of clothing. 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 further hesitation, he said, "Positively I did not."

Cross-examined by MR. ROLAND OLIVER—You have said, "He was very useful to us in our enquiries in the early stages"?—Yes.

He helped you to trace others?—Yes.

And he told you what time he got on the tram?—Yes.

And that was very nearly right within minutes?—Yes.

And he told you of his journeys on the trams?—Yes.

And the houses he had been to, and the people he had spoken to?—Yes.

With regard to this mackintosh, you have described how you found it?—Yes.

You now know, do you not, that before you found it the defendant had acknowledged it to Mrs. Johnston?—I know it now.

To Police Constable Williams?—That is right.

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.

Are you surprised that he was doubtful?—I do not know ; all the more reason why he should say at once, “ It is mine.”

What inference do you draw 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.

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.

MR. ROLAND OLIVER proceeded to cross-examine witness as to the cash-box and the coins which were found on the floor.

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.

And the parlour was kept for visitors in this sort of house?—Yes.

When a visitor comes in at the front door, he is shown into the parlour, is he not?—I suppose so.

And the gas lit and the fire lit; that is the usual thing?—Yes, the most usual.

You see, there is evidence in this case, 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.

What I am putting to you is that everything in that room is consistent with a knock at the front door, and the admission of someone, and the visitor being taken into the parlour?—It is quite possible.

MR. ROLAND OLIVER further cross-examined witness as to the statements made by the accused as to his actions on entering the sitting-room and discovering his wife's body.

I thought the account at the police court suggested that he had walked across the room, had seen his wife on the floor, thinking then she was in a fit, and had lit the gas. 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.

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 no necessity for him to light a match at the door.

You make the point that it is quite wrong to strike a match at the door to light the gas?—I do; there is no

necessity for it. A man living sixteen years in a little room like that—it was not the natural thing.

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

Have you made an exhaustive search for the iron bar which is suggested to have been used?—I have.

Have you, by any chance, searched the drains of the house up there?—Yes, we have had the City Surveyor up to search them.

It could not have been got rid of that way?—No.

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.

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.

And you have searched everywhere?—Yes.

Re-examined by MR. HEMMERDE—My friend said you were an expert. Would you think it difficult to get rid of a thing like that?—No, not at all.

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

MR. JUSTICE WRIGHT—I gathered you searched that?—Yes, my Lord.

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.

[The Court adjourned.]

THIRD DAY

DETECTIVE-SERGEANT HARRY BAILEY, of the Liverpool City Police, examined by MR. WALSH.—The witness said that he went to 29 Wolverton Street at twenty-five past ten on the night of the murder. He produced various exhibits connected with the case.

On January 23rd you were with Inspector Gold in the house?—Yes.

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.”

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.”

There is one point I missed. Could you say, was Mrs. Wallace very well dressed?—I should say she was poorly dressed, home-made clothing.

The witness then testified as to the various time tests made by the police.

Cross-examined by MR. ROLAND OLIVER—You have been asked whether this woman was poorly dressed, and you said she was?—Yes.

Did you know that this man had a banking^v account at this time?—Not at that time.

In the course of your enquiries?—Yes, I did.

MR. WALSH—We do not dispute he had one.

MR. JUSTICE WRIGHT—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—As an officer of experience you know the value of finger-prints, do you not?—I do.

Would bloody fingers leave an imprint upon a cash-box?—My own knowledge of finger-prints will not take me that far. We have officers that dwell on that.

Who would know about that?—Cooke. I should leave it to him if I found such a thing.

We know there was no trace of blood on the cash-box. That has been sworn to?—Yes.

As an officer of experience, you do know the value attaching to finger-prints upon any instrument or thing which may have been touched by a criminal?—Yes.

Are they supposed to be infallible?—Yes.

As an officer of experience, is that a well-known fact among professional criminals?—It is.

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.

As you found it on her body?—Yes, I do not say how it should be worn, but that is how I found it.

DETECTIVE-INSPECTOR HERBERT GOLD, examined by MR. WALSH—I am a Detective-Inspector of the Liverpool City Police. At 10.30 on the night of the murder I went to 29 Wolverton Street. I saw various people there, and examined the front lock. Later, I went with Sergeant Bailey and the accused to Anfield Road, Bridewell.

I think it was you who asked the accused which way exactly he had gone from the back of his house on the night in question?—That is so.

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, and he said he came by the same route as by the tram to his house, except that he went to the front door first. Then I asked him if he saw anyone about the streets or entries 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 entries or streets near home, and the first people I spoke to 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." 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 knew 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 into 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 he knew anyone who knew he was going to the Chess Club, or had he told anybody he was going, and he said, "No, I had told no one I was going, and I cannot think of anyone who knew I was going."

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.

The witness then testified as to various statements he had taken at various times from the accused.

You went with the witness Moore and Superintendent Thomas, on February 2nd, to 2 Ullett 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.

And he said, "What can I say to this charge of which I am absolutely innocent?"—Yes.

Have you tested the time it takes to get from the telephone box at Cabbage Hall to the Chess Club?—No, I have not.

I understood you had tested it?—I have been on that route many times myself, but I never actually took the time.

MR. JUSTICE WRIGHT—Someone suggested half an hour; would that be right?—It would not take half an hour. It would take twenty to twenty-five minutes, twenty-five minutes at the outside, from my experience on that route.

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 January 22nd?—Not to my knowledge. I did not say anything, and I did not hear anybody else say or do anything.

You saw the accused the same night and some time afterwards?—Yes.

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.

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



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he did not look to me like a man who had just battered his wife to death.

Cross-examined by MR. ROLAND OLIVER—Did the diary he kept cover a period of some three years?—From the beginnings of 1928 up to a few days or a few weeks before the murder.

Over a period of years, do they record some details of his relations with his wife?—Yes.

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.

Is that because she had too many papers in the house?—It says so.

And does the diary say he was sorry for it and express his regret?—I think so.

The statement, Exhibit 44, in which he makes suggestions against certain people whom he names in the statement, followed upon your questioning him, on January 21st, as to anyone whom he could possibly suggest?—That is so.

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.

WILLIAM HENRY ROBERTS recalled, re-examined by MR. HEMMERDE, and further cross-examined by MR. ROLAND OLIVER.

This witness gave further evidence as to various scientific experiments he had made to test the clotting or spreading of blood, with particular reference to the clot found on the rim of the water-closet pan in the bathroom.

THE TRIAL OF WILLIAM HERBERT WALLACE

MR. HEMMERDE—That, my Lord, with the accused's statement, is the evidence for the Crown.

THE CLERK OF ASSIZE—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 eighteen 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-racking ordeal. I protest once more that I am entirely innocent of the terrible crime."

THE CASE FOR THE DEFENCE

MR. ROLAND OLIVER—Members of the jury, this case has been put to you like this : If the accused did not commit this murder, who did ? That is not the way to approach it. It should be asked, Who is the man ? You know something of Wallace now. He is fifty-two, a delicate, mild man, liked by everyone who knew him ; a man of considerable education, and refined, and, as his diary

OPENING SPEECH FOR THE DEFENCE

shows, one with considerable gifts of expression. That is the man charged with this frightful crime.

The question you will ask is, Why? There is no suggestion of ill-feeling between Wallace and his wife. He had £152 in the bank. He had nothing to gain, and there was no suggestion of any other woman. If this man is to be convicted for a murder on the flimsiest circumstantial evidence, is it possible to say why? It has been suggested that this crime was committed by someone in a state of frenzy. This suggestion was made because it was realised that this motiveless crime, alleged to have been committed by a devoted husband, presented almost insuperable problems. In fifty-two years no one had ever suggested the accused was not perfectly sane. He had been under medical supervision ever since his arrest, and I ask you to disregard that suggestion. This was no sudden frenzy. If the accused did this thing, he calculated it all out at least twenty-four hours before, for the Prosecution's case stood or fell on the authenticity of the telephone call twenty-four hours before. It could be proved that this perfectly normal man was behaving perfectly normally throughout January 19th and 20th, which meant that, contemplating this frightful crime, he was going about his daily business and showing no signs of it! Let me say now, that this is what is sometimes called a police case. If there is one kind of crime that is an abomination to the police, it is an unsolved murder. Everybody attacks them if they cannot get a solution.

Thus, because Constable Rothwell sees Wallace with his hands to his eyes, he was "ghastly" and "wiping his eyes," thinking, of course, of the crime he was going to commit that evening! I can call as many witnesses as you want to hear, to say that on the day of the murder there was nothing the matter with Wallace at all.

Where was the evidence to support the suggestion that

THE TRIAL OF WILLIAM HERBERT WALLACE

Wallace sent the telephone message to himself? Three operators said it was a perfectly ordinary man's voice, and Mr. Beattie, who had known Wallace for well over eight years, said it would require a great stretch of imagination to think the voice was Wallace's. If he did not send that message, he was an innocent man, and how can it be said that the Prosecution have even started to prove that he sent it?

For two hours he played chess with that message in his pocket, and won his game. What did they think must have been going on in his mind if that was his message, and the stepping-stone to the murder of his wife? What sort of chess would he play? It may occur to you that a man planning the murder would avoid telephoning to Wallace when Wallace might himself answer the call. If he had watched Wallace away from his house on the 19th, why did he not go in then and do the murder? One reason against it was, that the watcher could not be sure he had gone to the Chess Club. Another was that there would be more money in the house on the Tuesday evening.

If Wallace had, as alleged by the police, been preparing an alibi, it would have been some preparation to say that his wife would have let in Qualtrough, or anyone else, had they called, but, in actual fact, he had said she would let no one in unless she had known them personally. He also said he could not think of anyone who knew he would be going to the club. These things spoke loudly against its being a concocted alibi.

The vital point in the case was : When was Mrs. Wallace last seen alive? It was common ground that Wallace must have left the house within a minute or two of 6.45 p.m. If he left even at 7.30 he was almost certain to be innocent, but if he left at any time after 6.30 he must be innocent.

In considering what the murderer had to do between the crime and leaving the house, you must remember that

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Wallace was searched the same night, and there was no trace of blood on his clothes, hands, face, or boots ; yet, according to witnesses, he must have been heavily spattered with blood. Before he left he must be absolutely clean.

His clothes could not be washed, but have to be got rid of. For the first time, you now hear the suggestion that Wallace was naked in a mackintosh. If so, his face, hair, hands, and legs from the knees down would be covered with blood. He would have to have a bath and dress himself. There was no sign that anyone had had a bath at that time.

The bar mentioned in the case was not found in the only piece of waste ground on his way that night, or in any drain. Where was it? It would take time to burn the mackintosh. If the witness Close was right, Wallace had from 6.30, or some time later, until about a quarter to seven, but I shall call three other witnesses against whom not a word can be said.

One of them said Close stated afterwards that he had seen Mrs. Wallace alive at a quarter to seven when he delivered the milk. When this came to the knowledge of the police, it must have been a terrible shock, for, if Close had delivered the milk at a quarter to seven, this man was clear. The argument of delivering the milk at 6.30 was, that it would give sufficient time for the crime to have been committed. In cross-examination, Close had said the time was between 6.30 and a quarter to seven. That was half way between the truth and the police case.

As to why the accused should act at all on a message from an unknown person, I may remind you that it was business in which he might draw twenty per cent commission. There was nothing " dreadfully suspicious " about his conversation with the tramway men. Everything he

did followed a perfectly rational course. There was no rag of evidence except police suspicions.

Miss Hill was not telling the truth when she said she saw Wallace in conversation with a man on his return to the house. That man, if he existed, must be perfectly innocent, and would come forward, and Wallace had no reason to conceal it. He would be wanting it known that he had got back.

Why should he pretend he could not get in? If he wanted witnesses, he did not know the Johnstons were coming out. On entering, he did not go into the sitting-room, because it was rarely used. There was plenty of room for him not to tread in the blood when he did go in. Could he have made a careful mental plan of where the blood was, so that he would know where to tread when he came back? And how could he know in the dark?

There was a conflict of evidence as to Wallace's demeanour. Nothing had been said before the trial of his "unnatural calm," and he wondered whose brain had devised it. Professor MacFall said he had not mentioned it before because he was not asked. Chief Superintendent Moore said the same.

Now, with reference to the mackintosh, the police theory is that the murderer threw it down when he had committed the crime. They had a photograph showing the mackintosh just as if it had been so thrown down, but the police superintendent said the photographer must have caught his foot in it on his way out. That must have been after the photograph was taken. Are you impressed by this, or by Mrs. Johnston's suggestion that it was the sort of thing a woman would throw over her shoulders when she had a cold? With regard to the burning, was it not obvious that it was on her shoulder when she fell and burnt her skirt on the gas-fire?

It is clear, almost beyond question, that the blood got on

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the notes in the jar by accident, during the various handlings by those who examined them, and I suggest that the blood on the pan was carried up by one or another of the twelve police officers, or Professor MacFall or Dr. Pierce, who were up and down all over the house that night.

I have no need to submit an alternative theory, but I shall do so. The suggestion is that, when Wallace had left the house, a watcher called and was admitted for the purpose of "leaving a note" for Wallace. The wife would light the parlour fire, and, as she arose, was struck down. That covered the facts, and explained why a fire was alight in the room never used; while the woman's sewing and the evening paper were on the table in the kitchen, showing they had obviously been sitting there with a fire.

I ask you to remember Wallace's undoubted affection for his wife, the utter absence of motive, his condition of comfort so far as money was concerned, his character—a gentle, kindly man of refined tastes, who could write that diary, and congratulate himself on seventeen years of married life. That was the man you are asked to convict of murder, and that was the man to whom I am now going to ask you to listen. I need not have called him. His story has been told over and over again to the police. I should not think there ever was a case in which so many statements were taken.

Remember that in so far as statements were made by him on that Friday night, if he is an innocent man, consider what condition of mind he must have been in, whether quiet, as the police say; stunned by shock; or whether sobbing when alone, as Mrs. Johnston says. If he has made a slip or two, remember the circumstances.

This concluded Mr. ROLAND OLIVER's opening speech and he then called WILLIAM HERBERT WALLACE, who went into the witness-box

EVIDENCE FOR THE DEFENCE

WILLIAM HERBERT WALLACE, examined by MR. ROLAND OLIVER—Is your full name William Herbert Wallace?—Yes.

How long have you been living at Wolverton Street?—Sixteen years.

Was it your house, or did you rent it?—We rented it.

How long had you been married?—Just over eighteen years.

That is at the time of your wife's death?—Yes.

How old are you?—Fifty-two.

I think, ever since 1915, you have been a whole time agent for the Prudential?—Yes.

What were your relations with your wife?—What I should describe as perfect.

Were you in any sort of financial difficulty?—None whatever.

Had you £152 to your credit at the Savings Bank?—I had an amount.

Not a savings bank, but at a bank?—About that, I could not say what it was.

We have had a note from the bank this morning that it was £152—I accept that.

Had you any motive whatever in the death of your wife?—None whatever.

Did she always look after you?—She did.

You belong to this Chess Club?—Yes.

We know that notices used to appear in it advertising when games would be played, and so on?—Yes.

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.

Would your work take you more or less round to a good

many places?—Yes, I think altogether I would have something like five hundred and sixty calls to make each week, approximately.

I take it you must have been fairly well known as a roundsman in the district?—Very well known.

What was the name of it? Can you give us the name?—Club Moor.

Have you ever been a single penny wrong in your accounts?—No.

How much would you collect on an average per week?—It varied.

We were told, I think, once a month it would be heavy?—Yes.

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 the 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.

The ordinary day for accounting, we have been told, was Wednesday?—That is correct.

You had been collecting for a very long time. In fact what day used you to account as a rule?—Thursday.

On this particular week in which January 20th came, by January 20th 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.

Would Mr. Crewe have your collecting book?—Yes, I think so.

Had you collected on Fridays?—No.

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.

Had you every day in a week collected?—Yes; I collect on the Saturday.

Do you generally collect on the Saturday all day, or only in the morning?—Only in the morning.

On Monday you collected?—Yes.

And Tuesday?—Yes.

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.

On that particular Saturday, you had not collected?—No.

So you had Monday and Tuesday?—I did Monday morning's collection and the whole of Tuesday's.

£14?—About that.

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.

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.

Would Mr. Crewe have that?—Yes.

MR. JUSTICE WRIGHT—Is he in Court now? If not, let him be sent for.

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.

Where did you keep your Company's money?—In a small cash-box.

The one we know about, the one that is exhibited?—Yes.

Did you put the £4 into that at that time?—Yes.

While we are upon the question of money, did you keep any money in a jar in the bedroom?—Yes, we did.

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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.

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.

Did that apply to the Company's money as well?—It applied to every single penny in the house.

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.

When you say, "we went out," you mean you and your wife together?—Yes.

On January 19th, had you had any kind of quarrel with your wife, or at any time?—No, none whatever.

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 seven.

That is the time you gave to the police near the event?—Yes.

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 a tram.

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.

You have heard the evidence given by Mr. Beattie as to what happened at the Chess Club?—Yes.

Is that substantially correct?—It is.

Were you engaged in your game when he spoke to you?—I was.

Were you interested in your game?—I was.

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.

With a Mr. McCartney?—Yes.

You made a note of the name and address in your book which is here?—Yes.

Was that a little memorandum book? It does not seem to be much used, but there are a few entries in it.—It is 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.

That is where you put it?—Yes.

Did you understand that there was a possibility of business from the message?—Yes, I understood it so.

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.

We have been told you would get twenty per cent of the first payment?—Yes.

Would that be worth having on such a policy?—Yes.

You went on with your game. Do you remember when it finished?—No, I do not.

We have been told you got there at a quarter to eight?—Yes.

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.

Was it a little before ten?—About ten.

That would be a fairly long game, over two hours?—
Yes.

We know you went out?—Yes.

And you walked back with Mr. Caird?—Yes; to the car.

Now let us come to January 20th. Did you collect, on January 20th, all day?—Yes.

Did you collect all the morning?—Yes.

And all the afternoon?—Yes.

Do you remember when you stopped collecting?—I do.

When was it?—A few minutes to six.

Do you remember where you had tea that afternoon?—
I had my tea at home, but I think I know what you mean.

When I say “tea,” did you have a cup of tea with anybody other than at your home?—Yes.

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.

Were you your usual self that afternoon?—Quite.

It has been suggested by a policeman that as he bicycled past you, at about half past three, you had a ghastly appearance, and were wiping your eyes with your sleeve?—I heard the suggestion.

Is that true?—No, it is not.

I mean that it was through any distress?—No, certainly not.

Do your eyes ever water in January?—They may do, yes.

If they did, what would you do?—Probably take out my handkerchief, and insert it under my glasses and just wipe them.

What time did you get home that evening?—Do you mean from my collections?

Yes—Shortly after six.

You were not noticing times, I know, but somewhere about after six?—Yes, possibly five minutes past six.

Was your wife at home?—Yes.

Which is the door you usually use? Do you use the front or the back door in day-time?—In the early part of the evening, we generally go out and come in by the back door; it is a little more convenient.

And at night the front one?—If I was going out after six, 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.

I gather your back door is the more convenient for the tram?—Yes.

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.

On that particular evening, getting home some time after six, you were due to start to meet Mr. Qualtrough?—Yes.

To get there at half past seven?—Yes.

We were told a certain conversation had taken place, about where Menlove Gardens East was, the night before?—Yes.

Had you ever suggested to anybody that you had never heard of Menlove Avenue?—No. I knew there was such a place, quite well.

No one at the club knew just where Menlove Gardens East was, I gather?—No.

What time did you leave your house that evening?—At a quarter to seven.

Between some time after six, when you got home from your work, and a quarter to seven, you say your wife was there. Had you had any meal?—I had my tea.

With her?—Yes.

Had you done anything with regard to washing or changing your clothes after getting home, before you started out again?—Yes, certainly.

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.

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 downstairs again.

When you went out, was your wife alive?—Certainly.

Did she come with you?—Yes.

Tell us exactly how far she came, as far as you can remember?—She came down the back yard as far as the back-yard door and I left her standing there, with an instruction to her to bolt the door after me. That was our usual practice.

Do you remember now whether she bolted it? Did you hear her bolt it?—I did not.

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.

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 on her shoulder, and said: “I won’t be longer than I can help.”

I did not mean that. Did you do anything to injure her?—Oh no, certainly not.

You have told the police, in repeated statements, what you did after that?—Yes.

Is that account you have given true?—Absolutely.

You have told them the trams you took, the places you went to, and the times you got there?—Yes.

And the whole story?—Yes, I gave them a perfectly frank account of my movements for the whole of the night.

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 twenty past seven when you got there?—That is correct.

I think this is shown best 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.

Substantially, do you agree with what they have said?—Yes.

You do not remember anything in respect of which you differ from them?—No.

I think you got off at the stop opposite Menlove Gardens West. Is that right?—Yes.

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 name-plate on the end of the street, and realised that was not quite where I wanted to be. I walked down Menlove Gardens North some distance, possibly about eight or ten 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.

She told you to continue along there?—Yes.

Did you go to Menlove Gardens West?—Yes.

What did you do then?—Retraced my steps, and went along Menlove Gardens West and along Dudley Gardens. I did not know the name till I saw the name-plate, and then I realised there was no 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 as Menlove Gardens East, and I said: “All right, perhaps I had better enquire at No. 25 West,” so I went back to 25 West.

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 they were even numbers, therefore 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.

Where did you find yourself then?—In Menlove Avenue, at that tram stop.

Where did you go next?—Down Green Lane.

What did you know about Green Lane?—I knew that my superintendent lived there.

You had been there before?—I had.

Was that when you had the violin lessons two years ago?—It was.

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.

That does not take you anywhere near Menlove Gardens East?—No.

In fact, have you ever seen Menlove Gardens East?—No.

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.

How much conversation did you have with that police officer?—Four or five minutes possibly.

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.

Did you talk quite a long time?—Yes. I responded to his geniality, and he responded to the invitation.

You told him what your trouble was; you were looking for Menlove Gardens East and you could not find it?—Yes.

Did he tell you there was no Menlove Gardens East?—
Yes.

What took place about a 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, that 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.

He said you looked at your watch then. Is that right?—
Yes.

And said, “It is not eight o’clock”?—Yes.

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 eight it would be closed, so I looked to see what time I had to spare.

That was the object?—Yes.

It is suggested you wanted to impress the officer with what the time was?—No.

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.

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.

Did you say, "I am looking for Menlove Gardens East"?—Yes, possibly.

Is that the sort of expression you might use?—Yes.

What time was it, as near as you can say, when you left that newsagent?—I think it was just on eight o'clock.

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.

It was somewhere where you could get on a tram?—Near the cinema, at a tram stop.

I used the word "terminus," I meant a tram stop?—Yes.

Did you get on a tram and go home?—Yes.

It is said as you approached your home a woman named Lily Hall saw you talking to somebody at twenty-five minutes to nine, near an entry. You heard where it was. Is that true?—No, it is not.

Do you know the woman Lily Hall?—No.

She may know you by sight, of course?—Yes.

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."

MR. ROLAND OLIVER—Yes. "A lady who has known you for years." You say you do not know her?—No.

And never saw her in your life?—No.

You say you did not talk to her?—I did not speak to a soul on my way home, except to the conductors.

Did you speak to anyone that night, to show what time you got back?—No.

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.

In any respect at all?—No.

Were you able to get in at your front door?—I was not.

In fact, what was its condition with regard to its being bolted?—It was bolted.

Did you find that out later on?—Yes.

When?—After we got into the house, and after Constable Williams, I think it was, knocked on the door and I admitted him.

When you let in Constable Williams, you found out definitely that door was bolted?—Yes.

With regard to the back door, when you tried it first, were you able to open it?—No.

Do you mean you could not turn the handle?—I do not think the handle would turn.

Did you knock upon it?—Yes, I just went like this, bang, bang. [Illustrating.]

Was that your usual knock?—That is my usual practice.

Did you expect your wife to be in?—Yes, I expected her to be in and that she would probably be upstairs.

What were your ordinary hours?—They varied between twelve and one o'clock, sometimes we were later.

Was your wife a delicate woman?—Yes, I think one could say that.

Do you know when she last saw the doctor?—I am not sure whether it was the same morning or the day previous.

I am told it was the 19th. What was that for, do you

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know?—She had had a bad cough over the week-end 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.”

What was the doctor’s name?—Dr. Curwen. He was the doctor who attended us always.

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 for it in any other way.

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.

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.

After you had got to the back door the second time, the Johnstons came out of their house?—Yes.

Quite accidentally?—Absolutely.

And you have heard the account they gave of what happened?—Yes.

Substantially, do you agree with that?—I do, yes.

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.

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.

Your wife was a good pianist?—Yes, she was.

And you were learning to play the violin?—Yes.

And when you played together, you played in that room?—Yes, mostly.

In January would the gas stove be lit if a visitor came?—Usually.

Had you told your wife that evening when you went out at a quarter to seven where you were going?—Yes.

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.

She wanted you to go?—Yes, she thought it might be worth while.

It was a long way away, four miles, but it might be something worth having?—Yes.

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.

The second time you tried the back door, that is to say, when the Johnstons were there, did it open?—It did, quite easily.

Do you know what made it stick the first time?—No, I do not.

Going into the house, you came into the kitchen?—Yes, the back kitchen.

Was there any light there?—A small light by the gas over the sink.

Was that a light that gave a good light, or was it just turned right down?—It was almost out, a very slight light.

That is in the back kitchen?—Yes.

In the main kitchen, was there any light?—No.

Did you light it?—I did.

Where did you go next?—I went upstairs.

Did you call at all? It is said you called two words?—
Yes.

What did you call?—I shouted out my wife's name twice, "Julia, Julia." I probably also said, "Are you there?" but I do not remember that.

Was there a light in her bedroom?—Yes.

Up or down?—Down.

Did you turn it up?—Yes.

We have been told your progress could be traced looking into the other two rooms on that floor?—Yes.

It is said that the bed in the front bedroom was somehow disarranged, and there were some of your wife's hats on it?—Yes.

Do you know anything at all about that?—I do not think I had been in that room for probably a fortnight before the 20th or the 19th January.

Had that anything whatever to do with you?—Nothing at all.

You then came down. You had been in the kitchen and back kitchen, and the only room left was the front parlour?—Yes.

Was there any light in that?—No.

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 downstairs and approached the front-room door, it was closed, but not latched, that is to say, it was simply pulled to.

Had you any matches with you?—I had a box in my hand that I had used upstairs.

You told us you lit the middle kitchen gas, and had the box in your hand?—Yes.

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.

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 I saw that she had been hit.

Did you light the light?—Yes, I did.

Which light?—The one on the right-hand side near the window.

Why did you light that one?—It is the one we always use.

That and the tap of the gas-stove are on the same side?—Yes.

When you saw your wife lying there, I suppose it follows you avoided treading on her as you went past?—Certainly.

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 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.

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.

Have you ever seen it?—No.

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.

You have not?—No.

I suppose the cleaning of the house had not very much to do with you, had it?—No, not very much.

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 as 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.

Is there anyone in the world who could take the place of your wife in your life?—No, there is not.

Have you got anyone to live with now?—No.

Or to live for?—No.

And no children?—No.

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.

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.

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 there was £5 there?—Yes. I think I did do that.

Do you remember going up to do that?—Yes.

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.

You say “probably.” Do you remember doing it?—Yes, I think I can say that.

Do you remember what shape they were in?—Folded up in four.

Do you remember whether they were lying loosely, or whether they were shut up tight?—They would be loose.

You think they would be?—Yes.

You came down, and said they were there?—Yes.

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.

Did you look at it then?—Yes.

Had you noticed it before?—Yes.

I think Mrs. Johnston mentioned it?—Yes.

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.

Before that, had you moved it at all?—No.

But you had handled it?—I just fingered it.

I think it was said you fingered it then?—Yes.

Then, substantially, do you agree with what Police Constable Williams said you did, about going round the house and that sort of thing?—Yes.

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.

And you acknowledged the mackintosh to Williams and one or two other officers who came into the kitchen. Is that correct?—That is quite right.

Before you gave the statement 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 21st?—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 agreed 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.

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 a Mr. Qualtrough, I think she would, because she knew all about the business.

It is only a matter of speculation?—Yes.

If she had let him in, where would she have taken him?—Into the front room. There is no question about that.

I think you were with the police till what time in the morning that night; what time did you go to bed?—Half past four to five.

The next morning?—Yes, early morning.

How long did you stay at the station next day?—I think I stayed till ten o'clock.

You were not allowed to sleep at your own home that night ; you slept at your sister-in-law's ?—Yes.

Did you realise at some time or other that there were people who suspected you of having done this ?—I did, yes.

Did that happen quickly ?—Within three or four days I began to suspect that might be the case.

Did the police ask you about a conversation you had with Mr. Beattie on the 22nd, two days afterwards ?—Yes.

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 ?

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 some time during the evening Superintendent Thomas had come into the room, and 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.

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 seven o'clock, I was in this position : I felt that if I had left home at a quarter past seven, and the telephone call had been made at seven 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 that.

If it was a genuine message, you realised you would be an innocent man ?—Yes, quite.

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 seven, that it was seven o'clock, and I left at a quarter past seven, at all events I could not have sent that message.

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.

Why was that ?—When Superintendent Moore put these questions to me, I realised that if he could tell me of meeting Mr. Beattie somewhere round about a quarter past ten 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 might 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.

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 this case as possible to outsiders.

Because I think he said that anything you said might be misconstrued ?—Yes.

Do you agree with that ?—I agree it was misconstrued.

Cross-examined by MR. HEMMERDE—I want to ask you, first, a few general questions. Where was your wife on Monday evening, the 19th January ?—She was in the house.

You left her there ?—Yes.

Quite well ?—Except for the cold that she had.

Yes, otherwise quite well?—Yes.

Where was Mr. Crewe on Tuesday the 20th January?—
I understood that he had gone to the cinema.

Who told you so?—He told me himself.

That he had gone to the cinema?—He gave evidence of it here.

On that night, the 20th?—On the Monday night.

I am not talking of the Monday; I am talking of the Tuesday?—On the Tuesday I do not know where he was.

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.

I want to know on the Tuesday night where was he?—That was the night that I called at his house.

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.

I did not catch that. Did you know it at the time?—I did not.

You had no idea on the night of the 20th that Mr. Crewe was not at home?—I had not.

You are a friend of his?—Yes.

Very friendly?—Fairly friendly, yes.

This must have been quite a slight cold of your wife's, was it not?—We did not regard it as a serious matter.

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.

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.

So far as the use of your parlour was concerned, did you use it much for music?—Yes, quite a fair amount.

When you had an off evening, I suppose, being both musical, you were inclined to spend it with music?—Yes.

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.

Always?—Yes, pretty nearly always.

One sees it open in the photograph taken after the murder?—Yes.

And one sees music upon it?—Quite possible.

Have you the book of photographs there?—No, that is a plan.

Just take it. [Same handed.] Can your knowledge of music tell you what that was on the piano?—No, it cannot, except it might be two pieces of music.

Yes, it might be two pieces of music; it might be the violin score and the other?—I think it is too long to be violin music.

You think it is. When you used the piano for music on a night in January, you would naturally have the fire lighted?—Yes, we did.

And the gas?—And the gas.

Had you any other light to throw upon the music than the gas?—We had the two gas-jets, no other.

Two?—Yes.

And you generally use them both, I suppose?—No, if we were by ourselves we would use one.

For the music?—Yes.

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 to-night with music."

She might?—Yes.

Her cold had not been too bad for her to walk out into the yard and see you out?—That is so.

Was she wearing your mackintosh at the time?—No.

Her cold was evidently not at all bad?—We did not consider it serious.

And she was not a singer?—She had been at one time.

It was piano playing in which she was interested, and, therefore, the cold would not affect her?—Not a bit.

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.

Had you ever told your wife you were going out that night?—Certainly, we discussed it.

You discussed it?—We discussed it at tea-time.

If your wife had not known you were going out that night, she might have got the room ready for you for the music?—Not unless I had asked her to do so.

No, but if you had asked her to do so?—She would have done it.

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.

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 quite remember that.

The Shorthand Writer read Question 3229 down to Question 3234 and the Answer thereto.

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 or counsel?—Have I ever said what?

That you counted those notes?—I do not know.

Throughout that evening, did you ever find blood on your hands?—I did not observe it.

At any time, have you ever said to any human being that you did find blood on your hands?—I do not think so.

Then, so far as you know, no blood from your hands could have got on those notes?—Yes, I think I can say that.

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.

Did you realise then they suspected you?—That was my impression.

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.

Rarely, was it not?—No, I do not think so. We generally went about twice a year, the time the roses were out.

How used you to get there?—Take a car to Lodge Lane and change over.

The only route is off Menlove Avenue, is it not?—I could not really tell you that.

Could not you?—No.

I put it to you, you can only get to Calderstones by tram-car via Menlove Avenue?—No, I could not say that definitely. There may be two routes, I cannot really tell you. I do not know.

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.

Did you not know Menlove Avenue quite well?—No, I did not.

I see here twice, May 22nd, 1929, and August 30th, you go to Calderstones; that is twice in a few months?—Yes, quite possible.

You did not know Menlove Avenue well?—I did not.

How used you to 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 car.

You would find yourself then at the Penny Lane junction?—Possibly.

Used you to go to the Plaza Cinema with Mr. Crewe?—No.

Never?—No.

You have never been there?—Yes, I have been there.

Not with Mr. Crewe?—Yes, I have been there with Mr. Crewe.

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 we 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.

Not into the cinema?—No.

You did not go into the cinema at all?—No, only the restaurant part.

Is that called the Plaza too?—I understand so, it is all in one.

[Counsel referred again to the diary.] “After the lesson we went into the Plaza Cinema, a wonderfully well-got-up place”?—Yes, quite.

Inside?—Inside the large hall in which you go for tea or coffee or refreshments.

What time did you go there?—I cannot say. I should say probably half past nine, or it may have been a little later even.

And got home about eleven?—Yes, possibly.

That is according to the diary.

MR. JUSTICE WRIGHT—What is the date of that?

MR. HEMMERDE—That is the 5th December, 1928, my lord.

You realise that from the Plaza Cinema you are only a few hundred yards from Menlove Avenue?—I know that now, yes.

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.

Did it ever occur to you when you were in difficulties that night on the 20th, and you could not find Menlove Gardens East, just to look in and ask Mr. Crewe where it was?—Yes.

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.

At Mr. Crewe's?—I knocked at his door but could get no answer.

When did you do that?—That night. I should say it was about 7.40.

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.

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.

Did you walk down Menlove Avenue?—Yes.

And you knew 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.

Do you say that you stated somewhere that you called on Mr. Crewe that night ; that you ever stated it to anyone till you gave it in evidence to-day 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.

I will find out if it is there. I have got Exhibit 44, when you 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 a house near the end, by Menlove Gardens West. She told me it might be further up, in continuation of Menlove Gardens West. I went along as suggested by her and came to a cross-road, I think it was Dudley Road, and I met a young man about twenty-five 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 say in any statement which 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.

What statement?—I cannot tell you, but I think I volunteered that information on some statement.

I have looked through them and I cannot find it. I put it to you, you never have said so until to-day. Of course, you realise now the importance of that point, that you were quite near your 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 injustice. 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 says he had gone to Mr. Crewe.

MR. ROLAND OLIVER—I am not suggesting it occurs in any of his statements. It was in the notes of his defending counsel as early as the 20th January and put to Mr. Crewe.

MR. HEMMERDE—Do you accept the suggestion that it was quite easy for anyone to know when you would be at the City Café?—Yes ; quite easy for anyone who was acquainted with the City Café or the Chess Club at the City Café, quite easy.

Anyone who was interested enough to look at the City Chess Club notices?—Yes.

No one could possibly have known that you would be at the café that night?—Nobody could say absolutely, certainly, that I would be there, no.

You told no one that you were going to be there?—That is so.

Therefore if anyone, not a member of the club, happened to know that you were down to play a game, that would not mean necessarily and definitely that you would be there?—That is so.

And you had not told anyone you were going there?—I had not.

You have said how, on the night of the 20th, you had about £4 of Prudential money?—I have.

I suppose that out of your weekly debit—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.

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.

Your total collection, we know, would be something of the average of £30?—£30 to £40, yes.

Is it not roughly nearer £30 than £40?—Yes, it might be.

There are some 10,000 Prudential agents in the country?—Yes.

And the average debit is rather under £30 than over?—It is round about £30.

Anyone knowing the nature of your business would know when your monthly collection would be?—Any outside person would not know, certainly.

No; but anyone who knew sufficiently to know the methods of your business would know that as well?—They might do.

And if he was going to make a raid on your house and

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attack your wife alive, he would naturally choose the time of the monthly collection?—He might.

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.

Was I right in describing her as a frail, quiet, rather old-fashioned lady?—No, I do not think so. I do not think she was what you might call old-fashioned, and I do not think she was what you might describe as frail. She did not have the best of health, and she was not a robust person.

As far as you know she had no enemies at all?—I do not think she had a single one.

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.

When you used to go to the club, how used she to spend the evening there?—It would depend. Sometimes she sat in the kitchen, sewing or occupying herself in various domestic duties.

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.

When Mr. "Qualtrough" rang up on Monday night, we know he was a few hundred yards from your house?—I do not know.

You have heard he was at the call-box?—He was supposed to be there. I do not know.

You do not dispute that the café was rung up from there?—In the face of the evidence I cannot dispute that.

Very well then, you can say "Yes." He was about four hundred yards from your house. Your wife was

alone, presumably. As he rang up the City Café, he must have expected you to be there?—One must presume that.

He might have ascertained other people expected you to be there?—Yes.

Otherwise he would not have left the message?—Yes.

And you were there two hours or more?—Yes.

And ample opportunity for him to have gone round to your house, was it not?—Yes.

Only a few minutes away?—Yes.

And your wife left there alone?—Yes.

What you are suggesting he did do, was to ring up and make an appointment for that night?—I am not suggesting it at all.

Is that the entry made when Mr. Beattie spoke to you?—Yes.

Did you put in the “East” in block letters after you had written “Mossley Hill”?—Yes.

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.”

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 was correct.

Have you ever used that telephone box?—Yes.

You have?—I have.

Were you used to using it?—I was not.

Do you generally use the one in the library?—Usually.

Did you think there was a light in it, the one we are discussing?—I did not know.

How many times do you think you have used it?—Once, or perhaps, twice.

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.

There have been occasions when you have used it. Has anyone ever left a message for you before at the City Café?—No.

Or has anyone ever left such a message for you anywhere?—Of that type, no.

You never have?—I have never received a message like that before in my life.

And, of course, Mr. “Qualtrough” had no possible means of knowing whether you would receive it that night, because no one knew you were going to be at the club?—That is so.

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.

Did it ever occur to you that he would have to watch both doors, front and back?—No, it did not.

You are a man of business instincts, you could hardly be a Prudential agent if you were not!—That is so.

And you had never had a message sent you before?—I have not.

You must have realised he had not the slightest idea as to whether you got his message or not, because you say no one knew you were going to be there?—Yes.

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.

Had you any anxiety in leaving your wife that night?—No.

Not only could he not know that you would go, but he could not have known that you would not look up a directory and find there was no such place?—No.

He would have to risk all that?—Yes.

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.

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.

Then when you went up to Penny Lane, you know now, at the terminus there, you were a very few yards away from Menlove Gardens East?—Yes.

Did it ever occur to you to ask the policeman there on point duty where it was?—No.

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.

You were not asking the tram conductor where you were?—No, but he knew the route.

Would you describe yourself as a very talkative and communicative man—rather the contrary, are you not?—I do not know how I could describe myself. I leave others to do that.

Would not you say you are a person who would not talk more than is necessary?—I would not say.

Do you know the witness Phillips, the conductor, says, three times you told him you wanted to go to Menlove Gardens East?—That may be so.

And once you told him you were a complete stranger in the district and had important business?—Yes.

Had you important business?—Yes, because it might have meant money to be put into my pocket.

And you did not know who the person was?—No, I did not.

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.

And you know the police constable says that you asked him where Menlove Gardens East was?—Yes.

Had you already been told by the young clerk, Green, that there was no such place?—Yes.

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.

She says you did?—Yes.

And did you learn from her there was no such place?—I did.

As a matter of fact, does it not strike you, looking back upon it now, that all these enquiries 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.

Where is Mr. Crewe generally during the day?—At his office.

And that is on the telephone?—The office is on the telephone.

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.

Then again, you see, on the night at the café 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.

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.

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.

The wrong address is essential to the creation of evidence for the alibi. Do you follow that?—No, I do not follow you.

If you had been told Menlove Gardens West, the first enquiry would have landed you there?—Yes.

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.

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, yes.

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, and 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.

Did it not occur to you that the address might have been taken down wrongly on the telephone?—I have stated that it did.

It did occur to you?—It did.

That was a very natural thing to have happened, was it not?—Yes.

But you became suspicious?—I was uneasy.

And so you went home?—I went straight home, of course.

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.

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.

How were you able to see that there was no light in the kitchen?—Through the window in the back kitchen.

Do you remember a conversation you had with Police Constable Williams upon that subject?—Yes.

That he said to you when you first came up the yard, “Did you notice any light shining through the curtains”?—That is so.

And you said the curtains would prevent the light from escaping?—Quite correct.

Now let us look at the plan of the house. There is the door to the kitchen, is there not?—Which kitchen do you refer to?

I refer to the kitchen; that is not the back kitchen.—Yes.

There is a door there separating it from the back kitchen?—Yes.

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.

I do not say that, but if it had been closed there would have been nothing to make you uneasy?—You could see.

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.

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.

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.

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.

So there was nothing to make you uneasy so far as seeing there was no light in the kitchen was concerned?—Not up to that moment.

Not until you got in?—Yes, there was.

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.

If the door was shut, there would not have been?—I had no reason to know it was closed, and finding no light naturally made me uneasy.

Surely if she was in the kitchen, sitting making herself comfortable for the evening, would you not expect the door to be shut?—No, not necessarily.

But she had a cold?—Not necessarily.

A woman with a cold being left in the kitchen, would you expect her to have the door closed?—Yes.

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.

When were you looking through the window in the back garden?—After my first attempt to open the back-kitchen door.

Before the Johnstons had seen you?—Yes, before I went round to the front door the second time.

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.

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.

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.

You made your usual knock on the door?—Yes.

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.

You were uneasy at the tramway junction?—Yes.

And you continued uneasy on the way home?—Yes, but I was not unduly alarmed.

Do you swear that you were talking to nobody outside?—I do.

You know who Miss Lily Hall is, do you not?—Until she appeared in the witness-box I never saw her to my knowledge.

You had heard of her, had you not?—No.

Through your wife?—No.

Someone called Hall you had heard your wife talk of in connection with the church?—Yes, but I do not know this one.

She says she has known you for many years by sight?—Possibly ; I do not know.

I am putting to you that you had no reason to be suspicious when you returned home, because you knew?—Knew what?

What exactly had happened in the house?—How could I know?

Both doors were locked?—Yes.

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.

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.

Did she do that?—No.

Did you tell him that?—I do not think so.

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.

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.”

Did you hear her bolt it?—No, I did not.

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.

Had you been to the front first?—Yes.

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.

Suppose it was bolted, could you make your key turn?—Ordinarily, yes.

Did you know that your lock was out of order and wanted coaxing?—We had 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.

But occasionally, when you turned too far, the catch slipped back?—No, I never had that experience with it.

On this occasion at the front door, you could not turn the key at all?—At first, no.

At the back door, what was your position?—I tried it. I got hold of the knob and it would not open ; the bolt would not slip back.

Is it your 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.

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.

You know you did tell Police Constable Williams that you tried the front door and found it bolted? You remember that?—Yes.

That is what you are saying now?—Yes.

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.

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.

Did Mr. Moore then try the key in the lock?—Yes, I think so.

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.

In your presence?—Yes, that was my own experience.

That had been your experience?—On the second occasion on which I went to the door.

And on previous occasions?—No; as I said before, never.

But that had happened to you on the second occasion when you went to the door—Yes, on that night.

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: “It 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.

Did you say a word to him about it having been locked, bolted? He has sworn you did not.—Did I say what?

A word to him about that front door having been bolted?—I cannot say whether I did or not.

Did you say a word to him about your experience with the lock the second time you went there being the same as his?—I cannot recall it.

All you did say to him was, “It was not like that this morning”?—Yes, I think I did.

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.

Now see what you said when it came to your statement on the 20th, 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.

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.

And did you tell him that that door was bolted?—I cannot remember.

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.

Had you ever knocked at the front?—That night?

Yes?—Yes.

Loudly?—Very gently.

Was it your ordinary knock at the door?—Yes.

And it had attracted no attention?—No, I got no reply.

Did you knock loudly, or call?—No, I did not call.

Your wife's bedroom would look down on the yard?—Yes.

There was a small light in it?—There was.

Did you think of calling to her?—I did not.

You did not call in the front?—I did not.

You knocked gently?—I did.

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.

Not at all. Then we know when the Johnstons came, the first question you asked them was, “Have you heard anything unusual to-night?”—Yes, that is quite correct.

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 at 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.

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.

So this is the position: You are outside there, your wife may have gone to the post, and you asked the neighbours, “Have you hear anything unusual?”—Yes.

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.

“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.

Do you still think that when you were there you thought there was someone in the house?—No, I do not.

You have given that theory up?—Yes.

Did you ever believe it?—I might have done at the moment.

Now I pass to another point, the bar of iron. You have heard Mrs. Draper say that for nine months she has been there every week, and that bar has been by the gas-stove either standing up or lying down?—I heard her say so.

Are you a smoker? You are; you smoke cigarettes?—Yes.

It was kept to clear out cigarette-ends and other things from underneath the gas-stove?—I heard her say that.

You also heard Professor MacFall say that this would be exactly the sort of thing that could be used?—I heard him say that.

You used that room whenever you used a room for music?—Yes.

And in the winter you would have the fire lighted?—Yes, frequently.

Have you seen one like that before?—No, not one like it.

You have never seen a bar of iron such as Mrs. Draper referred to?—I have not.

You realise how very easy it would be to get rid of it, do you not?—I do, yes.

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.

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.

You realised . . .—I realised that my wife had been struck by some weapon; that is all I can say.

And your suggestion is that obviously she had been

struck by a man who had arranged for your absence?—
Quite.

And yet you glance round the room, and you say, “Whatever have they used?”—Quite naturally.

You think that is quite a natural remark to make?—I do.

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 noted the mackintosh?—Either the second or my third visit to the room. I think the second.

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.

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.

When did you become satisfied of that?—I cannot really tell you precisely at what moment I did.

Just listen to what you said. “On the evening of the 20th, 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.

That was your recollection on that night?—That looks more likely to be correct than my statement now.

On that night, your recollection was that you had noticed it when you discovered her on the floor?—After I had lit the gas?

Yes?—That is so.

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.

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.

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.

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.

EVIDENCE FOR THE DEFENCE

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.

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.

But you noticed it at once, according to your statement that night?—Yes, I accept that.

You say that, going into that room, you lighted the gas on the right because you always light that one?—Yes.

By the time you went across to light it, you had actually seen your wife lying on the floor?—Yes, I had.

When you stood at the door, it is correct, is it not, that, with the kitchen door open and the light on, you cannot only see into the room, but can actually see the subject-matter of the pictures in the room?—I rather question that.

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 no 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.

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.

Had your wife ever had fits?—No, she had never

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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 known 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.

When you saw her, was not your first impulse to dash forward ?—My first impulse was to see what had happened.

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.

Did you ?—Of course I did ; but I did not shout out or cry out.

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.

And then you came back ?—Yes, came back.

You know that in this house, you have heard it stated, there was no evidence whatever of breaking in ?—Yes, that is so.

And no evidence that anything was taken except the £4 that you say were in the cash-box ?—That is so.

No evidence that the drawers upstairs had been rifled ?—No, no evidence ; as far as I could see, I do not think anything was.

The notes upstairs in the vase had not been touched ?—No.

The dollar note in the cash-box had not been touched. Did you see the condition of the front bedroom ?—I did.

Did that strike you as having been genuinely tumbled by a thief or arranged by an assassin ?—It did not strike me either way.

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.

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.

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.”

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.

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.

Of course you know that the thief had left the money in your wife’s bag untouched?—Yes, I know that.

He had not been very thorough?—No, I should not think so.

Your idea is that he came for your weekly debit?—Yes.

Do you imagine he was looking in the bed upstairs for that?—No, I do not.

When you went upstairs, you found the light turned down in your bedroom?—Yes.

Not turned up by any thief ; nothing, apparently, had been done in there at all?—No, nothing.

You had no recollection of having left it on when you went out?—Yes, I do. I remember quite distinctly.

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.

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.

Did you ever tell him you were in the habit of leaving it on?—I do not know.

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.

Mr. Wallace, you were a man who had lived, for fifteen years was it, happily with your wife?—Yes ; sixteen years.

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 had no fear at all of what the police could find out.

You had none?—No.

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.

Did you, as well as knowing Menlove Avenue, know of the address “ Menlove Gardens ” ?—I had never heard of it before.

You had not?—No.

EVIDENCE FOR THE DEFENCE

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 that the back door was only stiff?—Yes, that is so.

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.

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.

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.

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 house.

You could not open that door?—Which door?

That front door?—No, I could not get it open.

But you saw the Superintendent open it at the very first time?—Yes, that is true.

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.

But the key?—I said the key slipped back.

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—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.

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.

Can you recollect anything you have purposely told the officers that was not true?—I cannot.

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.

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.

There is a music-stand there?—Yes.

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?

To play naked in a mackintosh?—I have never played naked in my life.

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.

There are four of them?—Yes.

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.

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.

Here is your diary : “ Saturday, January 17th. 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.

Then, next day, these are your very last entries—and I am reading it for that purpose—before the 20th : “ Mustard worked wonderfully,” [etc., reading to the word “ chill ”]. Then you talk about the people you had to see, and a lot of scientific points. You were interested in scientific matters, were you not ?—Yes.

Then, finally, on the Sunday : “ Have not touched the fiddle all day. It is unusual to let Sunday go by without some practice ” ?—Yes.

It is suggested that you never told the police about having visited Mr. Crewe’s house on the evening of the 20th 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.

That is your own case ?—Yes.

PROFESSOR JAMES EDWARD DIBLE, examined by MR. ROLAND OLIVER—I think you are a Fellow of the Royal College of Surgeons, and a Professor of Pathology at the Liverpool University ?—That is so.

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.

Does it vary with intervals ?—Yes, considerably.

Taking it generally, a frail, ill-developed, such a woman as this, fifty-three years of age, would that tend to accelerate or retard it?—It would tend to accelerate it.

You heard Professor MacFall say, that when he first examined the body in the neighbourhood of ten 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 three hours or four hours previously.

That would mean it might be after seven, or it might be before six?—Yes.

MR. JUSTICE WRIGHT—I suppose it is very difficult to say exactly?—Yes, my Lord. It is an enormously difficult subject, full of pitfalls.

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.

And put them all together?—Yes.

What is the usual method adopted in such cases?—The rectal temperature of the body at the time it is found.

That was not taken?—I gather not.

If you had been setting out to estimate the time of death, would you have taken that temperature?—Certainly.

In your view, should it have been done?—Certainly.

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.

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.

Your evidence comes to this, that, judging as well as you can from the material before you, death might well have taken place after seven o'clock?—Yes.

Or very well before?—Yes.

But you cannot say with any degree of certainty when it took place, on these materials?—No.

Now, let me come to something else. You have heard a description of the blows that were struck upon this unfortunate woman's head?—Yes.

The first one when she was probably half-way up, the others when she lay on the ground?—Yes.

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.

Would fresh blood squirting impinge upon such a thing as a mackintosh and make a similar mark?—Yes, it would.

Have you looked at this mackintosh?—Yes.

Did you find such a mark?—I was shown one.

Do you think it is one?—It might be interpreted as one.

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 fifteen 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.

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.

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.

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, three hours?—The exudation of serum should be proportionate to the amount of blood present.

We are told what it was altogether ; we are told altogether probably a pint and a half?—I should expect a considerable amount of exudation of serum.

Cross-examined by MR. HEMMERDE—I understand that so far as the *rigor mortis* is concerned, you take three to four hours as being the limit?—I said, in regard to the condition in this case as detailed by Professor MacFall.

That is what I meant, three to four hours?—Something under three to over four hours.

As regards clotting, have you tried any experiments with fresh blood, blood under two minutes old and over two minutes, as Mr. Roberts said he had done?—Yes.

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.

Your experience was different to that?—Quite.

DR. ROBERT COOPE, examined by MR. ROLAND OLIVER—Are you Honorary Assistant Physician to the Liverpool Royal Infirmary ; and Lecturer in Clinical Chemistry, and Acting Demonstrator in Medical Pathology, at the University of Liverpool?—Yes.

Have you made a very large series of tests with regard

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to the clotting of human blood?—One hundred and fifteen experiments in all.

The proposition is with regard to that clot on the edge of the water-closet pan?—Yes.

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.

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 that hand?—Yes, an hour.

And you think very likely longer?—Yes, I do.

Cross-examined by MR. HEMMERDE—You have not seen this clot?—I have not.

You made these experiments recently?—I have.

For the purpose of giving evidence here?—Yes.

You heard what Mr. Roberts said this morning about his experiments?—I did.

They must have been very surprising to you?—Yes, they were.

You can suggest nothing that will reconcile your views?—Nothing.

Your experiments have yielded entirely different results?—Quite.

Can you help us upon this question, does female blood coagulate quicker than male blood?—Very slightly, yes, but it varies. The text-books give you definite figures, but it varies from patient to patient.

ALLISON WILDMAN, examined by MR. ROLAND OLIVER—
I am sixteen years old, and in my spare time I deliver

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newspapers. I remember the evening of the day on which Mrs. Wallace was murdered. I began delivering newspapers on that evening at twenty past six.

You go along Wolverton Street, where you deliver papers to Nos. 28, 27, 22, 20, and 18?—Yes.

No. 27 is next door to No. 29, Mr. Wallace's house?—Yes.

The doors almost touch?—That is right.

When you delivered your paper at No. 27 that evening, what was happening, if anything, at No. 29?—I saw a milk-boy standing on the top step of No. 29.

Did you notice anything he was wearing?—He was wearing a collegiate cap.

Have you seen the boy Close since?—Yes.

Was that the boy?—Yes, that was the boy.

Tell us, will you, what time that was?—I passed Holy Trinity Church clock at twenty-five to seven, and it takes me two minutes to walk to Wolverton Street, so it would be twenty-three minutes to seven when I got there.

When you went away, where was the boy?—Still standing on the step.

Cross-examined by MR. HEMMERDE—All that you remember was, that at the time you said to your mother, "I saw another boy there about 6.35 last night"; that was just after you heard of the murder?—Yes.

And I suppose "about 6.35" is the very nearest that you can get?—No, I can distinctly remember twenty-five to seven by the church clock.

I suppose you look at the church clock every time you pass?—Yes.

DOUGLAS METCALFE, examined by MR. ROLAND OLIVER—You work for Mr. Yates, 51 Breck Road, as a paper-boy?—Yes.

Do you remember the night of Mrs. Wallace's death?—
Yes.

Were you anywhere near Wolverton Street that evening?—Yes.

What time?—About twenty or a quarter to seven.

Why do you say that? How do you know the 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.

That is Campbell's Dancing Hall?—Yes; and I went back to some boys and stood talking about five minutes.

Who did you see?—I saw Wildman going down an entry leading off Wolverton Street.

You saw Wildman leaving Wolverton Street?—Yes.

Were you in this group on the evening of the 21st, the day after the murder, with Elsie Wright and the others?—
Yes.

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.

Have you any doubt about that?—No, sir.

Cross-examined by MR. HEMMERDE—You knew the importance of it?—Yes.

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."

You heard he had gone out at 6.15?—It said that in the paper.

Yes ; and the only interest you had was, Close had seen him afterwards ?—Yes.

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, a quarter to seven.

KENNETH CAMPBELL CAIRD, examined by MR. ROLAND OLIVER—You live at 3 Letchworth Street ; and you are fourteen years of age ?—Yes.

Did you, on the evening of the 21st January last, hear Alan Close say what time he last saw Mrs. Wallace alive ?—Yes ; he said a quarter to seven.

Cross-examined by MR. HEMMERDE—Was what he said, “ a quarter to seven,” or, “ 6.45 ” ?—A quarter to seven.

Had you been discussing at the time what had appeared 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.

What had you been told ?—They told me Alan Close had seen Mrs. Wallace the night before at a quarter to seven.

Before Alan Close came up ?—Yes ; and when Close came up he told us himself.

Someone had told you before that he was going to say that ?—Yes ; and when Close came up he said it as well.

Did he ? He said, “ A quarter to seven ” ?—Yes.

At that time, did you know that Mr. Wallace had left at 6.15 ?—No.

You did not know that at all ?—No.

Then you had not the least interest in the time ?—No. Not the slightest ?—No.

Or any reason for remembering it ?—I went home and told my mother about it.

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."

DAVID JONES testified that he had delivered the *Liverpool Echo* every evening for four or five years at 29 Wolverton Street. He stated that on the evening of the murder he delivered the paper at twenty-five minutes to seven, and that he saw nobody at the house.

LOUISA HARRISON, examined by MR. ALLEN—What is your full name?—Louisa Harrison.

You live at 11 Pennsylvania Road, Liverpool?—Yes.

Have you known the accused, Mr. Wallace, for about three years as an agent?—Yes.

Did he call on you on Tuesday, the day of the murder?—Yes.

At about what time?—About half past three.

Did you notice anything unusual about him in any way?—Nothing at all.

Did he appear to have been crying and dabbing his eyes with the end of his sleeve?—He was joking with me.

AMY LAWRENCE, examined by MR. ALLEN—Your full name is Amy Lawrence?—Yes.

You live at 16 Londonderry Road, Liverpool?—Yes.

Have you known Mr. Wallace for some time as a collector?—For twelve months.

Did he call on you on the day of the murder?—Yes.

What happened on that afternoon; did you invite him in?—Yes.

What happened when he got inside?—My husband asked him to have a cup of tea, and he had one.

What was he like?—He was the same as usual.

MARGARET MARTIN, examined by MR. ALLEN—You live at 19 Eastman Road, Liverpool?—Yes.

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Have you known Mr. Wallace for two years, as an insurance agent?—Yes.

Did he call on you on Tuesday, the day of this murder, the 20th January?—Yes.

At about what time?—I cannot give the correct time.

About, approximately?—About half past five; it might be anything up to ten minutes.

Up to ten to six?—No, not up to ten to six; between half past five and ten to.

Did he leave a form for you to sign?—Yes.

Did he explain the business?—Yes.

Was it with regard to the surrender of a policy?—Yes.

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.

[The Court adjourned.]

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 known 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 a 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 that 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

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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 as early as half past six, by means of a marvellous experiment in which the boy covered the distance I described 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 them 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 has 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 that night, in that 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 that of Close, and why did not the police call him? Here is a man on trial for his life. Why have not the police called all the witnesses who can assist you? That is one of them. Now, here is another.

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David Jones delivered the *Liverpool Echo* that night at that house, and he delivered it not by ringing the bell and seeing Mrs. Wallace, but by putting it in the letter-box and leaving it. The police take a statement from him within two days, and he told them that he delivered that paper at half past six that evening. That paper, opened, and apparently read, was upon the kitchen table, and I think it actually appears in 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 letter-box 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 has happened to the music ? What happened to the naked man and 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 word 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

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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 splashes like this picture on the wall, and probably many more, because the assailant would be so close. But it has not got them. Therefore, that mackintosh was not upon the assailant, and, 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 that women'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 upon that w.c. pan. I am only again addressing you about these things because I have called evidence about them. How does the evidence stand about the clot on the pan? The case for the Prosecution is that that clot fell within a minute or 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, 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 of 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. If it took anything like an hour, it did not come off Wallace. That is how that 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 no 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 him, 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 has 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 thoughts, 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 that man of murder ? That is what it comes 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 19th, “that would have been a splendid opportunity, would it not, to have gone and robbed your house when you were known 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 could 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 pay day 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

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you to weigh 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 ? Do 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 thing : “ 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 to-day, 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 the 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 not you 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 his 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 the 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 no right address. He might give the name of a person who lives

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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 of 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 on 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 suspected 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 no money in this house, in fact there was a very little, but that was a mere accident ? I see him making a note. Let him note 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 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 gives 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

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the 19th? The police must have told him that; everybody who used that café would know if they wanted to. How is he going to explain his telling you that Close knew 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 that 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 that 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 in 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 if 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

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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 to-day 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 sounds impossible.

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MR. HEMMERDE—May it please your 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

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out their case. I do not think any of 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 as 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's 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 miles 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 Café. My learned friend said: "How did the Recorder get the fact 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 Café, 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 has 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 Café. Nobody but Wallace knew that Wallace was going to be at the café ; 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

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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 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 home 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 of all see definitely that that 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

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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 no 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 no such 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 has 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, 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, further 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 what 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 no 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 no 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

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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 whatever 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 would 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 to 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 there 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

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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 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 that 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 no 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 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

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into the near 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 no 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 money-box 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 the 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 that 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 that 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 no more than that. He certainly never saw 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 has 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 Mrs. 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 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

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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 practised 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 a 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 usage, 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 that coat ? Supposing the prisoner had been wearing that 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 say 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

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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 7th, 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 this murder with that weapon, ideally fitted for committing 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 19th 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 that 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, 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 gives 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 the 22nd, 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

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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 round 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 22nd, 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.

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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

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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 the 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 as 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 preconceived 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 populous 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 finger-prints, 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 finger-print, 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 eye-witness, 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 eye-witnesses. 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

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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, and 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 even put it 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—well, I cannot say mere suspicion—but 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 that 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 his 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

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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 is the main line of evidence about those facts, starting, first of all, with the day before, the 19th 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 some 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 four hundred 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 Café ; 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 up, 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 café ; how would they know that he had been to the café ; why did they not ring up again ? and all those sorts of things. Of course, if there were 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,

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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 café waitress and the telephone operator said the voice to them sounded like an ordinary voice. Mr. Beattie, who 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 to resemble the prisoner's voice—I forget his exact language, but he said it did not, and by no stretch of imagination could he associate the voice he heard with the prisoner. Of course, in such a case, if it was the prisoner he might use a disguised 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 was 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 struck. One was, that she was seated 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 some music, why should he be wearing his

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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 taken off, and must, after the woman had fallen down, 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 as 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 no 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 that of Mr. Roberts. If you take that view, then it can only be

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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 got out of the house if he was not the prisoner ; and 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 at Lodge Lane. How long did it take him to get there? Various experiments have been made, and they vary from sixteen, seventeen, eighteen, nineteen minutes, to one of twenty 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 fifteen minutes, and one of eighteen minutes, by Fothergill, then another constable took eighteen minutes, and then there is one of seventeen minutes and one of twenty 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 twenty minutes, would make it practically a quarter to seven if you allow eighteen 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

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that it is only by a method of calculation that he knows 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 five hundred 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 newspaper man Jones, who says that he left the newspaper at the house by dropping it into the letter-box 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's 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 sood, 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 six minutes past seven, apparently completely dressed and apparently without any signs of discomposure, on a tram-car 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

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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 observations 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 death must have taken place something 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. Coope'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 a poker, which it may be would have fulfilled the purpose with equal adequacy. However, there are these two things missing from the house. But Mrs. Draper was only there last on the 7th 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 those 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 got rid of it within the limits of time which were 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, has 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 tram-car 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 these 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 at once to the various police officers of what he did do ; 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 no use applying tests to evidence if none of them excludes really the possibility of the innocence of the prisoner. If every 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 that 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 it 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

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you can form any firm basis of decision on those 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 act with that deliberation with which criminals are expected to act 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 bolted. 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's 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

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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 a matter of fact, of 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 TRIAL OF WILLIAM HERBERT WALLACE

THE VERDICT

The jury, after an hour's retirement, returned into Court.

THE CLERK OF ASSIZE—Gentlemen of the jury, are you agreed upon your verdict ?

THE FOREMAN OF THE JURY—We are.

THE CLERK OF ASSIZE—Do you find the prisoner guilty, or not guilty of murder ?

THE FOREMAN OF THE JURY—Guilty.

THE CLERK OF ASSIZE—You say he is guilty, and that is the verdict of you all ?

THE FOREMAN OF THE JURY—It is.

THE CLERK OF ASSIZE—Prisoner at the Bar, you have been arraigned upon a charge of murder, and have placed yourself upon your country. That country has now found you guilty. Have you anything to say why judgment of death should not be pronounced upon you, and why you should not die according to law ?

THE PRISONER—I am not guilty. I don't want to say anything else.

SENTENCE

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. It is that you be taken from hence to a place of lawful execution, and 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 last have been confined. And may the Lord have mercy on your soul.

THE APPEAL

THE COURT OF CRIMINAL APPEAL

THE APPEAL of William Herbert Wallace against his conviction and sentence was heard on the 18th and 19th of May, 1931, before the Lord Chief Justice (Lord Hewart), Mr. Justice Branson, and Mr. Justice Hawke.

The LORD CHIEF JUSTICE delivered the judgment of the Court as follows :

The appellant William Herbert Wallace was charged at the Assizes in Liverpool with the murder of his wife on January 20th. In the result he was convicted, and on April 25th last he was sentenced to death. He now appeals against that conviction. Three facts are obvious. The first is that at the conclusion of the case for the Crown no submission was made on behalf of the appellant that there was no case to go to the jury. The second fact which seems to be obvious is, that the evidence was summed up by the learned judge with complete fairness and accuracy, and it would not have been at all surprising if the result had been an acquittal of the prisoner. The third obvious fact is that the case is eminently one of difficulty and doubt.

Now, the whole of the material evidence has been closely and critically examined before us, and it does not appear to me to be necessary to discuss it again. Suffice it to say, that we are not concerned here with suspicion, however grave, or with theories, however ingenious. Section 4 of the Criminal Appeal Act of 1907 provides that the Court of Criminal Appeal shall allow the appeal if they think that the verdict of the jury should be set aside on the ground that it cannot be supported having regard to the evidence.

THE TRIAL OF WILLIAM HERBERT WALLACE

The conclusion at which we have arrived is, that the case against the appellant, which we have carefully and anxiously considered and discussed, was not proved with that certainty which is necessary in order to justify a verdict of guilty, and, therefore, it is our duty to take the course indicated by the section of the Statute to which I have referred. The result is that this appeal will be allowed and the conviction quashed.

EXTRACTS FROM THE DIARY AND
OTHER WRITINGS OF
WILLIAM HERBERT WALLACE

EXTRACTS FROM THE DIARY AND OTHER WRITINGS OF WILLIAM HERBERT WALLACE

SINCE the Court of Criminal Appeal was established, the case of Wallace is the only one in which the Court has quashed a conviction on the ground that the verdict at the trial could not be supported by the evidence. Wallace was found guilty by a jury of his own country, and sentenced to death. After the trial, and until the moment when he heard that his appeal had been allowed, he suffered all the experiences of a condemned murderer. In the ordinary course of the procedure in such cases he was informed by the Governor of the prison of the date that had been officially fixed for his execution. A period of over three weeks elapsed between the day when he was sentenced to death and the day of his appeal. His references to the trial, the appeal, and his life in prison are contained in his diary, and in the story of his life which he wrote some months after he recovered his freedom.

Wallace was neither an artist nor a man of letters. He possessed, however, a power of lucid and accurate, and, even, at times, picturesque expression much above that of the average man. His scientific training, influencing a mind naturally introspective and observant, enabled him to note with precision and discrimination the most interesting and significant features of his daily life, and perilous position.

The following passages from his diary and other writings have been selected either for their personal

interest, or for their relevance to his unique experience. It must be said that they are not complete in themselves, but have been taken from the context, which in most cases refers to other subjects of general interest.

A. The following passages are from Wallace's "Life Story"

I was born in the year 1878. We lived in the Lakeland district, and my early days were spent in that glorious country of mountain, lake, and fell. What dreamed I—a happy innocent child—of all the horrors which were to meet me forty years further down the road of life?

At fourteen years of age I was apprenticed, for five years, to the drapery trade. After several assistantships in various towns, the *Wanderlust* which had obsessed me in earlier years grew to fever heat, and at the age of twenty-three I sailed for India, to take a position as salesman in Calcutta. . . .

Sentenced to death for a third time by a council of doctors, I had to leave India, and seek the milder climate of China. In Shanghai I worked as an advertising manager for a general store. My illness, however, reached its climax, and I made up my mind to leave China and return at once to England. If I had to die, I preferred the land of my birth as my final resting-place. I arrived home seriously ill, and entered Guy's Hospital. My weakness prevented me from doing any work at all for eighteen months, but my financial position becoming somewhat precarious, I took a situation in Manchester. During this time I had begun to take a keen interest in politics, addressing meetings in all parts of the North Lonsdale constituency. To my delight, I was eventually appointed Liberal Agent for the Ripon Division, West Riding of Yorkshire. Here began the happiest years of my life, for

in Harrogate I met at this time my future wife. She was a lady of good birth and social position, whose tastes were very similar to my own. Dark haired, dark eyed, full of energy and vivaciousness, she filled in every corner of the picture I had dreamed of "that one woman in all the world" most men enshrine in their hearts. She was an excellent pianist, no mean artist in water-colour, a fluent French Scholar, and of a cultured literary taste. The courtship lasted two years and was idyllic. From the first moment we met, we found in each other that friendship, companionship, and love we needed.

Those were days when all the world and the future seemed rose-coloured, sun-lit, and steeped in everlasting happiness. Nothing could ever change ! But through this Eldorado of a lover's dreams the wheel of fate was turning, turning. . . .

A blissful year of marriage preceded the outbreak of the Great War. We set up house in a quiet neighbourhood of Harrogate, little dreaming of the maelstrom that was destined to up-root us within a very few months. The war crashing into our quiet lives brought politics to the ground, and I was once again thrown on my beam ends. I was fortunate in securing employment as a district agent with the Prudential Assurance Company, and my wife and I moved to Liverpool, taking up our residence at 29 Wolverton Street.

Here we lived in perfect happiness and harmony for sixteen years. Our days and months and years were filled with complete enjoyment, placid, perhaps, but with all the happiness of quietude and mutual interest and affection. Neither of us cared very much for entertaining other people or for being entertained ; we were sufficient in ourselves. My wife had an artist's natural love of colour ; landscape, seascape, and flowers appealed to her. And I looked at all things with the eyes of a naturalist.

As a young man I had played chess. In Liverpool I continued this pastime, and the only times I left my wife alone in our little home was to visit the Chess Club at the City Café, to deliver my lectures at the Technical College, or to attend to my insurance business. On all other occasions my wife was my inseparable companion.

All these happy, industrious years the wheel of fate was turning towards the crowning tragedy of my ill-starred life. . . .

B. The following passages are from Wallace's Diary

February 13th, 1929. On the way home with — had a discussion on religion. I find he is like myself indifferent to the dogmas and ritual of the Churches and Chapels, and agrees that if there is a hereafter the man without any so-called religious beliefs, and a non-church attender, but who lives a decent life, and who abstains from telling lies, or cheating, or acts of meanness, and who honestly tries to do good, has as much chance of getting there as the professed Christian who attends his place of worship regularly.

March 20th, 1929. Listened in to *The Master Builder* by Ibsen. This is a fine thing and shows clearly how a man may build up a fine career, and as the world has it, be a great success, and yet in his own mind feels that he has been an utter failure, and how ghastly a mistake he has made to sacrifice love, and the deeper comforts of life in order to achieve success. Curious that Julia did not appreciate this play ! I feel sure she did not grasp the inner significance and real meaning of the play.

September 9th, 1929. . . . At four o'clock Julia and I left for home, but getting lost we had to return to Settle, so that it was five o'clock before we really got away. The roads were crowded with cars, and at Clitheroe all cars were

being held up for inspection of licenses. Probably the police were trying to comb out in order to get some line on the motorist who ran down a police constable on the previous Thursday, leaving him to die in the road. If they get him, I hope he gets ten years hard labour for his callousness.

October 26th, 1930. No one has ever had any knowledge of a previous existence. If I previously existed as a thinking organism I probably argued much as I do now, and now that I am here, I recognise clearly that immortality means absolutely nothing to me. Any individuality I possessed formerly has gone. So, too, when I pass out of this existence, individual immortality is meaningless, unless I am able to retain something of my present, and the fact that my previous existence is now meaningless argues that the next existence has also no meaning for me. So why worry about a life hereafter which for me has no meaning.

November 6th, 1930.—The tournaments (chess) are now up, and I see I am in class three. This about represents my strength of play. I suppose I could play better, but I feel it is too much like hard work to go in for chess wholeheartedly, hence my lack of practice keeps me in a state of mediocrity. Good enough for a nice game, but no good for really first class-play.

C. The following extracts, for the purpose of making the story as consecutive as possible, are taken from the diary and Wallace's own story of his life. Passages referring to his arrest and the details of the crime are omitted as they are included in the account of the trial

At long last the date of the opening of the Assizes arrived. It is difficult for me to describe the feelings of an innocent man about to be put on trial for his life. There

can be no position in human experience so terrible. Not to be able to convince one's fellows of the truth is a desperate sensation. What does it count if one has been a truthful man all one's life? No torture of the Inquisition could have rivalled this appalling sensation of being caught like a rat in a trap.

The actual day arrived and I was taken to the Court for the trial. I hadn't the slightest idea how an assize trial was conducted, and in spite of the ordeal before me I was interested to see what it was like. Two warders stood with me at the foot of some steps leading to the dock, and from this position I could hear the jury being sworn in. I could see nothing except the ceiling of the Court, but part of the oath administered to each jurymen came to my ears and fixed itself in my memory. "And true deliverance make before our Sovereign Lord the King." The words "true deliverance" rang in my ears with a soothing sound. That was what I wanted. The truth—a true deliverance out of that hell. . . . And then came the words of the Clerk of the Court—"Put up Wallace."

I was asked if I pleaded guilty or not guilty. "Not guilty," I said. I meant to make my reply as emphatic as possible. If it were only possible to make the truth sound true! People talk glibly about "words ringing true." But do they? I had determined that nothing should cause me to show emotion; that the vile and unjust charge should be met with all the dignity I could command.

The jury retired, and I was taken down the steps to the corridor below the Court. Then began a distressing period of nerve strain. As the minutes dragged by, and I was not called up, I began to wonder what the jury were discussing. The fact that they were remaining out of Court for so prolonged a period was surely against my interests and

boded ill for me. My anticipations proved to be all too correct. Forty minutes crept slowly on leaden feet and then the summons came. Once more I stood within that railed dock.

How can I describe my feelings then? One idea was dominant in my mind—to retain my dignity whatever the verdict might be. I could feel emotion no more. Never again should I be able to trust my fellow men. This was a world of evil into which by some strange chance I had wandered. I was a stranger—I did not belong.

The Court was tense and deathly silent as the Clerk of Assize turned to the jury, and asked them if they were agreed upon their verdict. A terrible pause—a blank—nothingness—in which all the world stood still.

“ Guilty ! ”

If I had any feelings, they were those which one might imagine a fly would have, caught in a web and unable to break loose. To this moment I do not know what I said. I was looking into a blank space. The judge made not the slightest comment, but in a slow and rather low voice pronounced sentence of death. “ And may the Lord have mercy upon your soul.” The chaplain’s “ Amen ” came to me in the faintest whisper. I had been sentenced to death.

I was hustled down the steps and into a cell below where my dinner was brought to me. I could not even look at it. My whole being was sick with despair. The shadow of the gallows was black and very close. In about an hour’s time I was rushed back to Walton jail, and this time was taken direct to the cell reserved for prisoners condemned to death. I was surrounded by officials and compelled to change into the grey convict uniform prescribed by law. This brought home to me with savage grimness the hopelessness of my position, and for the first time I broke down completely and wept. I found I was to be under the

THE TRIAL OF WILLIAM HERBERT WALLACE

constant eyes of two officers day and night, who would live with me in the cell . . . until a certain morning at eight o'clock. During the long night I tossed and turned on my bed, but could not sleep. There were the two grim sentinels of death—sitting in easy chairs reading. The light came from outside the cell through thick glass let into slots in the walls. I could not sleep.

From Saturday when I was sentenced to death until mid-day on Monday I lived in a state of extreme nervous tension. The most appalling shock of all came when the governor visited me and announced that the date for my execution had been fixed. From that moment I was dazed. It struck me that although one has heard so much of "the law's delay," in my case the law had lost no time. It seemed as if it was eager and panting for my blood.

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After dinner, half an hour's walk in some quiet portion of the grounds. On this walk there was a long narrow garden built up against the wall, and here were planted lupins, irises, delphiniums, and other flowers. The irises during my last walk there were just about to burst into flower, and I used to wonder if I should see them in full bloom, and if they would be the last flowers I should ever see on this earth.

A fortnight elapsed, and then I received a notification that the date of hearing of my appeal had been fixed for May 18th, and that I was to be taken to Pentonville jail.

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May 16th, 1931. Left Walton for Pentonville guarded by officers. Had to submit to handcuffs which were not taken off until I was safely in Pentonville. A taxi took me right up the Lime Street platform, and I had only a few yards to cross to the reserved carriage with drawn blinds. Even so, it had obviously leaked out, as there were a

number of railway officials and some of the public present. Strange how this morbid curiosity draws people, who, if they would only reflect, must know it is a torture to the person under observation. Going down in the train I was very greatly impressed by the green and wonderful beauty of the country. I had seen little but high walls and iron barred windows for about sixteen weeks, and it was something to cheer me, and take my mind off the grim horrors of the position. The officers did their best to make me comfortable.

Entering Pentonville was a melancholy ordeal. The prison is grim and forbidding, and I felt despondent and depressed beyond measure. Here again was that never ending jingling of keys—symbols of despair had they become. I was searched, and then re-clothed and marched off to the condemned cell. I was a prey to the deepest dejection. I had little hope that my appeal would succeed. I knew if my appeal was dismissed my chance of a reprieve was slight.

May 18th, 1931. Day of my appeal. Off to Court at 10.30. Handcuffed but in my own clothes. At 11 a.m. I was called to appear, and once again I faced the Court. This time my position was undeniably grave. After five hours the Court adjourned and I was taken back to Pentonville.

May 19th, 1931. After the close of counsel's speeches the Lord Chief Justice said their Lordships would retire for a short while to consider their decision. I was taken out of Court into the corridor behind, and there for about an hour I paced to and fro, alternately hopeful and depressed. It was a terrible strain. Freedom or death awaited me, and I had become insensible to all other considerations. Minute after minute passed by and I now began to think that the long wait was in my favour, in contrast to the long wait at the Assizes when I felt the delay was against me.

At last their lordships returned and I was again taken into the dock. The Court was hushed to an almost uncanny silence. No one moved. Not a paper rustled. The very breathing of all there seemed suspended. After what seemed an eternity of time the Lord Chief Justice began to deliver judgment. I could not follow all he said. My mind lost all receptiveness, and all I remember is that my obsession to betray no emotion was as strong as ever. Tensely I waited, oblivious to all but that slow, dreadfully slow utterance of the Lord Chief Justice. I could not grasp all he said, my brain refused to function. It was as if I was suspended in space and detached from everything. Slowly, slowly went on the voice, miles away as it were, and then I heard the Lord Chief Justice end by saying : " The Court allows the appeal and the conviction of the Court below is quashed."

Was it true or were my ears mocking me ? Immediately there began a buzz, and the beginning of a cheer, instantly suppressed. Then I realised I had won, and that I was free.

June 6th, 1931. My dear Julia is seldom out of my thoughts, and now I am on my own I realise the fight I am going to have in this battle against loneliness and desolation. Julia, Julia, how can I do without you ! The anguish in my soul rises up and distils itself in tears which not all my resolution can hold back. Little did I ever think that grief and sorrow would so utterly unman me, and, yet, I must fight it down. Nothing can bring her back, nothing can undo the past. Even if he who did that foul deed is caught it cannot bring consolation to me. The only consolation I can find is in the thought of our happy life, and the realisation that she at any rate did find a large measure of happiness and content in her life.

June 7th, 1931. After tea had an enjoyable ramble through the park to the woodland. I could not keep my

mind off Julia, thinking how she would have enjoyed it. I am afraid these lovely walks will depress me for some time. My heart is in tears as I go along, and all the real pleasure of the walk vanishes. If I could only believe in existence after death, then I could be more content. If, as the spiritualists assert, this is true, then my dear Julia will know that she is seldom out of my thoughts.

June 15th, 1931. I think I must definitely abandon the idea of returning to a Liverpool agency as the ill-feeling against me is evidently stronger than I expected.

June 16th, 1931. Find all the neighbours up against me. They are the rottenest crowd I ever struck. Mean and paltry brained, I feel it a wicked insult to Julia. How she would have scorned the whole thing !

[*The following entry refers to the house in Cheshire in which, after leaving Liverpool, Wallace lived until his death.*]

June 25th, 1931. My dear Julia would have absolutely revelled in this house and garden, and it hurts me to realise that this is her long wanted house, and now she is not here to enjoy its peace and beauty. A thousand times more than ever do I wish she could share it with me. What joy she would have had in that lovely garden ! What wonderful happiness and content would have been hers ! And now all is gone, and if I take this house as I feel I must, my happiness and peace in it will ever be tinged with sadness and regret at her absence.

June 28th, 1931. Met old ——. The pompous old ass evidently did not want to speak to me, and after passing the time of day drew in to gaze in a shop window. Shallow but common artifice. . . . I suppose this feeling against me will probably persist for some time and I may never really live it down. Well, after all, so long as I know I am innocent why should I worry ?

August 25th, 1931. Quite a fine experience this morning. As I was going to catch my train I passed a man, and to

my great surprise he said—" Good morning Mr. Wallace, and introduced himself as a Mr. ——. He had heard of my coming to live in Bromborough, and, believing me to be an innocent man, desired to be friends. It was a kind action for which I am immensely grateful. To know that I am not an object of scorn and suspicion to everyone is something. And to go about feeling that one is shunned by nearly everyone is a terrible ordeal, and though I try to fight it down and ignore it, the whole business depresses me beyond words. Perhaps, after a while I may get immersed in some new hobbies to take my mind off the terrible tragedy. What I fear is the long nights. But, perhaps, the wireless will help me to overcome the desperate loneliness I feel.

September 8th, 1931. The last few days I have been depressed thinking of my dear Julia. I'm afraid this will be a very lonely winter for me. I seem to miss her more and more, and cannot drive the thought of her cruel end out of my mind.

September 14th, 1931. Just as I was going to dinner — stopped me, and said he wanted to talk to me for a few minutes. It was a desperately awkward position. Eventually I decided not to hear what he had to say. I told him I would talk to him some day and give him something to think about. He must realise that I suspect him of the terrible crime. I fear I let him see clearly what I thought, and it may unfortunately put him on his guard. I wonder if it is any good putting a private detective on to his track in the hope of something coming to light. I am more than half persuaded to try it.

October 6th, 1931. I cannot disguise from myself that I am dreadfully nervous about entering the house after dark. I suppose it is because my nerves are all so shattered after the ordeal, and this, together with the recurring fits of grief and anguish over my dear Julia's end make me

horribly depressed and apprehensive. . . . Left to myself I am for ever trying to visualise what really did happen. Although I am convinced — killed her, yet, it is difficult to get proof. It would be a great relief if he could only be caught, and the foul murder brought home to him.

November 25th, 1931. Julia is never far out of my thoughts. The sadness and sorrow at her absence is still very real with me, but I suppose I am now accepting the inevitable. Nothing can ever bring her back, and however much I want her, or however much I miss her loving smiles and aimless chatter, I realise that life is insistent and demands first attention.

March 20th, 1932. There are now several daffodils in bloom, and lots of tulips coming along. How delighted dear Julia would have been, and I can only too sadly picture how lovingly she would have tended the garden. To-day I have been very much depressed, full of grief and tears. Julia, Julia, my dear, why were you taken from me? Why, why should this have been so? It is a question to which I can get no answer, and I must fight this dread feeling of utter loneliness as best I can. Black despair! When shall I be able to find peace!

The last entry in the diary was made on April 12th, 1932, and refers to the garden. Wallace died on February 26th, 1933.

D. The following is a selection from articles by Wallace which appeared in the Press

I was free—free of God's good air like the rest of men, instead of languishing in a narrow cell waiting for a shameful death.

Yet it was not the actual thought of death that had appalled me.

It was the dread that I, an innocent man, should pass out and only remain in other men's minds as the author

of an atrocious crime. I craved to have my good name given back to me.

Restored now to my fellow-creatures and the workaday world, I thought, in my simplicity, that they would share my joy, would hasten, and never hesitate in the future, to congratulate me.

Alas ! I know now by the bitter experience of the past twelve months that the world is more willing to brand a man as guilty than to acclaim him as innocent.

The greatest judges in the land might set me free. But in the streets, among my friends and acquaintances, there are those who still regard me as a creature to be shunned. The revelation fell like a thunderbolt upon me.

Modern commercial companies and institutions, it is said, are soulless. Well, I have had the chance to test the assertion—after the recent crisis in my life. I have found it is untrue.

For sixteen years until my arrest I had been a member of the staff of the Prudential Assurance Company. An organisation like this is essentially a rigorously controlled machine, but it is directed too sympathetically and humanely for an innocent man to be crushed.

There was no hesitation on the part of its governors regarding the continuation of my engagement with the company when my conviction and sentence were quashed.

The machine gave forth charity and understanding at the moment when among the men and women around me the fount of sympathy had gone dry. The machine became my friend when men and women had become my enemies.

My work has been the salvation of my mind, and the confidence reposed in me by my employers has inspired me with the courage to live and bravely face the future.

At my desk I become oblivious to the slings and arrows of mankind. There I am safe from the malice of evil hearts and the venom of evil tongues.

But the instant I pass from the sanctuary of my office into the teeming streets I hear the whispers: "Look, there's Wallace. You know . . . the man . . ." I can hear them before they are spoken.

With my brain bewildered and in torment I beseeched the people round me to say outright why I was now a figure for scorn and antagonism—I who had been cleared from guilt by the highest judges in the land.

None could answer or explain. I believe they did not know. My hell was to be worse before the truth came to me. And from these early hours of revelation I knew that the justice that had been done me by the Courts would live ever side by side with the injustice of the people in the streets.

Can it be true, I often wonder to myself during my lonely evenings, that the sympathy, charity, and pity which we are taught are natural attributes to women are only a sham, a myth?

My own happy domestic life with my dear wife for eighteen years—did that mislead me as to the true nature of the sex?

And are other men similarly misled?

These are questions that force themselves on me as the result of the bitter lesson I have learned in the past twelve months—the lesson that women can become deadly enemies of a man, even though he has taken no part in their lives.

Compared with their ferocity, the words of the judge at Liverpool who sentenced me to death ring in my ears like compassion itself.

Some of these women were once on the friendliest terms

with my wife and myself. But that has not prevented them from spreading hate and slander against me.

Indeed, the more friendly they used to be, the worse and more wicked has been the manner in which they have sought to pile up evil opinion against me.

The remainder of the time I dwelt in my old home was a period during which my nerves were to be racked as they never had been since the night when I discovered my wife lying lifeless in the sitting-room.

A walk through the streets of the neighbourhood became an Arctic adventure. Everywhere was ice and a devastating cold . . . cold faces belonging to cold hearts.

For twelve months I have been a special target for poisoned pens. These anonymous letter-writers may like to know that now I never read their communications but wrap them in bundles and pass them to my solicitor.

I am firmly convinced that the writers of some of the letters I did read ought to be confined in a mental institution.

Only a few days ago I learned that unknown tongues were spreading a new calumny against me. I am now supposed to have married again in secret, and my second wife is alleged to be hidden in my new and lonely home in rural Cheshire.

No ; there is no woman, mistress, or servant, in this house, and has not been since I came to it for asylum.

Is there a man in the world to-day so near to so many people and yet so far away from them as I am ? I doubt it.

Millions of my fellow-creatures around me, within a few miles of my front-door—and yet I might be a castaway on an iceberg in the Arctic.

I suppose that in the past twelve months, apart from men I have met in the course of my business, I have not

spoken a friendly word to more than four people—or had a friendly word spoken to me.

That is what it means to be wrongfully sentenced to death and then acquitted. At least, so I have found it.

The world of my friends and acquaintances has shut up like an oyster.

If it weren't for my business associates who have stood by me splendidly I should hardly have found need to speak more than a few hundred words in the whole course of the past year.

You may wonder what a man does alone in a house, with such thoughts as mine to haunt him, and no one in the wide world outside to whom to turn.

Well, I have my garden. My wife and I loved flowers. I knew from the discussions we had had exactly the sort of garden she would have delighted in.

So when I came to live here I stocked a tool-shed in readiness to carry out her wishes.

I was eager to begin. But it was not so easy. I would make up my mind to start gardening one week-end. Then something would happen. Some particular former friend would administer to me a severe rebuff ; or I would hear of some new slander against me ; or I would encounter some especially stony glance from an old acquaintance.

And it would have the effect, for the time being, of crushing my enthusiasm to a pulp. I would return home dejected and dispirited, and quite unable to turn my hand to anything.

How my wife would have revelled in the boxes of tricks with which I have equipped the home !

When she was with me her passion for novelty and discovery gave me countless hours of joy in explaining, as far as I could, the great riddles of the universe, and the

why and wherefore of the scientific marvels that govern our everyday life.

For many years I have been an investigator and was for long a teacher of chemistry. As I passed from practical to theoretical science my wife tried hard to keep pace with me in the newer problems of physics.

Always, when I declared that my early theories of relativity and what are now called atomic physics were not popularly accepted, she insisted that eventually I would find them being proved true.

The hours and hours we spent together examining specimens under the microscope. . . .

I get out my chessboard and chessmen. Chess was one of the passions of my life. Liverpool is a great chess-playing centre, and I was well known in the circle.

I have no one to play with me now. But on some evenings I get out my board, put the pieces on the squares, and settle down to working out difficult problems.

A minute or two passes. Then I, who in the past have matched my brains against some of the greatest players in the world, realise that I am not concentrating on the board, though I sit staring at it.

Some shadow seems to rise between me and my beloved game.

I suddenly draw back. I know what it is. Chess is mixed up now with the terrible drama of my life.

Even my proficiency in my hobby was used as a weapon against me.

Chess that had been so long my delight and recreation became in an instant a menace to my life.

Can you wonder then, that when I sit alone in the evenings with the chessboard in front of me, the shadow of the dock, the shadow of the judge in the black cap—yes, even the shadow of the scaffold itself, rises before my eyes?

I push away the chessboard as I have already pushed away the microscope.

Crossing a busy street on the way to the station, I encountered a man with whom I had often transacted insurance business, and with whom and his family I had been for years on terms of real friendship.

I had not seen him since my release. I was ready for his greeting. But he dropped his eyes, and passed by.

Coming, as it did, at the end of such a trying day, that incident set my frayed nerves jangling again.

When I reached home I sank into my chair more dispirited than I had been for a long time. After a while I went to my bookshelves, and took down my volume of the *Meditations* of Marcus Aurelius—a book that in the past had been my comfort on many occasions when I was out of joint with this world.

To me it is the Golden Book among all books. I have been steeped from boyhood in its teachings.

I craved for it in my condemned cell—more than for food. By an unfortunate series of circumstances, it was the only book I wanted that I was unable to obtain during the month while I lay under sentence of death.

I hungered day and night for the consolation I should find in its pages. When sleep would not come, although I was mentally tired out, I used to think how just one page of Marcus Aurelius would soothe my mind and bring me sleep.

On this the first anniversary of my death sentence I again sought comfort in this old friend.

I turned the pages ravenously to find my favourite passages :

“ Not to be perplexed or dejected. . . .

“ Those who offend against one need pity not wrath. . . .

“It should be a man’s task to overcome himself and every day to be stronger than himself. . . .

“At best suffer patiently if thou canst not suffer joyously. . . .

“Whatsoever any man either doth or saith, thou must be good, not for any man’s sake, but for thine nature’s sake. . . .”

With the echoes of this passage still in my ears, I suddenly remembered my fiddle. Perhaps with the help of its strings I should be able to banish the memories that haunted me.

I had tried a number of times to recapture my interest in my violin playing, but always the sight of the violin-case brought back to me the horror of one evening.

It was the only other object I remember seeing when I stumbled into the sitting-room of my house in Anfield to find my wife battered to death.

To-night I wondered if the sympathetic voice of the violin might close the wounds which this anniversary date had reopened.

My attempt to play was useless.

I stood by the piano, above which hangs my wife’s photograph. I closed my eyes, and, as I have so often done, tried to make myself believe she was again occupying the piano-seat, and that I could hear her accompaniment beginning.

I chose a Beethoven sonata. My first chord quivered, broke, and was lost. Violin and bow dropped limp in my hands.

I found myself staring at the photograph over the piano.

My anniversaries ! Choking, scorching, soul-searing dates. . . .

And they are mine alone among the whole of mankind !

It was on April 25th, 1931, that I stood in the dock at

the Liverpool Assizes and saw the black cap upon the head of Mr. Justice Wright.

When I woke on the morning of April 25th this year, almost before my eyes were open, the whole scene in detail flashed before me.

I seemed to see myself standing erect in the dock. I was all ready to step out into the street the instant, as I expected, the verdict "Not Guilty" was given.

How clearly on this April 25th did I recall it all—the grin on the face of the prison officer who led me to the dock as he noticed me, hat in hand. And his remark: "Optimistic, eh?"

It was all so vivid that I really believe I nodded again, just as twelve months before I had answered him with a nod!

Again I saw myself looking for the exit from the dock into the well of the court, and thinking that I would take a taxi from the rank outside the building.

I felt once more the hush that descended on the court as the Clerk of Assize rose to ask the foreman of the jury for the verdict.

Amusement has a hollow ring to a man who has stood within the shadow of the gallows.

I have suffered too much to want to see the mimic sufferings of others on the stage or screen.

And I have suffered too much to be able to laugh lightheartedly at the things that amuse other people.

Of one thing I am certain. I shall never be able to bear going to one of those concerts of classical music which my wife and I used to attend so frequently.

Our mutual fondness for good music was the keynote of our happy married life. We were never more happy than when friends dropped in to our musical evenings, and we played together the sonatas of Mozart and Beethoven, she at the piano and I with the violin.

My microscope, my chessmen, my violin. . . . All of them such dear friends to me in the past, and all of them now unable to give me the solace I so crave for during my lonely evenings.

So I fall back on books—books that have so often been the sole comforters of lonely men like me.

I hover around my bookcase for five or ten minutes sometimes before I settle upon the volume that is to make me forget myself for a brief hour or two.

And not infrequently it is a detective novel that my hand finally alights on.

What strange creatures we human beings are ! Before I was the quarry of detectives myself, I had practically no interest in this sort of literature. Rather, I despised it.

And now I obtain endless fascination by following the activities of these fictitious crime investigators, and their blunderings before they alight on the right man.

At the end I put the book down. A very good mystery yarn, yes.

But I am still searching for a murder mystery more extraordinary than the one that has broken my life to pieces.

Now let me say this.

I know the murderer.

In the porch of the front door of this lonely home of mine I have fitted an electric switch and lamp.

They are not there for the convenience of friendly visitors, because I have none but a few of my trusted friends. These things have been placed there to safeguard my life.

Each night when I return home from business in Liverpool I am on the alert for attack. The position of the switch is known only to myself, and before I open my door I touch it so that the house outside and inside, and

every recess where an assailant may be lurking, are lit up.

The figure which one day I fully expect to see crouching and ready to strike will be that of the man who murdered my wife.

He killed Mrs. Wallace with such savagery that he is capable of, and has reason for attempting to remove me before I complete the only mission I have left in life—to place him in the dock where I stood and in the condemned cell I occupied.

Only now do I know that at the time of the crime he was in desperate straits. And I have found that he has been convicted for offences involving money. To-day, report reaches me that his appearance suggests mental disturbance and deterioration.

I have no doubt whatever in my mind that he was the man who murdered my poor wife. I think with horror at the very thought of the brutality he displayed.

For, before closing my narrative, let me say that since boyhood I have never so much as struck any person. I do not believe I could whip a naughty child or punish a dog.

If I had ever had reason to seek the death of my wife I could not have used such methods as those by which she died. I have been a teacher of science and chemistry, and at the time of the tragedy I had at my command, even in my house, materials by which with a score of methods her end could have been brought about painlessly and without attracting suspicion.

If I were to die to-morrow I would have only one wish—to see the murderer brought to justice and this terrible stigma removed from me. Revenge will not bring my dear wife back again, but I shall be satisfied if justice is done.

I know quite well the adjective that people have applied to me ever since my trial.

THE TRIAL OF WILLIAM HERBERT WALLACE

They say I am "callous." It is the favourite word. I was "callous" during my trial; "callous" when I received my death sentence; "callous" in the condemned cell; "callous," even, when I received my freedom.

The word is always on people's tongues to condemn me. I am supposed to be the type of man who would commit wife-murder!

I'd never have believed this attitude was possible among intelligent men and women if I had not suffered from it so harshly.

I always thought that a man showed himself a better man if he could face adversity without flinching.

That's what I did at my trial. And the result was that, instead of giving me credit for fortitude in awful circumstances, people pointed to it as a proof of my guilt!

THE END

