

are certain post mortem changes which take place and I observed "This girl has been turned upside down and carried some distance because there is a greater degree of those changes in her head and neck than anywhere else, in my opinion."

TO MR. READ: As to whether there is any condition on the body at the present time that would support my theory, the body, at the present time, has been completely altered in appearance by make-up. As to that affecting the post mortem condition I found, ~~xx~~ I do not know, I have no responsibility for the body as it seems at present. As to whether there is any change in that post mortem condition of the body as I saw it in the formalin as compared with its present condition, I do not recognise the body as I saw it in formalin, too long a time has elapsed and there has been too much manipulation. I do not recognise any of the appearances I saw in the body at the time, from the point of view you are asking. Of course, I know it is the same body. I have formed no conclusion since it has been painted and made up. I saw the body when I came down; the lips were rouged and the face was painted. As to whether I saw it at all last week, I have rather lost count of time, I do not know. I saw it when I first came here. If I were asked whether I had seen the body since the powder and paint had been removed from the face, I would ask if that had been done when Bell and I saw it.

TO THE CORONER: I do not remember whether that had been done. I have not seen the body yet without traces of powder and paint.

TO MR. READ: When I saw the body, it was made up. When I last saw the body it may not have been made up so much but I do not consider that the powder and paint have been completely removed because I have a distinct recollection of noticing it. Whether it is that way or not at present I do not know. I will have a look at it if it is so desired.

If it were suggested I had told the Court many things that happened in the last five years and if I were asked to say whether or not I saw that body during last week I would say I do not know and I do not care; the Court records should show that. I do not carry these things in my mind. I do not know whether it was last week or not that I saw the body. That is not a test of my memory, because I never attempt to remember something of no importance. As to it being of no importance to know whether or not the paint and powder are still on the face, that is a different story. I told you the paint and the powder were still present, the lips were still rouged, when I saw her last week, but I do not think in the same degree. Asked whether the last time I saw the body it had paint and powder on it to such an extent that I could see it, I would say, the lips, yes. I saw remains of powder on the face and general make-up, generally around the face, the colour. That is my recollection. I hear you read paragraph 8 of Exhibit 58. That was pure supposition, quite wrong. I think I know how the clothing got to the lagoon, that was purely a supposition. These were suppositions to be investigated; they were investigated, and turned down afterwards. I hear you read "The oil on the sack is definitely not crank case oil and its nature has still to be determined." It did not smell like petrol, petrol would not smell five years after; it smelt like kerosene. As to what I meant in paragraph 9 of Exhibit 58 when I said "... oil used on farms, perhaps as a dressing", it was not just one oil, it was mixed with something else, and that led to that impression. The report I am writing ^{at that time} reads that it is an impression of some of us, meaning some of the C.I.B. who were country men. I put down the cumulative result of our discussion, not just my own thoughts. I agree one thing by which I was impressed at that stage of my inquiries was the ^{possibly night-lightness} ~~lightness~~ of the instrument that had been used to cause the injuries to the skull. I postulated it would have

to be a very powerful man to cause those injuries. I agree, having made that report I then decided there was a nigger in the woodpile. As to whether I wished to go and try and find the nigger, I think that is the final report.

EXHIBIT 59.. Report by Dr. Benbow dated 5th December 1939.

I think exhibit 59 is the last report I made. I hear you read "The first specific link namely soap on the floor, which under the microscope later, appeared to be identical with fragments of soap on the bag in which the victim was found." I thought that was correct at the time and I am not sure whether it is correct or not from subsequent investigation. I thought the soap I found on the floor would match with the soap on the bag. I was not able to get a report direct about that soap. I did get a report from the Government Analyst in New South Wales. I agree he ^{at that time} did, at / say "The soap differs in context entirely". I think this first specific link must be written down as failing. If I were asked whether I would expect to find on the floor of a country hut any traces of soap that had been there for some six years, I would say yes, if you knew this particular shack. It has a cement floor and it would be perfectly possible to scrape from that floor debris that has been there for years and years. I think the soap appeared to be of some value. Considering it had already been thrashed out, I did not consider it necessary, in this report, to say my other report about the butt of the revolver was quite wrong. This report, Exhibit 59, scraps all the antecedent reports. I hear you read further "Having been in Sydney for some days and finding that Det. Serg. McRae's discoveries ^{at} seemed to negative the ~~scientific~~ scientific findings, and being absolutely positive of the correctness of these, another trip to Albury was made to find, if possible, the nigger in the woodpile, as will be seen later, this nigger emerges and the fact that he was concealed, deliberately from Det. Serg. McRae, is another link in the chain." That is

~~at~~ quite correct. I do not think you would care ^{to have} ~~me~~ go into the matter concerning the identify of the nigger in the woodpile. It was agreed that certain things would not be said. You understand "Nigger in the woodpile" is just an expression. The person whose name you write down is not the person I mean. I write down the name of the person whom I mean. (Witness wrote on paper and handed same to Mr Read). I then went down to see Lucy Collins again. As to the date of my first visit to Lucy Collins, this visit to Albury would be the ^{third} ~~first~~ visit ^{to Albury} I had; I never saw her before. This report Exhibit 59, was written on the 5th December 1939, and the 2nd December was the date of my interview with Lucy Collins. I have written it down and you may look it up if I am wrong.

TO THE CORONER: The first visit to Albury, at which I met Lucy Collins, was on the 2nd December. That happens to be a day on which I got results. I came back to Sydney and I got further information. This report was written after that.

TO MR READ: I hear you read "The following story was obtained from Mrs. Collins; - that a girl Nellie O'Callagher (in connection with this name the "Nellie" and the "O" are definite and positive but the spelling of "Callagher" may be wrong within several variations of this particular type of Irish name, this isn't of great importance and can easily be verified and the true spelling of the name established.) What is of great importance is that Mrs Collins, definitely and positively, stated that Nellie came from Horsham, in Victoria, that she ran away from home, that she was associated with a man who is now supposed to be dead, that she stayed with her, Mrs Collins, for three days at the shack during August 1934. Incidentally, Mrs Collins continuously and with emphasis referred to the shack as the "Death house" and the "Dead house", this was obviously firmly fixed in her mind. Mrs Collins then gave a description of this girl "Nellie" which exactly tallies with that of the Pyjama girl, with the added information that Nellie was a very good

horsewoman, wore rubber boots and usually rode a white horse. Certain physical peculiarities of the victim are now abundantly explained as the result of horse riding, also signs of wear on the rubber boots which had already been decided as probably caused by riding. The query as to what became of the white horse produced no results with regard to the horse, but the answer "I tell you she's dead." Mrs Collins many times referred to Nellie as being dead and then gave me the following story." What you have read is correct. I see Mrs Collins in Court. The person who is standing up is the person to whom I am referring as Lucy Collins; the person who, I say, told me all these things. If it were suggested, in this report, I then go on to ~~say~~ say I have fixed the identity quite clearly as Nellie O'Callagher, I would say I do not do anything of the sort. I merely report what Mrs Collins told me and I am omitting to say that Mrs Collins might possibly have told me the truth when she gave a different version. I thought she was lying but she was telling the truth, and Nellie O'Callagher was not the girl. I caused inquiries to be made immediately to see whether Mrs Collins was telling the truth when she said Nellie O'Callagher was alive, or whether Mrs. Collins was giving me a composite picture. It had to be investigated, it was investigated and they found she told the truth. It was not the Pyjama girl. This report was qualified verbally by Serg. McRae who went away to find out whether there was any truth in what Lucy Collins was saying or whether it was a composite picture which would ultimately show it was the pyjama girl. I hear you read "My own opinion and absolute conviction is that the woman was present at the tragedy, knew all the particulars and told me the truth." That is correct; I had in mind the facts of the tragedy but not necessarily of Nellie O'Callagher being the pyjama girl. She always told me she did not know who the pyjama girl was. As far as the tragedy was concerned, I did not have to hear a word from Lucy Collins; I already

knew it. As far as the identity was concerned, Mrs. Collins told me in the very beginning "I never knew who she was, I called her "Sweet Nell". Then, she brought in Nellie O'Callagher and I thought that was probably the girl. She said it was not and I turned in this report to have it investigated. In the course of conversation, Mrs. Collins repeated it was not the girl. I hear you read again "My own opinion and absolute conviction is that the woman was present at the tragedy"... and I say that is correct. I hear you read ".....knew all the particulars and told me the truth", and I say "of the tragedy". As to why I did not put that, I am not used to making reports, especially to the Police Department. Det. Serg. McRae asked me to put it down on paper and this is a very amateur report. I hear you read "It has to be remembered that drink and deterioration have made her a subject unfit for any ordinary investigation, however, her signature written under the difficult condition of lying down and with no support for a small note book because of its clearness, firmness and legibility proves that she was completely *compus mentis*". That is correct. When Mr. McRae was in Albury with me, his function was to get me into Quinn's shack. Another function was to investigate the people who had been in Quinn's shack and various other people. Lucy Collins was one whom he investigated. When I asked him what he had found from Lucy Collins, McRae had found nothing. Apparently, he did not get within visiting distance of Lucy Collins, neither did Const. Kelly. Lucy Collins does not welcome some visitors. I got there because I did not belong to the same fraternity. As to how she knew I did not belong to the same fraternity, perhaps I seemed a little different, I do not know. Lucy Collins did not repulse me, although the first time she was not particularly welcoming. As to her condition of sobriety on that occasion, I would say Lucy Collins is a woman and is present in Court and I would ask whether it is necessary to have her present in

Court while I say this. She is very defenceless. She was perfectly sober when she made the statement about which I made this report. Lucy Collins has been sober whenever I have finished a conversation with her. As to whether she has been sober when I have started, I have waited. On the day I took these particulars, Lucy Collins was quite sober. I took her food once or twice; she was living under very strange conditions. I took alcohol on one occasion - when Det. Serg. Thompson was with us, we took her a ~~xx~~ small bottle of beer, which made her sick. When I went on other occasions by myself, I do not think I took alcohol, although I might have as a doctor. I do not think people are more liable to tell the truth when they have had alcohol. I recognise Lucy Collins was in a condition which it was a pity to see. I donot mean she is necessarily a confirmed inebriate. I agree in my report I said "Before she can be a useful Court witness, however, she will have to be handled most carefully and thoroughly rehabilitated, she will have to be guarded and looked after and she will have to be gradually weaned away from drink." Exactly that thing has been done. There she is in Court, looking better than I ever saw her in her life - a state of affairs I did my best to achieve. I am not placing any reliance on this woman. I said I knew the facts of the crime before I met her. I knew all of the essential facts of the crime before I met Mrs. Collins. I have said distinctly that, having identified the name on the towel, I went to the Electoral Roll and that took me straight to the Quinn's shack. What I found at the Quinn's shack and what I found on the pyjama girl led me to the belief that was undoubtedly the place where it occurred. I found the instrument with which the injuries were inflicted. I had already determined which, of the two families in Albury, was eligible for honours - eligible to be investigated. I had also determined who were the members of that family. That was done long before I saw Lucy Collins. Before I took Serg. McRae to Albury to get me in Quinn's shack, I had

already found out certain things about certain families. I had searched an electoral roll. If I were asked whether I found out a family named Quinn, an old respected family, lived on a farm some miles from here, I would ask whether you wish these names to be mentioned. I did discover there were two families in Albury. I made a trip to Albury and I investigated the families and the relationship of the house they lived in, etc. I also found the shack. I investigated the route to the culvert and the relationship of the shack to the home farm. I eliminated the other family in the town for many reasons. Then I returned to Sydney and went back to Albury with Det. Serg. McRae. He put me in the shack and I discovered I was in the place that I expected would show signs that it did show, from my previous investigations. The things I knew before going to see Lucy Collins concerned the tragedy, not the detailed description. Lucy Collins merely confirmed what I knew. I agree, having made the report about Nellie O'Callagher the police reported, about 11 days later, "We have located Nellie O'Callagher, she was at the Albury Common. She is alive and well and just had a baby." I told you before why I doubted Lucy Collins. I thought she was a liar, the police told me she was a liar, but she told me the truth. On that day when Lucy Collins reviewed the affairs that took place in the shack, and I questioned her about the identity, she told me definitely she never knew who the girl was. However, because of the reputation which McRae had passed on to me about Lucy Collins, I persisted in questioning her and she said she called the Pyjama girl "Sweet Nell" - she said "I called her Nellie." The association of ideas, perhaps, stimulated Lucy Collins to bring in Nellie O'Callagher. I listened to the story, I thought it was the Pyjama girl, but it turned out not to be so; she having said so in the beginning. That is not my explanation, it is a fact. If it were put to me that we now leave Nellie O'Callagher, I say certainly, she is out of the

picture. The only thing is that it shows Mrs. Collins does not lie; that is the importance of it.

TO THE CORONER: I have not yet detected Mrs. Collins in a blatant lie, and I have checked all her statements.

TO MR. READ: As to whether I said to Det. Serg. MacRae, in Sydney, after I was told Nellie O'Callagher was alive and about "I have been up to Albury again, you promised me that you would have Mrs. Collins looked after. I find that has not been carried out." I remember saying that to Det. Serg. McRae. That all belongs to the same report. I have not been up to Albury again. This report ~~goes into~~ dated 5th December 1939 goes into 8 or 9 pages. In that report there is a request to ~~look~~ look after Lucy Collins. Everything I have done at the C.I.B. is made up of these three reports of which this (Exhibit 59) is the final one. I had quoted Lucy Collins and I had been expecting that when the C.I.B. authorities in control got this report in front of them they would take certain steps and there might possibly be some publicity, and Lucy Collins' safety would be jeopardised. I then made the statement "She will have to be guarded and looked after and will have to be gradually weaned away from drink." "I am convinced if this is done she can be a witness of the most supreme importance, on the other hand if this is not done, there is a very grave danger of one of two things happening: (1) Mental deterioration due to drink until she becomes useless as a witness, (2) she lives in an absolute jungle, the word may have got around that she has been talking, and I am exceedingly anxious that she may have a fatal accident, cause unknown. I cannot lay too much stress on this as because of the woman's habits it would be the most obvious and easiest thing in the world to arrange. I feel a great moral responsibility for her physical safety and must urge with the greatest insistence that immediate steps be taken to safeguard her. At the moment of writing this 24 hours or more have elapsed since I first gave the information to the

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suitcase, I have no knowledge of what the girl had with her. As to whether she told me the girl had a pair of rubber riding boots, that was part of the picture of Nellie O'Callagher. I did not say there were definite signs on the body that the woman was a horsewoman. She had strong little lower legs as a horsewoman could have, just as the police thought she had been a dancer. The strong lower legs do not necessarily indicate to me that she had been a horsewoman. She was athletic in build. The police thought she was a dancer. As to whether I looked at her buttocks, there are practically no buttocks left. As to the signs on the body indicating she may have been a horsewoman, as I told you before, just more or less the general build and strong, little build, one could surmise that she had been perhaps a horsewoman, nothing more than that. She was very strongly built, although very slim. Lucy Collins gave me a description of something that happened to the girl staying with her. She mentioned how she arrived and she mentioned a Mr. Hallam, who is since dead. The girl was a stranger to her; she never knew who she was. She lived in the shack with her for three days. I asked Lucy Collins what time it would be and she said it would be somewhere between the end and the first of the month. She later connected it with her own birthday. As to whether I placed any reliance on what she told me, my own evidence told me definitely that a certain girl had been in that place and had wound up at the culvert. Lucy Collins was an excrescence as far as I was concerned, as regards the facts of the murder. I am not the slightest bit interested to see her in Court. I am not surprised to see her. I am very agreeably surprised ~~to~~ to find they have done what I asked to be done years ago, rehabilitated her and given her some little attention and decent care. As to whether she looked as though she needed it, I think it is very unfair to say anything in front of the poor woman. If it were suggested you wanted to find out the

Department and to the best of my knowledge no steps have yet been taken, this won't do, it's far too long. If Mr. McRae with his mind completely free from every other duty so that he can concentrate on this problem doesn't leave for Albury tonight I shall feel so anxious that I will drive through the night to Albury myself. I must commend these few previous statements to your most urgent consideration for if anything happens to this woman I shall feel that I have been the cause of it." I did not go to Albury that night. For the first time in history my car broke down. As far as I remember I did not say to Det. Serg. McRae "I have been to Albury and seen Lucy Collins and she has now told me the true story." As to whether Det. Serg. McRae said to me "What do you mean, has she substituted another woman for Nellie O'Callagher, now that we have found she is alive,"- To the best of my recollection I had no contact with the C.I.B. after this report. If it were suggested I then said "She has now told me the true story and the woman that was murdered was a stranger to her, she came along carrying a suitcase and a lot of other things," I would say I think you will find that in this report. I do not think I made any other reports. I am just looking in this report for a description of the girl coming; she gave me a definite description of her arrival and what she was carrying. As to it being a fact that Lucy Collins said to me "I will tell you the true story now, the woman who came here and was murdered and was a stranger to me", that sounds familiar. Lucy Collins told me the girl was a stranger but she never used the word "murder". She was not murdered, she was only assaulted in her presence. I agree she said the girl was a stranger and came along carrying a small brown suitcase. She stayed three days and two nights. Nothing happened on the first night. She said she had a small brown suitcase. I would describe exhibit DD as a small brown suitcase. As to how many articles I suggest the girl could carry in that

type of woman upon whom I relied for my information, I would say the information that matters only really matters because it is independently found out by myself. I merely checked her for that reason. When I first heard the words "Philomena Morgan" mentioned is something that even I cannot tell you. If it were suggested I had some dates because I told the Court the dates upon which I went to Albury, I would say I can read those dates on the report. I have often thought to myself "Where did I get the first hint." It was little more than a whisper in the breeze and a name, if I cannot remember, I cannot remember. I have told you I started on the identity when I was finished with the Police Department, having had my final debacle with the Commissioner. I then attempted to find the identity. It was after I had finished my association with the Police Department that I first heard of Philomena Morgan. When I severed my association with the work in conjunction with the Police Department must have been after the visit to Albury with Det. Serg. Thompson. He was delegated by the Commissioner to go to Albury with me and see whatever he wanted to see. I am not quite sure whether it was the 19th March, 1940, when I had a long conversation with the Chief Commissioner, Mr. McKay. I think I took Mrs Routledge to the University on September 11th or 12th, 1941. If I could speak to Serge-ant Rogers he might be able to help me in that date. After that visit, I severed my connection altogether with the Police Force, so that would give you the date. (Mr. Rogers suggested the 5th February 1940 as the date upon which Dr. Benbow was introduced to Mr. Thompson by the Commissioner of Police, and the inquiries commenced then. I agree the final interview was on the 19th March 1940. As to whether it would be from the 5th February until the 19th March that I was associated with the police in connection with this matter, I may add this interview with the Commissioner was a one-sided shorthand report and I was never allowed to see it, to check its accuracy.

As to whether I believe it was about five weeks, I was under the impression I came down here to Victoria after going to Albury with Thompson. He went to Sydney and arrangements were to be made to rehabilitate Mrs. Collins, and they were not done. I severed my connection completely in March 1940 and it must then have been some months later when I first heard this whisper in the breeze about Philomena Morgan because, for a while, I did not do very much at all. I cannot really tell you from where this whisper in the breeze came. I heard some whisper of a Philomena Morgan. At this stage, I could not say where I heard that whisper. While I was doing this amount of work, I met various people, newspaper reporters and so on, and had conversations with more than one at a time. It may have been at one of those meetings. If you ask me to whom I would allocate the credit ~~if you like~~ of giving me the information which started me first, I am afraid I could not. I could not suggest any particular individual. Nobody gave me Mrs. Rattledge's address. I can tell you in a general way how I found it out. I contacted a certain member of the Police Force - I know now, but I did not know when I contacted him, he was very suspicious of me. It seems he had a file full of Anne Philomena Morgan and he thought I was another member of the C.I.B. trying to get close to him to get possession of this file. It had happened to him before. He told me nothing definite, but, I am afraid, that I was able to surmise things from this conversation. If you suggested I saw the file, I would suggest you are getting a wrong impression.

TO THE CORONER: That file is a very late acquisition and has nothing to do with my original finding of Mrs Routledge. The man who compiled that file told me it was not a bit of good trying to find that woman, it would cost me £10,000 and she was thousands of miles away. I only went and saw this man because I heard of him in connection with Philomena Morgan.

TO MR READ: I could not definitely place anyone who mentioned the
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name of Philomena Morgan up to the time when I went and had this conversation with the police officer. I had met many people at different times. I have even heard Philomena Morgan's name from other ^{people} members when I really knew something about her. At this particular moment, I cannot place who suggested the name of Philomena Morgan to me; It may be that I am confused with so many things in my mind, especially with this scientific work. This is such back history; you are going back to 1940. If it were suggested you were not going back as far as the conversations I had been describing with Lucy Collins, I would say the conversation with Lucy Collins was quite immaterial. It was my work in the shack that was material. I heard the whisper in the newspaper world, I fancy, that there was a man named Carroll with a file and, perhaps, I heard the name Morgan there. At the time I picked up the hint of "Philomena Morgan" or "Morgan" I also heard the name Routledge. The numbers and numbers and numbers of Routledges and Morgan whom I looked up and whom I tried to follow up will show you I had a most extraordinary lack of definite knowledge of whom to look for. I had ^a ~~the~~ name "Routledge" and a name "Morgan" and I am sure now it came from the newspaper world. I am thinking back. Somewhere¹, I have contacted it. To the best of my knowledge, I got it from the newspapers. As to what newspaper ever published anything about Mrs. Routledge or Philomena Morgan prior to the middle of 1940, it was not a question of publication. I have not the faintest idea whether anything was published or not. I remember a certain reporter - now it is coming clear to me - who mentioned he had heard quite accidentally some mention of a girl who might possibly be the girl. He thought there was nothing in the thing at all, but perhaps I had better look into it. I went to his source of information and this person mentioned that a girl known as Philomena Morgan used to use many names, Routledge, etc. That was the lead. There was a police officer

who had determined that this girl was the Pyjama girl and he had been demoted because of her. As to whether, at this time, I was trying to establish the identity of the Pyjama girl, I say ^{Yes} No, I had finished with the crime; I had all that I could find out of the crime. I was setting out on a campaign to try and force the hand of the authorities to do the very investigation that we are having now.. I thought if I could get the identity of the girl, they would have to take some action. The reason I have been persevering so much is this - the actions taken, or not taken, in respect of the most obvious things put in front of the Police Department led me to believe that in the interests of the public I would simply have to stay with this thing as a duty until settled one way or the other. I have pursued this investigation from a public interest point of view, which is subsequent to the first scientific interest which evaporated long ago. This has been a battle to obtain recognition.

LUNCHEON ADJOURNMENT.

UPON RESUMING:

I agree, before lunch, we were discussing when it was that I first heard of Ann Philomena Morgan. As to whether I am able to help any more, I think I gave you the reply before lunch. You first wanted to know the source of the information and I finally thought the newspaper reporter had mentioned something about a Morgan and from there I contacted his source of information. As to when that was, it would be somewhere in the 1940's or getting on towards 1940. I do not think I can give you anymore than I have already told you before lunch. As to whether I have made any measurements of the actual body, rough measurements was made at the time the photographs were taken. It was a very ~~approximate~~ measurement of the height. I attempted to do that when the Cadaver was sitting upright in a chair and we were making a photograph of the face. As to whether that is the only measurement I have ever made of any part of the body of the deceased, when I first saw it,

I noted, without a tape measure, that there seemed to be a little difference in her proportions - differences to one who is used to looking at these things. If it were suggested the answer to the question was that I had never made any accurate measurements of any part of the body, I would say, if by "accurate" you mean/very careful measurements, the answer is No. I have not made a careful measurement of that body except by putting the cadaver ^{on a} ~~in the~~ chair. I have not measured the size of the arms or the wrists. I know that, medically, there are standard measurements for male and female persons of different height, but I am not familiar with them; they do not interest me in my work. As to whether that interested me when I was trying to fix the identity, I was not trying to fix the identity, I was not interested in that. It did not interest me, in my research in this case, to measure any part of the body; I had no access to the body in any case. I have seen the body at the Sydney University many times, but purely in conjunction with the crime. I was not interested in her identity. When I say I had no opportunity of measuring the body, I mean I made no measurements for the purpose of identity. As to what I meant when I said I had no opportunity of making measurements of the body, I had no opportunity to do anything to the body regarding the identity, because the body was removed from the University when I was doing the identity. When I was examining the body for the murder, I agree I had an opportunity of making measurements, but I did not wish to. I have never done so except by the eye - automatic. I agree, in my earlier evidence, I added to the official description "Slim and very neatly built" should have been the words." I have just been in to see the corpse and it is still neatly built. It is very neatly built, it has small rounded thighs, a slim body - neatly built - size 4 foot. The body has a swollen arm. I should say, in my opinion, the girl in life did not have fat arms. I would think the girl had a slim arm

but it is badly swollen. She had a very tiny wrist, for her, in life. Not having bothered my mind about the matter, I would be surprised to know that the average circumference of the wrist of a female of 5'2" is 134.8 millimetres.

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As to my having to do a course of anatomy, that does not embrace anything of that sort, when one has been practising for some 31 years. I do not attach the slightest importance to knowing what the normal size wrist of a female of that size would be. I would not be surprised to know that the wrist of this girl is 160 mms. not after what she has been through. She has a very small wrist in proportion to her hand. She has enormous hands and small wrists in proportion. That is why I described her wrists as being small, because she had big hands. They are small in proportion to her hands - tiny wrists. As to whether I would contradict other experts who will tell His Worship that she is medium to stocky built and she is above average in her various dimensions, I have no means of knowing what various experts think. I think she is neatly built. I admitted that I took the measurements by eye. That is my impression. ~~That~~ ^{There} is quite sufficient appearance in that girl to say she is neatly built and she has a large hand and small wrist in proportion. If it were suggested I base my statement on my own observation by eye and not by measurement, I would say, I regard it as quite sufficient. It was not important at the time. I would described the lobes of the ears on that body as small, with the left ear more adherent to the cheek than the right. The other day I drew attention to that in the photographs. The lower portion of the ear I indicate is the lobe of the ear. The lobe of the ear on the body of the deceased is more attached on the left side than on the right side. The lobe on the right side is attached fairly closely to the side of the face. I have seen that photograph of Philomena Morgan before (Exhibit 48). I have looked at it. I look at the ear and I say that is a totally

false impression of that ear. I have not seen Phenomena Morgan in life but I know something of photography.

That is a wrong representation of that ear. I am not imputing anything wrong about it. It is merely because of the way the light is shining ^{over} the ~~sulphus~~ ^{sulcus} in front of the lobe makes it look detached. It would give the appearance that the lobe is well detached from the face, but that is wrong. I do not hold myself out as an expert in anything; just a plain man. I have not made any study of the action of formalin on the body of a deceased person except from a student's point of view. Every student knows formalin will preserve tissue almost indefinitely. I do not know anything about it apart from the preservative action, except that specimens preserved for many years seem to have faded slightly under certain conditions. I should not be surprised to hear that formalin causes a contraction of the tissues of the body; it hardens them. If I were asked whether I know that bodies lose in weight up to 1.5 lb. per day in death I would ask you do you mean when formalin is injected or when the whole tissue is preserved? As to whether I know that bodies lose up to about 1.5 lb. per day before emersion in formalin, evaporation would cause some loss. I should imagine that would be correct; I see no reason why not. I should not think that formalin would distort the body. I imagine there would be some distortion gradually in the tissues as they harden and thicken; - some slight distortion. As to whether I see any signs of distortion on this body, I see a lot of injuries on this body and that causes distortion. I see no distortion due to the action of formalin. I see slight shrinkage in the wrinkling of the hands, giving a washerwoman effect to the hands. I see a slight shrinking in the lobes of the ears, a shrinking of the skin. I see a great deal of distortion about the mouth, but that is not due to formalin, that is due to injury. I do not see any other signs of distortion.

due to formalin. As to whether I notice anything about the breasts which would lead me to believe there has been distortion there, only the same slight wrinkling, a shrinkage of the skin that you find on the skin of the hands. They were scorched, of course. It is not my opinion that there is a decided swelling of the face due to the action of formalin. If I were asked whether it was my considered opinion that there was no swelling on the face of the body as a result of its ~~xxxx~~ immersion in formalin, I would say not so much the immersion in formalin, I should say the body has absorbed some liquid. There is some swelling in the neck and cheek but I should say that would be on the cadaver before it was put in the formalin. There is a photograph showing that.

In the ^{parotid} parotid region, there is a certain amount of oedema due to absorption. If it were suggested if there was any swelling of the face all my evidence in regard to the lines drawn would go by the board, I would say my measurements are taken from points that do not swell, such as the teeth.

As to whether I still say there is no sign of swelling and distortion on the side ^{of the} and face of that body, I did not say there was no swelling on the side of the face; I said in the ^{parotid} parotid area and around the neck there is a good deal of swelling. I indicate on myself where it is. As to whether I found any swelling on the back portion of the cheek, I have already been asked and I said the ^{parotid} parotid region. I call that the ^{parotid} parotid region (indicating). It is just under the cheek bone. It may extend to where you show me if it is swollen. If you suggested that where you were holding your hand was not the ^{parotid} parotid region at all, I would say you have changed the position of your fingers, now. I did not make any measurements of the nose of the deceased, but I did make measurements on the photograph. The mouth is cut on both sides. The mouth is badly cut on the right side, and the left side, too, now. The whole contour of the mouth has been destroyed. In my opinion, that does detract from what

one would have expected to be the natural position of the lip; in conjunction with the lipstick present, it has altered the mouth completely. When I spoke about the smiling in death that I saw in that corpse I was certainly not referring to the body as I see it now, but as I saw it and photographed it. It is the photograph of the body that I used. When I took those photographs, the right hand side of the mouth was cut. The left hand side was bad; I repaired it myself. It was not sewn up with string by me. I neatly sewed it up with fine black cotton. As to whether it was after that was done that I saw the smile in death, it was on the other side, not on the side I sewed up. In Exhibit OO there is a very slight nick in the corner of the mouth. The photograph is so clear, one can see the lips very clearly. The smile that I see is the smile on the right hand side of the cadaver with the lower lip sagging somewhat. The lips are of a totally different contour on the left side. "Smile" may not be the correct expression. I used the word "smile" but it is hardly a good expression, although it serves. I saw a similarity in the smiles on the body and on the photograph of Philomena Morgan; to my eye it is so. I am quite convinced of that. I can see it from here. It looks identical to me from here, engendered by the raising of the upper lip and the curve. To me the smile on the half mouth of the corpse and the smile of Philomena Morgan look exactly similar. I am of the opinion when I first saw that eye of the deceased, looking closely, I thought I saw blue on the periphery, the cornea very hazy, very opaque and very difficult to see through. When I first saw it, the body had been in formalin about five years. I believe that it was a blue eye; the eye was not easy to see. That is my opinion, ~~xxxx~~ that is all. I do not profess to have any more knowledge of dentistry than is possessed by the average doctor. I have never made any special study of the teeth. If it were suggested I ventured an opinion that the tooth in dispute was a second molar and not a first molar, I would ask when that came up in evidence. Looking at the mould of the teeth

(Exhibit 12) I say this is not an expert opinion, I am not a dentist, but that tooth to me is a second molar for the following reasons - the tooth right behind it is a small tooth, which is very often so in the third molar. It articulates with the second molar down below. It has definitely curved forward to meet this second bicuspid in front of it. I looked up one of the most famous anatomists in the world, Morris, to see what he had to say about it and it was this ~~fact~~ "The first and the second molar are so alike that the same description will do for both." He described them with one paragraph for the two. There are two teeth here, so if there is any expert opinion brought to show that is not the second molar, it will be in conflict with Morris. There is no great distinction between the first and second molars. That molar would not be curved forward the way it is had it had the first molar in front of it for a long period of time. The first molar comes down very much earlier than the second molar and the first molar would have held this back had the first molar been present. This is curved forward because there was no support for it. The third molar comes between 17 and 21, sometimes 25. The girl got her teeth very early, I am informed. I would say that is a second molar. I have not noticed whether first molars usually have four cusps on them. I know nothing of the cusps of any of the molars; I am not an expert. Asked to have a look and see how many cusps there are on those molars, I say I am not competent to talk about cusps on teeth. I do not know what a dentist calls a cusp, but, to me, it is a biting surface that wears away and has to be filled. I said before I do not profess to be an expert in photography. I am a very ordinary amateur. I agree, in order for my theories to have any foundation at all, the photographs must be accurate photographic representations. I do not agree that the focal length must be identical in any two photographs one is going to compare; not if the distance is sufficiently far away.

If it were suggested photographic experts will say that it is absolutely essential that the focal length shall be the same in any two photos before they are compared for coincidence, I say the pragmatic tests show that is not so. One cannot have anything more accurate than the nicks in those teeth. I know what focal length is. I shall not tell you what it is in scientific terms, I shall tell you in amateur terms. In the case of a lens of a 6" focal length and a lens of a 3" focal length the image of a similar field in the 6" will be twice the image of the other one - a question of magnification. I will not give you a definition of focal length unless I can give you an accurate one and, at the moment, the accurate definition has escaped my mind. I agree, focal length is the distance from the middle of the lens system to the plate. I will not agree with experts who will say that, in order for any photos to be compared for the purpose of getting coincidence, one must, of necessity, have the two pictures taken with the same focal length. Until I see them, I cannot express any opinion about what I will say when photos are produced taken by cameras in precisely the same position and the same objects taken with different focal lengths showing extraordinary discrepancies. I took none of these photographs. I did not take any photographs of the corpse; I had an expert photographer who understood all about focal lengths. I do know approximately what focal length was used in taking the portrait of Philomena Morgan (Exhibit 20). This very question was taken up by my expert photographer and he took a form of studio camera to the University, and he said "This will be approximately the same as the lens this was taken with." I was employing this man to do an accurate job. The photograph at which I am now looking is a portrait of Philomena Morgan reproduced on Exhibit XX. I do not agree that I, personally, have no knowledge of the circumstances under which that photo was taken. I visited the studio where that photograph was taken. As to whether I examined the lens, they

were all very much the same. I cannot say I examined it in detail. As to whether I knew if it was fitted with an ~~anti-ana~~ stigmatic lens, there are no cameras of any importance that would not have ~~an anti-~~^{ana-}stigmatic lenses. ~~Anti-~~^{Ana}stigmatic lenses do vary on different cameras. There are many forms of lenses, some soft, some hard, some more aberrate, some less aberrate; a good ~~anti-~~^{ana-}stigmatic lens is corrected for that. ^{spherical aberration}

This photograph, Exhibit 00, was taken with a small studio camera. Just from recollection, I discussed this matter and the camera ~~that~~ took that picture ~~with~~^{was} ~~was~~ a small size studio camera with a 6" lens, ~~if~~ if I remember rightly. If you told me you were trying to get precision to lay a foundation for comparing any measurement on one photograph with the other, I would say it cannot be aberrant if it coincides. I am not agreeing there was any great discrepancy in the focal length between my operator's camera and the camera that took the picture. I do not agree that before one can compare two photographs to get coincidence of measurements or lines, one must have the cameras, taking the portrait, with the same focal length; if one can get far enough from the subject, one does not have to. I see the transparency you now show on the ~~machine~~^{viewing box}. I see another transparency placed over the top of that. I do not agree that the left hand eye of the subject precisely corresponds; it does not at all. It does not correspond where I indicate. The bridge does not correspond either. It is no good having the glass correspond and everything else connected with it wrong. The right hand glass is not now corresponding precisely on the two transparencies. There is an edge here which obviously shows. It corresponds in one point and it does not in other places. (Witness indicated to His Worship). You asked me if it coincided precisely, and I say it does not. At one point it does. As to whether it is very close to corresponding, if you take one point, it is exact, and it is just that one point, but it loses it for three-quarters of the other points. As to whether the rest of the

face is entirely out of proportion, everything is wrong.

..... EXHIBIT 60..... (for identification) 2 transparencies
of man's face.

If I were told those were two photos taken with the same camera and the same subject in the same position, with a different focal length, I would say it was the same distance, was it not. Having been told they were different distances, I say you have a lens with spherical aberration and you have that result, furthermore you would not be able to make them coincide.

AD I see the ~~x~~ photographs now on the ~~machine~~ ^{viewing box}. Asked to concentrate on the feet, I say they are off, about a m.m. out. That is a rough measurement. My hand may have shaken a bit. I would say they are about the same. I agree the rest of the photos are not coincidental anywhere. I would like to know the distance; that is the most important thing.

..... EXHIBIT 61..... (for identification) 2 photos of
man in recumbent
position,

This picture is half complete; I must have a distance. If I were told they could not be taken from the same length, I would say that does not apply; one is a 6" lens, one is a 3" lens, one is a wide angle lens, and one is not. I would like to know the distance. I want to know just where the camera was placed, whether 10' from the subject in each case. I have been told the focal length of the lens is different but I have not had it made plain to me that the camera was set in a different position each time. Asked whether I would expect to find that sort of result if the camera was in the same position, if using a different focal length, I would say yes, it can be done. There is such a thing as an extension on a camera which would balance the two differences in focal length. I would want to see that done - I have seen very strange things with cameras and lenses. If you have a long extension, you can easily bring the other up. Very strange things can happen with cameras. As to whether very strange results can be obtained, the pragmatic test will show you that. If the measurements are correct, they cannot be explained

away. As to whether I agree that the axis of the camera must be put in the same relative position to the plane of the face if one is going to compare the two portraits for coincidence, a camera has a swing back for the purpose of being able to level up the plane. As to whether there is anything to indicate on those two photos, on exhibit XX that the cameras were in the same planes when the two photographs were taken, there is a distinction which will tell you. If I were asked whether there was anything to show what the axis of the camera was when the photograph of Philomena Morgan was taken, I would say, approximate, yes. You can have an approximate thing. I distinctly quoted several sources of error, difference of position, "out of focal length of lens" I think I put in the affidavit. Full allowance has been made for that. As to whether I made allowance for the fact that the camera may have been in a different axis in that photo to the other, yes, the practical results show it was not. If it were suggested the answer is I did not make allowance, I say I could not have got coincidence. My photographer did make allowance. He centred his camera on the cadaver's face where he, with his expert knowledge, thought it was centred on Philomena Morgan's face. I should say an expert photographer, looking at a photograph, could tell you what position the axis of the camera was in relation to the subject when it was taken. If I were asked whether I believed so, I would say I think so.

(Page 448 follows).

et *MM*