

TO MR. READ: The expert photographer who told me that is Mr. Dean of Mr. Hall in Hunter Street, one of the oldest photographers in Sydney. He took that photograph Exhibit "00". He took all the photographs of the cadaver that I have shown, with the exception of that one (indicating). That one was taken by the Police. Mr. Dean took this photograph Exhibit "00" which is shown on Exhibit "XX", and carefully moved his camera to a distance where the rays would be more or less parallel to discount any difference in focus in the lens. He took special precaution to move the camera so that the focal length of the lens would not make any difference, the rays being practically parallel. I profess to have enough knowledge of photography to be able to tell you something about the position of the camera when that photograph of Philomena Morgan was taken. I should say the lens was centered ~~the~~^{as} usual, more or less to the centre of the face. That was taken as a portrait and the lens would be more or less in that position. The lens will be centered more or less on the centre of the face. If the lens were down below there would be a different tilt to the face. In my opinion, the lens in this case has been centered on somewhere about the centre of the face. That is what I think; I am not an expert in anything. I agree all lenses of cameras vary very much with regard to the amount of correction for spherical aberration or distortion; some are better corrected than others. I agree that that makes a very great difference to the photographs that cameras produce. Had there been any distortion in these pictures I could not have put them together. It shows the lenses must have been practically similar lenses. Asked whether cameras used in studios for taking portraits aim to obtain soft lines, I say it depends what they want; sometimes a soft lens is used and

sometimes a hard lens. I agree if a man were going to take a photograph of Philomena Morgan he would try to get soft effects, but that photograph of Philomena Morgan has come through many vicissitudes and so it is very soft. It is not from the original negative, to start with. I have never seen the original negative, and nobody else has, as far as I am aware. I have never seen the original negative. I would very much like to. I went to the studio of Howard Harris. I there saw Mr. Wiley. I cannot say that I there saw a lady named Betty Sybil Howlison. I did see a lady. I do not know her name. I made two trips to Howard Harris's, if I remember rightly. On the first occasion he did certain things; on the second occasion he was not able to do certain things. When I was there I certainly did not see the negative of that photograph, and the gentleman remarked "I do not know what has happened, but they are gone, all four of them". I say I did not examine the negatives of the photographs of Philomena Morgan at the studio of Howard Harris when I went there; I should have had great pleasure in examining it. I have never been able to find that negative or the three companion negatives. The four seem to have disappeared. The camera that took this photograph Exhibit "00" of the body had about a ^{six} five inch lens, as far as I can remember, which is more or less like a studio camera. I do not know anything about what amount of correction there was for spherical aberration, but it was a good lens and he made an allowance for a very slight difference in the focussing of the two. I have not the slightest idea what size stop was used in the taking of the Photograph Exhibit "00" of the deceased. That had to be arranged according to the lighting in the room, which was good. Asked whether I agree the depth of focus is very important and

(Exhibit 20)

act

act

that if you have got a different focus in the two cameras by the size of stop used you will get entirely different results in the same subject, I say you will get different results inasmuch as your nose will be in focus in one case and your ears out, and in the other your ~~ears~~ ^{ears} will be in focus and your nose out. I agree that if camera lenses are not corrected to the same degree for astigmatism you will get aberation and quite different results. If you are going to magnify two photographs and thereafter compare them, in order for that comparison to be of any value at all I do not know ~~whether~~ ^{that} it is essential that the camera should have been in each case the same distance from the subject before you enlarge them, that is when the picture was taken. I do know this, that if it is a fact that that is necessary, then the conditions necessary for that must have applied here because they coincide. Asked whether there is anything to show there is the same degree of magnification in those two photographs of Philomena Morgan and the photograph of the corpse, I say that photograph was brought up to scale with the other. If there was any aberration such as you have been discussing, not a single point in any of those photographs would have coincided. They do coincide so your theoretical objections disappear. I did not say that because they coincided they must be one and the same person. I said "of those photographs". If it is suggested it follows from that that if I photographed a billiard ball and enlarged it to double its size, then photographed a white marble and brought it up to the size of the double billiard ball, I would then put them one on top of the other and say "There you are, they are the same", I say that is not a very good illustration, because you are dealing with a circle in one case and if they coincide there is nothing the matter

with your apparatus, with the optical properties in your camera. If they do not coincide, there is something the matter with your apparatus. That has not occurred in this case. I cannot imagine a billiard ball being photographed and enlarged to double its size. My imagination reels, I have no conception what it would look like. That is a perfectly serious answer. I have no idea what a spherical billiard ball would look like after it has been through those manipulations. I presume one can visualize photographing a billiard ball and enlarging it, but I have not the slightest idea what would happen to the enlargement. I would want to know what the camera was, where it is focussed and so on. Assuming we have got all those things, all the photographic conditions are right, and the enlargements of the marble and the billiard ball coincide, I think I will let my counsel answer the question whether we then find that the billiard ball is the marble in life. The example of the enlargement of the white marble and the billiard ball is farcical because there is no analogy between a simple ~~piece~~^{circle} of material, which can be expanded to any size you like to ~~something else~~^{another circle}, and faces, one of the photographs of which is as nearly as possible to the life size of that face, measured on the cadaver itself. Getting back to the marble and the billiard ball, asked whether I see anything wrong about a marble and a billiard ball being brought to the same sort of enlargement provided they precisely agree, I agree that two circles brought to the same size precisely agree. That is two circles with nothing within them. That is a false analogy.

TO THE CORONER: I do not dispute that can be done, but it is not analogous with this case. Anybody can take a circle and bring it up to any other circle.

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PALMER-BENBOW.

TO MR. READ: With regard to the two faces on which I drew all the lines in Exhibit "XX", I explain the sequence of what I did in this way: the one of the cadaver is put right up to the life size of the cadaver; the one of Anne Philomena Morgan is put up to the same scale very very carefully, matched under the enlarger, and that is then considered the scale. I agree that means the photograph of Philomena Morgan was brought up by enlargement to the same size as the photograph of the face of the cadaver. It is not brought up like the analogy of the marble and the billiard ball. A face is roughly triangular, the base on the forehead and the apex down here (indicating), and there are many points to coincide. If there was any aberration or distortion which would prevent them coming to scale, you would see it at once. Because they coincide you can take all your theoretical objections and forget them. Asked whether I say this photograph is an accurate photograph of the head, I say these are reductions for the sake of convenience. They are all reduced at the same time. I will explain the way these four pictures come about. The four originals were pinned up on a wall. I have in my box here the plate of these four originals. Then that was printed later. They are individual prints. They are not a continuous strip for the reason that we found that to take the paper and put the picture on it and then shove it along and take another it was almost hopeless to get the exposures all the same, so we had to do them individually, but actually I have the film with all those faces in a row. The lines have already been done on the original. If I remember rightly, the lines were drawn on the original picture of the cadaver itself because the points are so easily seen, the picture is so sharp. When I was speaking of the various lines that I drew on the

photographic representation of the cadaver I was speaking of that one on Exhibit "XX", on a life size picture, not on these small ones. The life size pictures have been put on the wall and photographed, and from those negatives these were made. Yesterday for the sake of convenience I was describing to His Worship from this photograph a comparison of lines, naming them here and here and so on, but the originals are on the table there. Rather, that is a copy of my original.

TO THE CORONER: This photograph is the size I worked on. This is up to the cadaver life size. This happens to be a photograph brought up to size again.

TO MR. READ: Asked what photograph I drew my lines on, I say these originals of mine were handed in to the Probate Court. If you say you are trying to pin me down to show you a photograph on which I drew these lines which I say have coincided, I say you are trying to pin me down on material which I made a long time ago, which was exhibited in the Supreme Court in the Probate Division and later on in the certiorari action, and the pictures in the certiorari action were these pictures here which are reductions from the original pictures turned in to the Probate Division. I have not an unlimited supply of material. The material I had to draw the lines I was describing yesterday on the photograph was a ruler, protractor, pen and ink. The lines drawn on this picture in Exhibit "XX" are photographic lines. *ask* Asked ^{from} what material I drew any lines, as distinct from photographic lines, on the photographs contained in Exhibit "XX", I say the only thing I had was my brains. It is my idea and I did it. I did not copy it from any other document with the exception that you are looking at reproductions of the originals, with the exception of certain lines that I have added in ink when that went into the

certiorari action and that later on appeared in a periodical with those lines. That periodical was "Pix". I was sufficiently interested in the Pix pictures to see if the lines agreed. They were quite distorted because it is a rotary press and the paper is pulled all over the place. That is the reason for the distortion in Pix. If it is suggested that if you put a transparency over the lines in Pix hardly any of the lines agree, I say it depends on the particular copy you are looking at; they all differ very much. I observed that "Pix" is very poor paper, it pulls to pieces easily, and I do not expect any of those to be accurate, especially the ones on the outside because they are pulled very hard. For the sake of convenience it was done up like this. This very thing Mr. Read talks about, spherical aberration, comes into the picture in enlarging these pictures, and it was very difficult to get the lines all the same length when doing it that way, but my originals, of which these are police copies and the originals are in the Probate Court, were done most carefully and individually. Yesterday I described with precision how the various lines on the two faces are coincidental, with the proviso that there were certain sources of error which I detailed. This transparency produced is an accurate transparency of the lines shown on photograph "A" of Exhibit "XX". It fits with great accuracy on the other picture.

EXHIBIT NO. 62 Transparency of lines marked on face of
Philomena Morgan, Exhibit "XX".

I have now put this transparency as nearly as possible over the photograph marked "HH" of the body, and the lines above coincide. As I explained to His Worship, they are the same angle above the base line. I explained that the lines below were not the same angle. I also explained that you have to do these faces in section because of the different

angle of the tilt and the different degree of rotation. When I said a moment ago that the lines coincide, I meant that the lines I am using agree. You cannot just slap them down one on top of the other. I have explained why you cannot. I do not agree that for my evidence as regards these lines to have the slightest value for identification there must be mathematical accuracy. I gave the reasons for that. I said yesterday it was a well known axiom that nature never reproduces two faces of the same design ^{in the} ~~and~~ individual of the species. I did not say that if you found one similar line of measurement in two faces it would be remarkable. I said anybody can put anything up to scale on one line. I did not say that three similar lines on a face would be impossible. You might get a few similar lines on different faces. You might get even three or four similar lines; it is unusual, but if they are up to scale correctly you will find a discrepancy if they are different faces. If it is suggested that for my lines to be of the slightest value one must have precise accuracy, I say you cannot get precise accuracy in this case because of various factors and I enumerated those factors. If it is suggested that for the purpose of this being any use as a test of identification you must have accuracy in the length of the lines on the two faces, I say that approximate accuracy of a sufficient number of lines is sufficient when you know causes which make the lines approximately accurate, and I am speaking of a very slight deviation from what you would call accuracy. I superimpose this transparency on the ^{Face} ~~body~~ of the corpse. These lines designating the orbit are all in apposition, as they ought to be. (Witness pinned transparency on to Exhibit). I have now superimposed the transparency. I have superimposed it with one

midline on top of the other. There is a little difference on the end due to the paper possibly, or faulty draftsmanship. The lines agree when you look at them properly, but not the way you (Mr. Read) are looking at them now. We have not transposed the lines off that face on to the lines of this face. I mentioned quite a long time ago that you just could not do that by putting a face on top of the other with lines because there is a difference in tilt and in rotation. I mentioned also that the basis was not to make lines which coincide, but to make lines of equal length which ~~xxx~~ reached the same anatomical structures and they are taken from a common centre so as to negative the tilt and the rotation. I can show you lines which do agree. This line here coincides (indicating). I am not referring to the triangle; the difference in the tilt of the two faces makes that triangle quite different. The lines pointing in the direction from eleven to ten o'clock do coincide. Asked whether I agree that the lines going to one o'clock are nowhere near alike, I say they will not coincide. They are not meant to coincide. There is something else about that triangle. Because of the difference of the tilt of the head that triangle will not coincide, but it does put the eye in its proper place. If it is suggested the line does not agree, I say I want one of my other pictures which shows those two angles worked out, and it is robbing Peter to pay Paul on one side, and the opposite on the other side. Mr. Read is trying to superimpose a transparency which cannot be done and was never meant to be done. I cannot answer yes or no to the question of whether when I was describing yesterday the coincidence between the lines on the face of Philomena Morgan and the lines on the face of Exhibit "00" I was endeavouring to create the impression that those two faces

were the same on account of the coincidence of the lines. I especially remarked to His Worship that the lines above the base line are the same angle and they are the same length. That being so, if we had known that Mr. Read wanted to make the transparency, I would have made one for him and would have shown that those lines coincided. I also remarked to Your Worship that the lines below the base line were not the same angle. I also explained why, and I also explained that they were valuable as designating the same anatomical points because they swung ^{in a circle} from a common centre ^{on} ~~around~~ the base ^{line} and they negative to a great extent any error of position. I have not brushed you (Mr. Read) aside very lightly; that is a very careful explanation. Asked whether until today I have ever considered making a transparency of the lines that I drew on the original photograph of Philomena Morgan, I say I have never bothered about transparencies of lines. The transparencies on those are transparencies of features and not of lines. My answer is No, I have not. I did not require that assistance. I worked it out for myself, for what it is worth. If it is suggested it is not worth much, when one sees it like that, I say those lines are absolutely accurate, but not the way you are manipulating them. You are manipulating them by drawing all the lines of that face, putting them on a transparency and putting them on the face of the cadaver and pointing to all the lines which do not coincide, which I could have told you before you did it, because I told His Worship the other day that they did not, that they are different angles. The value of these lines is this, that when you understand how they are made, why they are made, the angles they are made, the conditions of rotation and inclination of the face that have to be fulfilled, even you (Mr. Read) might

be able to understand that if you take the face in sections they do agree. I am quite sure that if you superimposed that transparency of the lines made on the photograph of Philomena Morgan on to ~~anybody's face~~ anybody's face around the Court you will find they will not agree. If you suggest that they will fit perfectly on the first face that is tested, my answer is, try it. I point out there is a special face put in the Exhibit to show whether they will agree or not. I place the transparency on the test face, fitting it along the central line of the test face. I do not say that the midline on the left hand end of the photograph is accurately superimposed. They do not superimpose as readily as the other. The paper has obviously distorted since, because they did. It ~~possibly~~ is impossible to put the one straight line on the other; these pictures have altered altogether. These lines are now approximately correct. I mentioned the errors of swelling and shrinking of paper. I would be dumbfounded if in such a narrow series of lines they coincided now after the passage of time. They do demonstrate the anatomical structures and they are the same length. They demonstrate the whole of the orbit. What I see here is a girl's orbit with the eye in situ, I see a number of lines radiating from a base line, and I see those lines are joined together in such a way that they practically encompass the whole of the area of the orbit. I certainly do suggest that the lines in the photograph "OO" and the photograph of Philomena Morgan correspond in the orbit area. There is a slight error in draftsmanship, perhaps, in one of those joining lines. I notice that on the photograph of Philomena Morgan the centre line is drawn well below the ear, and that on the body of the cadaver it goes right through the ear. If you followed what I told

His Worship yesterday you would know that is the reason
a certain centre was taken, because there is a difference
in the angle of inclination ^{and rotation.} To repeat that, I say that
the base line passes through the ear in one photograph
and below in the other because of the difference in
inclination, that that line is drawn here (indicating) and
the centre is taken and the lines are radiating from the
centre in order to minimise any differences brought about
by the difference in angle. The difference in inclination
is that the cadaver is raised, Philomena is down, the nose
goes down and the ear goes up. Because of the plane
surface, the nose being in front and the ear behind, and the
action of the parallax, the nose goes down and the ear goes
up. Here the ear comes down and the nose goes up. There
is an imaginary centre that that is taking place on. In
the picture of the cadaver the ~~cadaver~~ ^{face} is raised slightly
and the nose is up slightly and the ear down. In the
picture of Philomena Morgan the nose is down slightly and
the ear is up. One is looking at the root of the nose
where this action is taking place, and the line is drawn
through the root of the nose because as I explained it is
a fixed point. ^{and uninjured} The axis of the camera is centered in
a certain position. A slight error in holding the
cadaver's head in a certain position due to myself holding
the head has made that very slight difference in up and
down inclination. It was to negative that that I adopted
this method. I point out that any difficulty which is
created by the centre line being drawn below the ear in the
case of Philomena Morgan and through the ear in the case
of the cadaver is overcome by adopting a centre which
passes around the two heads as nearly as possible. I do
not admit that ^{for} this theory of mine in regard to lines to
have any value at all you have got to have photographs

over that are taken in ^{exactly} the same ~~relevant~~ relative positions,
the same planes and the same axis. With the transparency
over you can take ~~picture~~ ^{feature} by ~~picture~~ ^{feature} and negative this thing
you are talking about. In these lines here is a most
accurate measurement. From the centre of that face to
one of those tiny nicks in the tooth is to a needle point
accurate with the tiny little shadow here to the centre
over of ~~that line~~ ^{this face} (indicating). I have never read in any
authoritative books where comparisons have been made between
faces by the drawing of lines on photographs of them. I
have done this myself. This is an entirely new theory
of identification which came from my own brain. I have
over never heard of anybody else doing it. This ^{was} ~~is~~ not done
in the Ruxton case. I have never heard, medically or
scientifically, of lines being drawn on photographs of
faces to draw comparisons. I assume the full responsibility.

AT THIS STAGE THE COURT ADJOURNED UNTIL
10 a.m. ON WEDNESDAY, 5th APRIL, 1944.

over

[Signature]

GOVERNMENT SHORTHAND WRITER'S OFFICE

Melbourne,.....4...../.....5...../19...44

WE, the undersigned Licensed Shorthand Writers, certify that the foregoing typewritten pages, numbered as under, are a correct transcript of the Shorthand Notes of Depositions of—

	Page	P
THOMAS ALEXANDER PALMER-BENBOW	399 - 412/415	

THOMAS ALEXANDER PALMER-BENBOW	448 - 460.	

R. G. Place

 Licensed Shorthand Writer.

THOMAS ALEXANDER PALMER-BENBOW	416 - 446/447.

J. Han

 Licensed Shorthand Writer.

R. G. Place

 Licensed Shorthand Writer.

taken at Melbourne on the Fourth day of April 19 44

at an Inquest { upon the body of a woman found near Albury on 1/9/34.
into a fire at

TENTH DAY

RESUMED INQUEST

held at

THE CITY MORGUE - MELBOURNE

on

WEDNESDAY, 5TH APRIL, 1944

UPON THE BODY OF A WOMAN FOUND NEAR ALBURY ON 1/9/34.

Wednesday
5th Apr.

THOMAS ALEXANDER PALMER-BENBOW, Recalled:

TO MR. MONAHAN: I made a plaster cast of the side of the head of the cadaver, assisted by Detective-Sergeant Jardine of the C.I.B. I produce that cast. The cast is of the left ~~parietal~~ ^{parieto-temporal} temporal region.

EXHIBIT "C2" Plaster cast of left side of head of cadaver.

I draw attention to the peculiar bevelled effect upon the bone itself. That is the position in life of the parietal bone articulating further down here with the temporal bone. The temporal bone was completely shattered. The injury occurred above the suture line so you have got the good solid bone of the parietal bone itself. An examination of this shows a typical wound in bone of a very fast, heavy body moving through the skull. The entrance is quite clean-cut, but it is bevelled on the inner side. The skull has two tables, an outer and inner ^{Table} layer, and in between you have a different kind of bone from the ^{dense} bone lining the interior of the skull and the dense bone lining the exterior of the skull. It is more spongy bone in between. The external bone has been gone through and has left a clean-cut edge; but the inner table is bevelled. That is a type of injury that is rather characteristic. That is not my dictum. I remember Detective-Sergeant Jardine saying it was typical of a fast moving, heavy body going straight through the outer table and bevelling the inner table. The purpose of making this cast was to determine, if possible, whether the implement which I have exhibited conformed with reasonable accuracy to the contour of the wound in the bone. For that purpose I made a small supplementary cast.

EXHIBIT "C2" (Part of) Cast of implement Ex. B2.

It was not a wise matter to take the original implement

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[Handwritten initials and scribbles]

[Handwritten signatures]

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and apply it to the skull ~~with force~~ at all. When I first recovered that implement I made a rough test for blood which was very, very positive. This is just a cast for the sake of convenience, and that is the way it fits (demonstrating). I point out that this cut is when the calvarium was detached at the autopsy. This is corrugated slightly because of the ornamental work on the centre of it. If you look closely at this you will see somewhat of a hint of an occasional corrugation where this went in. This was struck with very great force because of the shattering of the squamous plate of the temporal bone. Had it not gone into solid bone here I venture to say there would have been nothing left. The calvarium being detached, it was a very simple matter for a skilled man like Detective-Sergeant Jardine to make this ~~test~~ cast. I think that is his thumb-mark. I think Detective-Sergeant Jardine will recognize his own handiwork. I state definitely that Detective-Sergeant Jardine made it and I assisted him in making it.

at
TO MR. READ: I thoroughly agree that the most accurate way of testing whether or not the piece of bedstead produced fits even approximately the fracture in the parietal bone would be for the pathologists when a post-mortem examination is conducted hereafter to try the piece of the iron bedstead in the hole in the bone. This is purely for demonstration purposes.

TO MR. MONAHAN: I produce a cast of the corpse's forehead which includes the roughly quadrilateral hole in the corpse's forehead. I draw attention to the fact that this implement (Exhibit "B2") is a little wider there than it is here (indicating). I draw attention to the fact that this is a quadrilateral hole. There has been destruction of material here. This material in the cast has a special name which

respects. If you lay these calipers across here across
the top you will find there is a semi-circular cut here,
and you can lay the calipers across in the ^{material} ~~middle~~ and it is
approximately accurate, but this material, I understand,
does distort slightly. There is another thing to note
here. It is that that pipe is not perfectly circular.
Neither is this semi-circular cut here. If that were
continued in a circle it is not a true round; this is not
a true round. This is slightly higher in one point than
another. That argues a deeper cut. Actually some fibres
of the orbicularis muscle, that is the muscle around the
eye, have been severed. They contract when they have been
severed and that has made a larger gap in the skin here
because it is somewhat deeper. This edge here is high
enough when it dips to do that. On the other hand, this
edge here has gradually come down and been almost flush
with the instrument, so that the cut here gradually
dwindles to a mere scratch. There are three points to
compare at the end of that pipe; one where the jagged
end sticks out higher. There is the deepest cut in the
skin. At that point where it dwindles to a condition of
being much closer to the head of the instrument it becomes
a mere scratch. The pipe itself is not a true round but
is somewhat distorted, and the cut on the skin follows
with very great accuracy the same distortion. There is
a fourth point, that the general rectangular or quadri-
lateral shape of that drawn on a plane surface would
approximate very closely that shape. This instrument is
covered with green paint. If we use the expression that
it has to some extent written its signature (there are so
many points of contact on that particular wound) then if
we travel around the skull directly at right angles we
discover that it has to a great extent written its

I forget now. It has been experimented with to some extent in the Department. It makes very remarkable casts. It has one defect, I believe, that it is inclined to shrink slightly. Skin is a tough leathery substance; it is actually leather ^{when tanned.} If it has a solid background and an instrument is travelling fast enough it can be punched through just like a punch in ordinary mechanics would punch a piece of leather. The wound in the frontal bone of the cadaver extends right through the bone and did a great deal of damage in the bone, but the bone held up long enough to leave a fairly accurate punched-out entrance through the skin because the backing would stay long enough before it gave way. Then the instrument went right on into the bone and through it. The bone itself, because it is rather different from the parietal bone, has not held up with the exact form of the instrument or even an approximation of it, as far as I can determine, like the parietal bone has where it is fairly well approximate. There was some destruction up above and on the edges of the cadaver's skin when this was taken, but if one draws the imprint of this it will be determined that that could very readily have caused that hole. It is even slightly waisted and it is slightly broader at the edge. There is destruction here (indicating); some of it is artefactual inasmuch as the thickness of the skin seemed to have been torn in that corner and has been subsequently detached for various reasons, and I fancy that hole was even more designatory of this particular shape than it is at present. On the top of this instrument there is the remainder of a pipe sticking up. That has a very sharp edge. That has been broken off at some time. It has a very sharp edge. Here at the end of this wound where this goes through there is a cut in the skin itself. That cut is remarkable in certain

signature on the left hand wound of the skull. We also find that this green paint has been driven into a hair and has bashed and split it, and under the microscope one can still see the green reflex of a small piece still. When I first isolated that at the C.I.B. I had many officers observe it. I mounted it very foolishly in cedar oil and the cedar oil extracted the colour to a great extent; as a matter of fact, being very convenient to prove it was paint, because that is what cedar oil would do. I already had the experience and I was foolish because I isolated from the pyjama coat a small piece of paint softened by the oil and I mounted it on a slide in cedar oil and the colour disappeared very soon, which it would do in any oil. In my opinion, the injuries to the skull were undoubtedly caused by this instrument. It means that the injuries in the cadaver's head required a complete right-angle change of direction of the same instrument which made the wounds in the forehead and the wounds in the side of the head. More than one blow was struck in the face. This wound was done, the nose was broken, the eye was gouged. Then it travels around the head. There were various abrasions on the face, and I have sometimes wondered, although I have not bothered specially, but there is a defect in this cast and it shows quite well in the form of a little triangular piece like that. There was a place on the face of the cadaver that I was rather suspicious was made by that. When I was giving evidence the other day you may remember that I temporarily postulated a very strong man with such a light gun battering the girl's head, a purely tentative supposition at the time and quite wrong. I also remarked that I made a search of pistols of that calibre and I was looking especially at the release catch on the magazine

because I felt with such a tremendous battering the cap of the release catch would possibly be driven into the skin. I never found anything of that sort. But I am not at all certain that this little piece here has not left its mark on the skin.

EXHIBIT "D2" Plaster cast of forehead of cadaver.

TO MR. READ: The evidence I have given this morning leads to a definite idea on my part that the injuries to the skull of the deceased have been caused by a piece of an iron bedstead and not by falling on a flat iron or a flower pot. That would be quite impossible. I would concede it is a very old portion of an iron bedstead. I based my opinion that the body of the deceased was 23 years of age not upon any facts; it was purely my opinion and general impression. It was just an opinion; it was not important. There are many scientific ways of telling the age of a body, but they were not open to me and I was not interested. I have not bothered to make any examination of the anatomical structure to determine the age of this cadaver. I did not feel it was necessary, because it made no difference to me one way or the other. I thought "That girl has been stated to be older than she looks". She looked to me about 23. I did not necessarily form that opinion as a doctor, because that would have meant scientific work which as a matter of fact I am not competent to undertake. That is work for a pathologist. If it is suggested that a medical student could determine whether the body is over 25, I say that depends. It is much easier to determine the age of a body when it is below a certain age than to bring it to any close degree of years when it is past a certain age. I am not competent to answer whether it is easy to determine whether a body has passed the age of 25 on account of certain bony structures that join up in human beings after

the age of 25, but I fancy that an expert will not pin it down accurately to 25. I do not think an expert would say more than 25. However, I do not know. Going back to my student days, I do not remember some of the bones of the body that unite at 25 and not before. It is quite foreign to my general outlook in medicine and one does not turn one's mind to things of that sort. I have not in fact in this case directed my attention to any anatomical bony structures to determine the correct age of this body for the reason it did not interest me. I merely thought she looked younger than they had said. That was merely my opinion. It was just a coincidence that I happened to guess the correct age of Philomena Morgan, 23 years, because I had never heard of Philomena Morgan when I first saw the cadaver. When I said between 22 and 23, I am quoting what I said as I walked in the door and had a look at the cadaver; I said "She has been rated too old". Before I knew the age of Philomena Morgan I guessed the age correctly, that is between 22 and 23. If it is suggested it will be proved ~~to~~^{by} demonstration by an anatomist that I have guessed incorrectly and that the body is at least over 25, I say I am prepared for that; that is their affair, but I would be rather surprised at that. Still, I will look it up, if you do not mind. I remember on Friday producing the three photographs Exhibits "NN", "OO" and "PP". ^{of Exhibit "XX"} I did not say that those photographs were all to life scale. They are not to life scale. I am certain it was a mistake if I said anything about these photographs being to life scale, and I really do not think I said it. I did not say that these on Exhibit "XX" were to life scale. If you are referring to the originals of these, the originals were put to life/scale as carefully as it was possible to do. They ~~may~~ may be inaccurate, but they are

very accurately put to life scale, that is the cadaver, because we had it there. The passage in my evidence "Those three photographs and the transparencies from them are all on the same scale as close as it is possible to make them, and that scale is life scale. I want to modify that. Anne Philomena Morgan is an unknown person, but the cadaver is put to life scale" is correct. With regard to the next passage in my evidence which reads "If the other turns out to be identical, then of course it is life scale", I say I think that would follow. It should be very elementary. I am not supposing, for the very purpose of comparison, that Philomena Morgan is the same person as the photograph of the cadaver before I can draw any of my comparisons. With regard to the passage "Anne Philomena Morgan is an unknown person, but the cadaver is put to life scale. If the other turns out to be identical, then of course it is life scale", I thought that was well expressed. I said "It is an unknown quantity" until I discovered ^{differently by} ~~it to do~~ ^{ing} this thing; it just falls into line ^{after doing} ~~with~~ this thing. If it is suggested that the whole point is that unless the photograph of the cadaver happens to be Philomena Morgan it is no use comparing these two things because I cannot say then that the photograph of Philomena Morgan is to the same scale, life scale, I say I have compared what in my mind for the sake of argument are two unlikes to discover whether they are unlikes or not, and then I found they are likes. I do ~~not~~ assume that because they are alike this photograph of Philomena Morgan is to life scale. I do not assume it is to life scale ^{when} ~~because~~ I know nothing about Philomena Morgan in comparison with the cadaver ^{but} until I have finished my investigations. This is the way I proceeded: I have a known quantity, the face of the cadaver. I bring a

photograph of Philomena Morgan up to the same size very accurately. That was done by a professional photographer and he claims it is very accurate. The top of the head is obscured by hair. This was put up on the teeth of the cadaver. Asked how I can tell ~~where~~ where the top of the head of Philomena Morgan is under the hair in the photograph, I say it is not put up to the top of the hair, it is put up to something you can see. Because of the fact that in the photograph of Anne Philomena Morgan her teeth are showing, it is very easy to put it up to the cadaver because, with a cast of the cadaver's teeth and a photograph of the cadaver's teeth, careful measurement of Philomena Morgan's teeth to the cadaver's teeth gives one the opportunity of seeing whether everything else comes approximately or with a good degree of accuracy to scale, and that is what happened. I am not interested in Philomena Morgan's hair because it is an unknown quantity. My technique was not to take any account of the hair. I spoke of the end of the hair line in one of my measurements only because in the early picture of the cadaver where the hair is brushed back one is able to see well up the side of the head and I have used part of the side of the head there and brought it down to the same position as in Philomena Morgan's simply because it would be useless to take a measurement up underneath something one cannot see. Photograph Exhibit "PP" is not an accurate photographic representation of the head of the deceased as I saw it after I lifted it from the formalin bath at the Sydney University. This is the very earliest picture of the corpse and it is the most youthful looking picture. This is the one taken at Albury. I would not say there was any natural parting of the hair shown in this photograph. The hair is all over the place. I said that the natural

parting of the hair was on the left hand side. I strongly disagree with the suggestion that from this photograph it is apparent that the natural parting of the hair-line of the deceased is on the right hand side. The way the hair is I suggest one could not tell anything. I would not say you could tell from the picture where the part is. I actually manipulated her hair and then it fell into a parting. I certainly say seriously that I do not see anything in this picture to indicate that the natural parting of the hair is on the right hand side. It is correct that people who suffer from jaundice are liable to have gall-stones. That is very often a prelude. I do not remember hearing a witness in this Court say that Linda Agostini while travelling to San Francisco had to be taken to a doctor at San Francisco because she was suffering from jaundice. I do not think I remember Nurse McGrath giving evidence. I think I was away. I went to Sydney and came back. I missed the evidence of some of the people in the morning. I know that a number of small gall-stones were present in the body of the deceased. I cannot say definitely when I first directed Mrs. Routledge's attention to the question of whether or not her daughter used to have bilious attacks with a yellow appearance. I can say that it was almost certainly because I had discovered this condition in the corpse and it was a natural query for me to ask the mother quietly "Did you have any trouble with your daughter at any age, biliousness or anything", and the mother gave me a certain description. But somebody else did the same thing. I cannot tell you even approximately when it was I asked Mrs. Routledge this question about her daughter's bilious attacks. I have not the slightest idea what year it was. I referred to this fact in the Probate proceedings and I